

mental—magna carta, the Declaration of Rights, the Petition of Right, the Habeas Corpus Act and the United States bill of rights, which was referred to in the debate in this house last year.

I shall not say very much about the fundamental doctrines of magna carta, they are so well known to every hon. member. It was an agreement wrested from a ruthless king by the barons of England; and, unfortunately, although it made the biggest contribution to this continent of any document in history, it did not make an equal contribution to the continent where it was formed. It was near the famous meadow of Runnymede you can see from the king's tower at Windsor castle that Grey wrote his famous elegy:

Some village Hampden, that with dauntless breast

The little tyrant of his fields withstood.

The principles it declares include: freedom of the church, the limitations on the payment of interest—my friends to the far left will be glad to hear that; prohibition of the levy of taxation without consent of the general council of the nation; arranging the assembly of the council of the nation; safeguarding the property of the dead; uniformity of weights and measures, if you please, back in 1215. The great paragraph was recited by my friend in the house a year ago, the real vital paragraph of magna carta:

No free man shall be taken, or imprisoned, or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him nor send upon him, except by the legal judgment of his peers or the law of the land. To no one will we sell, to no one will we deny or delay justice or right.

Magna carta, as every student of history knows, was the foundation of the Petition of Right, the Declaration of Rights, of the habeas corpus and the reform bills of England. May I quote to the house the words of Alexander Hamilton, one of the greatest Americans.

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity itself and can never be erased or obscured by mortal power.

Magna carta was the formation, the inspiration of the constitution of practically every state in the union. In the legal system of the Puritan colonies of New England we find important features of magna carta. Their deputies were instructed to frame the body of their law in resemblance to magna carta, and the very words were repeated in 1641. In 1638 the colonial assembly of Maryland passed a bill to recognize magna carta as part of the law of the colony. In

[Mr. Mackenzie.]

the charter of liberties and privileges of New York of 1683, you also find these title deeds. In Pennsylvania, the basic law of the state was said to be a sort of magna carta. Its familiar phrases appear in the charters and constitutions of New Jersey and Pennsylvania. In 1687 William Penn published in Philadelphia an edition of magna carta exhorting his fellow colonists,—and I quote:—

—not to give away anything of liberty and property that at present they do enjoy, but take up the good example of our ancestors and understand that it is easy to part with or give away great privileges, but hard to gain them if they are once lost.

The American constitution was itself consciously linked with magna carta. As Lord Lothian, the former Philip Kerr, minister to Washington, said:

The tea was thrown into Boston harbour with the words of magna carta ringing in men's ears.

The American bill of rights, passed ten years after the declaration of independence, traces its pedigree back to that ancient document, and as late as 1907, forty years ago in the constitution of the new state of Oklahoma the most famous sentences were repeated in the constitution.

I want to conclude that reference with a little touch from a speech of a great American general, that friend of freedom, Eisenhower, delivered in England just before he left. He loved London and London loved him. He said:

When we consider these things,—

He was talking about these elemental things.—then the valley of the Thames draws closer to the farms of Kansas and the plains of Texas.

That is the cooperation we need today among the Anglo-Saxon peoples. I think I have dealt with that part which has to do with the sources of freedom, but I want to say that while magna carta was the inspiration of this country, it was never observed in the historical development of my own native country. That is true.

May I say something about habeas corpus. Let me quote Dicey's law of the constitution, sixth edition, page 217:

The act, while the most important landmark in the constitutional history of England, in no sense creates any right to personal freedom, but is essentially a procedure act for improving the legal mechanism by which acknowledged right may be enforced.

And again at page 195—Dicey is the greatest authority who ever wrote on the British constitution:

It declares no principle, and defines no rights, but is for practical purposes worth a hundred articles guaranteeing constitutional liberty.