reigns. In this way the power of the people and of the Crown advanced together, and both at the expense of the class of nobility. The people were not unwilling to exchange the mastery of the barons, for that of the monarch, and the kings on their part looked on this rising power of the people with satisfaction, as it created a class of men that might protect them from the ambition and supremacy of the nobles. In these circumstances, boroughs began to resume their ancient importance, such as they had enjoyed in the times of the Saxons. Men who had hitherto lived on the land belonging to the lords of the castles, and had sacrificed many of their liberties for bread and protection from the warlike barons, for whom they had been called upon to fight, now found that by union among themselves in the boroughs, they might secure bread by industry, and protection and liberty by mutual aid. Multitudes, therefore, forsook their feudal subservience to enjoy almost independent citizenship. *Villeins*, (bondmen) joyfully escaped to take their place on a footing of equality with freemen, and in the reign of Henry II., if a bondman or servant remained in a borough a year and a day he was by this residence made a free man.* It must be borne in mind that among our Saxon and Norman ancestors, places which were called boroughs at this period, were fenced or fortified. It is evident that the increase of popular liberty and social progress in these boroughs must have been favourable to the developing of the fundamental principle of trial by jury, and that the determination of questions of fact by the people themselves, could be more impartially and thoroughly carried out, in places where the people were protected from the violence of the powerful barons, who lorded it over the country districts. Then again, trial by jury, by the security it afforded against wrong, promoted in its turn the growth of freedom and wealth in the boroughs, and from them a civilizing influence continued to spread over the country. The minds of men becoming more enlightened, the truth of a reasonable method of deciding legal questions was enabled to triumph over barbarous customs among the people themselves. The several methods of trial and conviction of offenders, established by the laws of England, were formerly more numerous than at present, through the superstitions of our ancestors, who, therefore, invented a considerable number of methods of purgation or trial, to preserve innocence from the danger of false witnesses. They had a notion that God would always interpose miraculously to vindicate the guiltless. 1. By ordeal; 2. by corsend; 3. by battle. Now-a-days, people may laugh at the idea of suitors, for instance, fighting in a mortal combat sanctioned by law; but one of the laws of William the Conqueror forbid the clergy to fight in judicial combats, without the previous permission of their bishop. To show how deeply rooted the law was at one time in England, it was not, although it had fallen into disuetude, repealed until about 1818. In 1817, a young woman, Mary Ashford, was believed to have been ill-used and murdered by Abraham Thornton, who, in an appeal, claimed his right by his wager of battle, which the court allowed; but the appellant (the brother of the girl) refused the challenge, and the accused escaped, being ordered "to go without day" 16 April, 1818. If such events took place in 1818, what does the reader suppose must have been the state of things in the Middle Ages. To remedy the evil of suitors fighting out their lawsuits, the trial by the grand assize is said to have been devised by Chief Justice Glanville, in the reign of Henry II., and it was a great improvement upon the trial by judicial combat. Instead of being left to the senseless and barbarous determination by battle, which had previously been the only mode of deciding a writ of right, the alternative of a trial by jury was offered. But the *present* judges of assize and *nisi prius* for administering civil and criminal justice are more immediately derived from the statute of Westminster, in the reign of Edward I.* These came instead of the ancient justices in Eyre, *justiciarii in itinere*, that had been regularly appointed in 1176 by Henry II. to make their circuits once in seven years for the purpose of trying causes. The establishing of the assize, began a new era in the legal history of England. From this date commenced the real permanent foundation of trial by *judge and jury* throughout the country —the judge to decide the law, the jury the facts. The record of the struggle of the system against its foes would fill a volume The institution triumphed in the end. In an interesting summary of this subject, a recent writer observes :—

"In the time of the Anglo-Saxons a man who sued in the King's Court for lands, refused to be bound by the sentence until his 'peers' had decided his right, and summary justice was visited on those in authority who tried cases contrary to the 'custom,' even then *ancient*. In the days of William the Conqueror, even a bondman, when he claimed freedom, was entitled to a trial by the 'country,' and its refusal to a suppliant implied that he was under the ban of 'outlawry.' Trial by jury was secured to every heir-at-law by Henry II., and extended to every person, without distinction, shortly afterwards. In every suit touching inheritance between Crown and subject, it has always been an imperative right, and the attempt to render its attainment difficult, by delay, denial, or sale,' led to the most emphatic passages in Magna Charta. In the days of Edward IV., when a subject had been deprived of a jury by Act of Parliament, the very statute was repealed and the judgment pronounced under it declared void; this being effected under the express provisions of those Acts which 'confirm to the people of England the great Charter of their liberties for evermore,' and which ordain that 'every judgment and every statute contrary thereto, shall be holden for nought.' In the reign of Henry VII., the Acts which gave certain judges

* Chambers.

* Statute, West, 2, 13, Edw. I., c. 30.