

The ^[31] course of justice flowing in large streams from the king, as the fountain, to his superior courts of record, and being then subdivided into smaller channels, till the whole and every part of the kingdom were plentifully watered and refreshed. An institution that seems highly agreeable to the dictates of natural reason, as well as of more enlightened policy; being equally similar to that which prevailed in Mexico and Peru before they were discovered by the Spaniards; and that which was established in the Jewish republic by Moses.

In Mexico each town and province had its proper judges, who heard and decided causes, except when the point in litigation was too intricate for their determination; and then it was remitted to the supreme court of the empire, established in the capital, and consisting of twelve judges.^a Peru, according to Garcilasso de Vega (an historian descended from the ancient Incas of that country), was divided into small districts containing ten families each, all registered, and under one magistrate; who had authority to decide little differences and punish petty crimes. Five of these composed a higher class of fifty families; and two of these last composed another called a hundred. Ten hundred constituted the largest division, consisting of a thousand families; and each division had its separate judge or magistrate, with a proper degree of subordination.^b In like manner we read of Moses; that, finding the sole administration of justice too heavy for him, he "chose able men out of all Israel, such as feared God, men of truth, hating covetousness; and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens: and they judged the people at all seasons; the hard causes they brought unto Moses, but every small matter they judged themselves."^c These inferior courts, at least the name and form of them, still continue in our legal constitution: but as the superior courts of record have in practice obtained a concurrent original jurisdiction with these; and as there is besides a power of removing complaints or actions thither from all the inferior jurisdictions; upon these accounts (among others) it has happened that ^[32] these petty tribunals have fallen into decay, and almost into oblivion: whether for the better or the worse, may be matter of some speculation; when we consider, on the one hand, the increase of expense and delay, and on the other the more upright and impartial decision, that follow from this change of jurisdiction.