

Understanding the substance of 'jury trial' or 'trial by jury'
Which are the same thing but a different form of expressing it!

The ending of settling disputes by the 'the will of god', who it was believed would perform miracles if necessary to protect the innocent through various modes of 'trial by ordeal' through the ages, started with Magna Carta 1215 for which is its significant by laying the foundation of the rule of law being the primary constitutional principle of any civilised society as it started the control of tyrannical governance under the rule of law where still today article XXXIX is article XXIX in current statute law, Magna Carta 1297 and successive documents express "... judgment by your peers (or the law of the land". Peers at the time meant nobility or other privileged and not equals as misrepresented by many still today, and the law of the land was trial by ordeal for the peasants!

This ended in **Bushels Case (1670)**¹ which resulted from the **Penn and Mead case (1670)**² where the jury returned a verdict which those governing did not like. The judge tampered with the jury with threats followed through with actual violence, cruel and unusual punishment following returning not guilty verdict for those charged with "*... in contempt of the said lord the king, and of his law, to the great disturbance of his peace; to the great terror and disturbance of many of his liege people and subjects, to the ill example of all others in the like case offenders, and against the peace of the said lord the king, his crown and dignity*"

This reasoned precedent on appeal to overturn the charges still stand today were:

1. Anyone can issue *Habeus corpus*, not only an 'authorised' person', and
2. juries could not be punished on the account of their verdict (unless individuals acted improperly), meaning juries should follow their conscience through which their creator speaks as to answer if the accused do a wrong, irrespective of any others opinion including the law as expressed by the judge under which the accused is charged of breaching, affirming jury nullification of unfair or unjust charges brought by the state against those governed, ending trial by ordeal including that of the governing imposing their will upon the governed. "*I conclude therefore, That this return, charging the prisoners to have acquitted Penn and Mead, against full and manifest evidence, first and next, without saying that they did know and believe that Evidence to be full and manifest against the indicted persons, is no cause of fine or imprisonment*".

Hence, the Bill of Right 1688 voids fines or forfeitures before conviction or judgement by a jury as expressed in the heads of declaration, and forbids excessive bail and cruel and unusual punishments.

Marc Horn 2024

¹ *Bushel's Case* (1670) 124 E.R. 1006 <https://peacekeepers.org.uk/wp-content/uploads/2024/01/1670-Bushells-Case-Tampering-with-jury-including-by-judges.pdf>

² *Penn and Mead case (1670)* <https://peacekeepers.org.uk/wp-content/uploads/2024/01/1670-Case-of-William-Penn-and-William-Mead.pdf>