

of it, to the full and finished conviction in which the inquiry terminates. At the commencement of the process, we may see nothing but the likelihoods of a subject—not the conclusive proofs, but only as yet the dim and dawning probabilities of the question—nothing which is imperative upon our belief, and yet every thing which is imperative upon our attention. There may be as great a moral perversity in resisting that call, which the mere semblance of truth makes upon our further attention — as in resisting that call, which the broad and perfect manifestation of it makes upon our conviction. In the practice of Scottish law, there is a distinction made between the precognition and the proof—carried into effect in England by the respective functions of the grand and petty jury; it being the office of the former to find a true bill, or to decide whether the matter in question should be brought to a further trial; and it being the office of the latter to make that trial, and to pronounce the final verdict thereupon. Now what we affirm is, that there might be to the full as grievous a delinquency in the former act of judgment as in the latter; in the denial of a further hearing to the cause after the strong probabilities which have transpired at the one stage, as in the denial of a fair verdict after the strong and satisfactory proofs which have transpired at the other. All the equities of rectitude may be as much traversed or violated, at the initial or pro-