

make law. And certainly the mere opinions and assertions of many lawyers, if many could be produced, ought not to balance against the consequences, which seem naturally to result from admitting the doctrine which has here been controverted; especially if those opinions do not appear to be really founded in law; but to be contrary to the spirit of it, and to those principles of right reason, upon which all law is, or ought to be, founded.

Juries have the more reason to be upon their guard in cases of this nature, against any incroachments on their rights, since the custom of prosecutions, in the Court of King's Bench, by *informations* only, in criminal cases, has unhappily arisen to such a height; by which means the subject is drawn into hazard of liberty and estate, without presentment or indictment of a Grand-jury; and is thereby deprived of that great and good outguard of his liberty and property, the inquest by oath of twelve men, before he should be brought to trial.

If the principles which have been advanced in this little piece are just; and if the
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