

also of the essence of constitutional government) had been further secured by a series of events extending over just a century, beginning with the struggle for the Habeas Corpus, and ending with what are known as the 'General Warrant' cases.

The famous writ of Habeas Corpus has a curious history, which cannot be fully told here. Originally, it was a document issued in an ordinary prosecution or action at law, bidding the sheriff 'have the body' of the defendant in prison ready for the trial of the case. At the beginning of the seventeenth century, it began to be used as a means of testing the lawfulness of imprisonments by the numerous special or 'prerogative' courts set up by the Tudors. When a man was thus imprisoned, he would get one of his friends to apply to one of the regular 'common law' courts to issue the writ of Habeas Corpus to the gaoler who held the prisoner, bidding him produce the latter's body before the common law court, which was supposed to want him for its own purposes, and explain why he (the gaoler) held the prisoner in custody. The writ was freely used in the great struggle between Charles I and his Parliaments, especially in the famous 'Five Knights' (1627) and 'Six Members' (1629) cases. One of the first acts of the Long Parliament, when it assembled in the autumn of 1640, was to pass a statute guaranteeing the right to the writ of Habeas Corpus in all cases, to all persons imprisoned, on whatever ground. Of course if the gaoler who obeys the writ shows good cause for the imprisonment, the rule or order for the issue of the writ is not made 'absolute'; and the prisoner is remanded to prison. But the cause shown must be strictly 'lawful,' *i.e.* such as would justify imprisonment; and, even then, the court which hears the 'return' or explanation, may (except in rare cases) let the prisoner out on bail. The more famous Habeas Corpus Act of 1679 is really only an amending measure, stopping up loopholes and adding