AN ESSAY

STATE OF STREET

TRIAL BY JURY.

BY LYSANDER SPOONER.

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1852.

Padhraic Smyth

Essay on the Trial by Jury Lysander Spooner, 2013-12 For more than six hundred years that is since Magna Carta in 1215 there has been no clearer principle of English or American constitutional law than that in criminal cases it is not only the right and duty of juries to judge what are the facts what is the law and what was the moral intent of the accused but that it is also their right and their primary and paramount duty to judge of the justice of the law and to hold all laws invalid that are in their opinion unjust or oppressive and all persons guiltless in violating or resisting the execution of such laws Unless such be the right and duty of jurors it is plain that instead of juries being a palladium of liberty a barrier against the tyranny and oppression of the government they are really mere tools in its hands for carrying into execution any injustice and oppression it may desire to have executed But for their right to judge of the law and the justice of the law juries would be no protection to an accused person even as to matters of fact for if the government can dictate to a jury any law whatever in a criminal case it can certainly dictate to them the laws of evidence That is it can dictate what evidence is admissible and what inadmissible and also what force or weight is to be given to the evidence admitted And if the government can thus dictate to a jury the laws of evidence it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case but it can even require them to convict on any evidence whatever that it pleases to offer them THE RIGHT OF JURIES TO JUDGE OF THE JUSTICE OF LAWS THE TRIAL BY JURY AS DEFINED BY MAGNA CARTA SECTION 1 The History of Magna Carta SECTION 2 The Language of Magna Carta ADDITIONAL PROOFS OF THE RIGHTS AND DUTIES OF JURORS SECTION 1 Weakness of the Regal Authority SECTION 2 The Ancient Common Law Juries were mere Courts of Conscience SECTION 3 The Oaths of Jurors SECTION 4 The Right of Jurors to fix the Sentence SECTION 5 The Oaths of Judges SECTION 6 The Coronation Oath THE RIGHTS AND DUTIES OF JURIES IN CIVIL SUITS OBJECTIONS ANSWERED JURIES OF THE PRESENT DAY ILLEGAL ILLEGAL JUDGES THE FREE ADMINISTRATION OF JUSTICE THE CRIMINAL INTENT MORAL CONSIDERATIONS FOR JURORS AUTHORITY OF MAGNA CARTA LIMITATIONS IMPOSED UPON THE MAJORITY BY THE TRIAL BY JURY APPENDIX TAXATION Jury Nullification Clay S. Conrad, 2013-12-05 The Founding Fathers guaranteed trial by jury three times in the Constitution more than any other right since juries can serve as the final check on government s power to enforce unjust immoral or oppressive laws But in America today how independent c Northwestern University Law Review ,1917 The World's Greatest Literature ,1900 American Law School Review ,1930 <u>Illinois Law Review</u>, 1917 Vols 6 13 include issues of the Bulletin of the Legal Aid Society of Chicago The Publishers Weekly ,1928 Masterpieces of Eloquence ,1905 Anti-Lawyers David Saunders, 2002-06 Anti Lawyers discusses how we should regard todays s critics of law and government in the light of the historical still unfinished struggle to separate the legal regulation of civil life from the Christian regulation of conscience A Catalogue of the Law Collection at New York University Julius J. Marke, 1999 Marke Julius J Editor A Catalogue of the Law Collection at New

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