

In early Saxon days, if a man wished to prove himself guiltless of a crime with which he was charged, he was compelled to swear to his own innocence, and to bring forward a number of his neighbours who would take a similar oath. If he could not procure such evidence, other means were resorted to for determining his guilt or innocence; he was required to plunge his arm into boiling water, or to carry a red-hot iron so many paces. If, after a certain number of days, the arm was well, or was healing healthily, the man was declared to be innocent, because it was thought that God had protected him. In the same belief that God would clear the innocent, the Normans had introduced the usage of requiring two men who had differed, to fight a duel. In addition to these methods, Henry revived or established an agency which we still use,—the grand jury. Wherever the king's judges held court, the sheriff would summon a number of men to form a jury. It was their duty to bring before the judges every person in their district who was accused of having committed a crime. As a further means of determining whether the accused was guilty or not, he was to be sent to the ordeal by cold water. This trial consisted in throwing the accused into a pond; if he floated without swimming, he was held guilty. In later times it became and still is the duty of a jury to pronounce an accused person guilty or innocent according to the evidence brought before them. Such a jury is called a trial jury.

50. **Relations of church and state.**—It had for some time been the custom in England for a clergyman, if accused of having done wrong, to be tried by the church courts, and not by the regular courts of justice. The penalties inflicted by the king's courts were very severe. The clergy did not approve of these cruel punishments, and protected as many people from them as possible. Henry was resolved that when it came to a question of keeping the law of the land, the clergy should not have any special privileges. At a meeting of the Great Council held at Clarendon in 1164, a document, known as the Constitutions of Clarendon, was agreed to; it declared, among other things, that clergy