

new safeguards; the real victory was won in 1640. The remedy avails, of course, not only against imprisonment by Government officials, but, even more, against unlawful detention by private persons.

THE 'RULE OF LAW'

The remedy of Habeas Corpus protects the personal liberty of the citizen; the 'General Warrants' cases established his liberty in property and reputation. The actual decisions turned upon the propriety of warrants issued on suspicion by a Secretary of State, to search the house and goods, not merely of a particular alleged offender, but of any one whom the official executing the warrant might suspect to be guilty of a particular offence. In the year 1763, a notorious demagogue named Wilkes, whose papers had been searched under such a warrant issued by a Secretary of State, sued that official's secretary, who had taken part in the search, for trespass, and won his case. He was followed, two years later, by other complainants, who sued the actual persons executing the warrants, with similar success. And when the defendants in these cases set up the plea that they were acting *bonâ fide* in the interests of the State, it was drily remarked by the Chief Justice that 'if the legislature be of that opinion, they will make it lawful.' It was not enough for the defendants to plead that their acts were done in the interests of the State; they had to show, if they wished to succeed, that such acts were *lawful*. Thus was established the famous Rule of Law, which lays down the principle, that no act, even of the highest official, however *bonâ fide* and apparently reasonable, which infringes the liberty or rights of a citizen, is justifiable, unless it is authorized by law, and that, for any such unlawful act, by whatever authority commanded, the official is personally liable, like the humblest member of the community, in an action in the ordinary