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It is noteworthy -- however --  
insofar as British history is concerned --  
and British history is our history --  
that the great charters and declarations --  
which assert and define our liberties --  
have never been regarded as constructive  
new law -- but always as the assertion  
of ancient rights and privileges.

Thus -- where Magna Carta asserts  
the rights of every free man to  
"the lawful judgment of his peers" --  
it is the ancient right of trial by  
jury which is being asserted.