is inviolable. It is necessary to the stability of any state that there should be an inviolable authority or tribunal, and under the British system is recognized in the maxim that "the king can do no wrong." It is necessary in any free government that there should be some quarter—either the head of the state or some other power—beyond which an appeal does not use an influence not subject to the caprice of whim, or even to the just complaint of the private citizen warring against the state. This is necessary to prevent reform becoming revolution, or to prevent local abuses becoming the source of general disorganization. Having placed the principle of inviolability there, and the principle of privilege in the peerage, the founders of the state took care at the same time that the peerage should not stagnate into a sunken well, an intolerable well, of pretension and arrogance. They left the device of the House of Lords, so to speak, with one gable—they left it open to any of the people who might distinguish themselves in war or in peace, although they might be the children of paupers, and some have been ennobled who were unable to tell who their parents were, to enter it and take their place on equality with the proudest there, who dated their descent for centuries. This inclined plane by which the people might rise to higher positions was left open; and this provision was made in order that the peerage should not stagnate into a small and exclusive caste which could neither be added to or substracted from, except by the inviolable law of increase or decrease. It was for the people of the country, with the precedent of England and the example of the American republic before them, to decide which should be the prevailing character of our government,—British constitutional or Yankee constitutional. For his part, he preferred the British constitutional government because it was the best, and he rejected the republican constitutional government because it was not the best. (Loud applause.) He pointed out that we were now witnessing a great epoch in the world's history, and that the events daily transpiring around us should teach us not to rely too much upon our present position of secure independence, but rather to apprehend and be prepared for attempts against our liberties and against that system of government, which he was convinced was cherished by the great mass of the people of the Province. (Loud applause.)

"DEFENCE AND NOT DEFIANCE."

(NATIONAL SONG.)

The sun looks down with smiling beams
On Britain's lovely isle,
And blesses with his cheering gleams
Her hardy sons of toil;
Her sons whose sinews are of steel,
Whose hearts are true and brave,
Who ere they would to foeman kneel
Would fill the patriot's grave!
Though armed we be on land and sea,
And first in warlike science;
Our motto is, and e'er shall be,
"Defence and not Defiance!"

Our ships of war are clad in mail
And armed with weapons strong,
Can brave at sea each trying gale,
And haste like birds along;
But never shall their guns be heard
Unless in *honour's* cause,—
When call'd our sea girt land to guard,
Or vindicate our laws!
Though armed we be, &c.

The gory hand of war we hate,—
The carnage of the field,—
And mourn whene'er compell'd by Fate
Our polish'd blades to wield:
The hand of Peace we fondly take,
And hail the joyous years
When ploughshares men from swords will make,
And pruning-hooks from spears!
Though armed we be, &c.

7. THE WRIT OF HABEAS CORPUS—ITS HISTORY AND PROVISIONS.

We purpose at this time to sketch briefly the nature and history of the Writ of *Habeas Corpus*, the most celebrated in the English law, and concerning which so much has been said of late. But first we would state for the benefit of those unskilled in legal technicalities, that a Writ, in its original signification, is a Royal writing, whereby some right, privilege, or act is authorized Writs are either patent, directed "To all to whom these presents shall come," and have the Great Seal attached to them—or are close, directed to particular persons, and supposed to be sealed up. Among the latter are all writs issued judicially for the administration of justice. These are issued in the Queen's name out of Chancery, or by the Judges of the Superior courts of Common Law. Such writs are either for the purpose of demanding Common rights—as those by which civil suits commence; or are *Prerogative* writs (as *Habeas Corpus*, Certiorari, Prohibition and Mandamus.)

From the earliest record of the English law, no freeman could be detained in prison, except upon a criminal charge or conviction, or for a civil debt. Next to personal security, the law regards, asserts, and preserves the personal liberty of individuals against all imprisonment or restraint, unless by due course of law. The language of the Great Charter (1215) is, that no freeman shall be taken or imprisoned, but by the careful judgment of his equals, or by the law of the land. And many subsequent old statues expressly direct that no man shall be taken or imprisoned by the suggestion or petition of the King or his council, unless it shall be by legal indictment, or the process of common law. Such are the statutes of 1332, 1352, and 1355, respecting the relief of the subject from illegal confinement. Early in the reign of Charles I. the court of King's Bench, relying on some arbitrary precedents, determined that they could not upon a *Habeas Corpus*, either bail or deliver a prisoner, though committed without any cause assigned, if committed by the special command of the King or the Privy Council. The particular case on hand was the celebrated one which arose when John Hampden and four other Knights were imprisoned by order of the council, for refusing to pay the illegal tax of ship-money. The flagrant injustice, besides the acknowledged breach of at least the spirit of the law displayed in this case, brought on a Parliamentary inquiry, and produced the well-known *Petition of right*, (1627) which recites the illegal judgment and enacts that henceforth "no person shall be imprisoned or detained without cause shown, to which he may make answer according to law." The law still continued to be evaded, and it was not till 1679, that the present act was passed. "It is not to be supposed," says Hallam, "that the statute of Charles II. enlarged in a great degree our liberty, or forms a sort of epoch in our history, for though a very beneficial enactment, and eminently remedial in many cases, it introduced no new principle, nor did it confer any new right on the subject. It was not to become an immunity from arbitrary imprisonment, which is abundantly provided in Magna Charta, that the statute was enacted; but to cut off the abuses, by which the Government's lust of power, and the servile subtlety of the crown lawyers, had impaired so great a privilege,"

The statute itself enacts, (we quote from Blackstone)—That on complaint and request in writing, by or on behalf of any person committed or charged with any crime (except treason or felony) the Lord Chancellor or any of the twelve judges in vacation, upon viewing a copy of the warrant, or affidavit that a copy is denied, shall award a *habeas corpus*, literally a writ to produce the body, for such provisions returnable immediately; and on the return being made, to himself or another judge, the party shall be discharged, if bailable, proper security being given—That the writ shall be returned and the prisoner brought up, within a limited time according to the distance, not exceeding in any case thirty days—That officers or keepers neglecting to make due returns, or not returning to the prisoner or his agent within six hours of demanding a copy of the warrant of Commitment, shall for the first offence forfeit £100, and for the second £200 to the party aggrieved—That no person once delivered by *habeas corpus*, shall be recommitted for the same offence, or forfeit £500—That every person committed for treason or felony shall, if he requires it, the first week of the next term, or the first day of the next session of *oyer and terminer*, be indicted on that term or session, or else admitted to bail; unless the Queen's witness cannot be produced at that time. These are by no means all the provisions of this important statute, but only the substance of the principal articles.

The remedies of *Habeas Corpus* are so effectual, that no man can possibly endure any long imprisonment on a criminal charge, nor would any minister venture to exercise a sort of oppression so dangerous to himself. If, however, the charge be not a criminal one, his case does not come under this statute, he must sue out his *habeas corpus* at common law. But the process is equally effective, for if the writ is not immediately obeyed, an attachment will issue. By these admirable regulations, the remedy is now complete for removing the injury of unjust and illegal confinement. A remedy, as Blackstone remarks, the more necessary, because the oppression does not always arise from the ill-nature, but sometimes from the mere inattention of government. For it frequently happens in foreign countries, and has happened in England, that persons apprehended on suspicion have suffered a long imprisonment simply because they were forgotten.

The *Habeas Corpus* has been more than once suspended in England, and recently, with respect to a certain class of offences in the United States, but our space will not at present permit us to enlarge on those events.—*Dumfries Reformer.*