

of the law, to be his judges, that he may be reasonably considered as having given his consent to the nomination of the remaining persons who have been appointed for his judges and have not been rejected by him. And this is the case in England in all trials for treason or felony; the prisoner being allowed in these trials to reject or *challenge*, (as they express it,) at his discretion and without assigning any reason, a great number of the persons nominated by the sheriffs to be members of the jury that is to try him,—in trials for high treason no less than 35 persons.

XVI. The other two great political powers, the legislative and executive, might with much less danger to public liberty, be vested in a single person or in a permanent body of magistrates, composed always of the same persons; because those powers do not affect the condition of particular members of the state; the first of them being the declaration of the general will, or resolutions, of the community, and the latter the power of carrying such general will, or resolutions, into execution.

XVII. But,