

Court, invoked the authority of English decisions with force and argument as eloquent as his name has become illustrious. It was on a question of *habeas corpus* arising during the late civil war, when certain civilians were incarcerated upon the findings of a court-martial. The attention of the Court was called to recent English decisions, to some of which I will briefly allude.

Lieutenant Frye, in 1743, was imprisoned by a court-martial; an order of arrest was issued from a civil tribunal; it was not respected, and the members of the court-martial passed resolutions in reference thereto. Lord Chief Justice Wills arrested them all; they then made a submissive apology. When this was read in open court the Lord Chief Justice directed that it be recorded in the Remembrance office, that the present and future ages may know that whosoever set themselves up in opposition to the law, or think themselves above the law, will in the end find themselves mistaken.

The orator quoted the cases of the Earl of Leicester of 1322, of Sir Thomas Durrell of 1625, the great Bill of Rights of 1688, and remarked that since that time no King has dared suspend the writ. It is only to be done by Parliament. Next, he presented the famous case of Governor Wall of 1782, who, when twenty years after an occurrence in a British colony of Africa, was brought before the most august assembly in England to answer for having suspended the civil law. And so on, through many other cases, all in favor of personal liberty; and I may be pardoned for this detail when it is remembered that this testimony to English justice was given in an argument before the Supreme Court of the United States by so eminent a personage as the late President Garfield.

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“ Has He not hid her and her favored land
 For ages safe beneath His sheltering hand,
 Given her His blessing on the clearest proof,
 Bid nations leagued against her stand aloof,
 And charged hostility and hate to roar
 Where else they would, but not upon her shore ?”