

Americans have no vivid picture of the mighty drama of Magna Charta; of the English people demanding that a written record be made of their centuries-old rights. And when it was written and presented to John Lackland, he answered, "I will never grant such liberties as will make me a slave." And England rose in arms and confronted John, and then he signed. And the next day he was in arms against what he had signed, and brought over foreign troops. And the history of England for the next eighty years is the history of the struggle for the enforcement of the charter. At last, Edward I., before all the people in Westminster Hall, burst into tears and admitted that he was wrong; and while later kings evaded the charter, not one denied that it was the law. When this picture is unfolded before American youth, and when they read the words written seven hundred years ago: "We will not go against any man nor send against him save by the legal judgment of his peers or by the law of the land," then they will realize that their right to live in full enjoyment of the liberty guaranteed by those words was established by an immortal struggle; and that when our fathers came to America, no matter from what country, they stepped at once into full enjoyment of that right. We cannot afford not to have that fact and the picture of that struggle indelibly written upon the mind of every boy and girl in America.

Some months ago a man was locked up in Indianapolis upon the charge of loitering. He had not loitered, but the police, suspecting him to be a criminal, made this charge to keep him in jail while they looked up his record. By command of the Judge the sheriff brought the man into our Circuit Court in order that the lawfulness of his detention might be determined. The Court found the detention unlawful and the prisoner was set free. This is the process of *habeas corpus*, and it is so familiar and so matter-of-fact that we have forgotten that we owe anybody anything for it.

Americans never stop to think that from the earliest records of the English law, running back centuries, no freeman could be rightfully detained in prison except by the legal judgment of his peers; and when Magna Charta so declared, it only declared what