

# Democrat and Antislavery.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

NEW SERIES.

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3. If subscribers neglect or refuse to take their papers from the office to which they are directed, they are held responsible until they have settled the bills and ordered their discontinuance.  
4. If subscribers remove to other places without informing the publisher, and the newspapers are sent to the former direction, they are held responsible.  
The courts have also repeatedly decided that a publisher who neglects to perform his duty of giving reasonable notice as required by the regulations of the Post Office Department, of the neglect of a person to take from the office newspapers addressed to him, renders the Postmaster liable to the publisher for the subscription.

## THE RUBY RING.

Don Ramon Mendez, ex-colonel of a defunct regiment, resided in Coventry street, in the Haymarket, and sunned himself daily in that haunt of refugees, from Paris or Timbuctoo, called Leicester Square. That is to say, the Don sunned himself on such days as the sun was visible in that horrid northern island, where the fog and the smoke of coal obscure the bright January sun three hundred days out of the three hundred and sixty five; at other times his Spanish grandee was content to pace the pavement without the Apollonian beams, albeit he sighed when he thought of bright and merry Madrid. Don Ramon was a very great person, whose name, some of the bluest blood in Spain's proud chivalry circulated about his old parts; and the quarters of his family which reached sixty-four—all fairly told, in his youthful days under the skies of sunny Spain, and amid the splendors of the court of King Ferdinand, Don Ramon was a very gay fellow. But alas! evil times fell upon the land; Ferdinand died; and just previous to his death he committed what amounted (in the eyes of Don Ramon, and all other sensible persons) to a most extraordinary piece of folly. In a stupor of paternal affection, he actually repealed the *Siete Leyes*, and bequeathed the crown to his daughter, Isabella, instead of letting it slide to his brother, Carlos. Who could stand such a monstrous piece of injustice as that, I should like to know? Certainly not Don Carlos, among whom ranked the grandee, Ramon Mendez—Don came the sin of civil war. A crown is worth fighting for, let me tell you. And as Don Carlos loved absolutism, or out and out regality; while Isabella, poor infant, was understood to be a favorer of constitutionalism, (though it is well known that she loved sweet meats, candy, and such wares, too well to trouble her head about titles of State,) unhappily, Spain was henceforth divided into two factions, one of which was facetiously called "Liberals."

Well, Don Carlos, and Zulmarregui, and Don Ramon, and all the rest of them, fought and fought, and all their fighting never brought them an inch nearer to their fingers. That is—(here you may insert any Spanish epithet you may happen to prefer,) the widow Christina, had luck on her side, and was able to place her daughter, the constitutional Isabella, safely on the throne.

Then followed the usual proscriptions and expatriations.

Don Ramon and many other representatives of the "blue blood," were compelled to quit the glorious land of their birth, and by a malicious stroke of destiny, actually to take refuge amid the savage islanders who had helped to ruin their cause. Well, the frown of fortune must be met with the shrug of indifference, if not with the smile of content. Don Ramon settled down to a two pair back, in Coventry street, where he lit his otta and smoked his cigarettes, read *Lope* and *Cervantes*, and was as happy as a disappointed man can be.

One day, however, Don Ramon met with a misfortune—a very heavy misfortune, indeed. He lost a ruby ring of great value; but its intrinsic value was a trifle compared with the worth it derived from the fact of its being a present from the illustrious Don Carlos himself.

"I would not lose it for fifty thousand reals," he screamed to Mrs. Badger, his landlady, as that bewildered female stood at the staircase, anxiously listening to his passionate recital of the loss of the royal gem. Ze King, (he always styled him king,) ze King Carlos, (he always gave it me. He take it from his finger; he give it to my hand; he say, 'zare take zat, for my great love at you.' Oh! my ring, my ring! Here come my ring.

"I hope you don't think I've got it," said Mrs. Badger.  
"My good woman, I don't blame you; I don't blame nobody! I don't know one person in all ze world what shall take it! All I know, it gone! said Don Ramon, with a groan.  
"When did you see it last?" said Mrs. Badger.  
"Zare on ze dressing table, when I go out yesterday to Leicester Square. I not see him since."  
"It was very careless to leave a valuable ring about like that," said Mrs. Badger.  
"Vy, woman, vy?" cried the Spaniard, "Is not zis my apartment? Shall I not lock ze things all safe when I go out? Perdition!"  
"Well I'll send for a detective," said Mrs. Badger. "This is the only way to settle the business!"  
"Mr. Figgins the detective, was a thin, little man, with steely looking hair, like that of a Scotch terrier. His dim, grey eyes, without pretending to be very penetrative, nevertheless took the moral measure of a party with sufficient accuracy. He was wise enough to say but very little, and his economy in the use of words was such that he never answered a question.  
On entering Mrs. Badger's, Mr. Figgins threw himself into a chair, and brushing up the shock of steel wire over his forehead, cast a few furtive glances upon the group before him—which indeed, comprised Don Ramon, Mrs. Badger, and Susan, the servant. Then, taking out a notebook, he began to make a few memoranda.  
"Ring lost, eh?" said he.  
"Yes," said Mrs. Badger, "an elegant ring—gold and rubies—worth no end of money!"  
"Fifty thousand reals," cried Don Ramon.  
Mr. Figgins inquired how, when and where it was last seen—to all of which inquiries Don Ramon answered with eager anxiety.  
"Show me the room," said Mr. Figgins.  
It was done.  
"Show me all over the house."  
That too, was done.  
As Mr. Figgins went from room to room, he made particular inquiries regarding each individual who occupied the chambers. As far as one could glean anything from the manner of this man of wire, his inquiries did not result to his satisfaction.  
As he was coming down the staircase again, he suddenly caught Susan by the arm, and said: "Any followers?"  
"The girl flared up in a succession of blushes, and said:  
"Oh, good heavens, 'ow ever could you think of such a thing?"  
"Um!" said he, turning to Mrs. Badger.  
"No, sir," said the lady; "I don't think there's anything of that kind going on—leastways, not with my consent, it ain't. I told her, when she took the place, that I couldn't all-way sweet-heating here. We have plenty of work to do, without thinking of nonsense of that kind."  
"Um!" said Mr. Figgins.  
And making a few more inquiries, and taking a few more notes, he quitted the house, leaving them all wonderfully impressed with his talents—he said so little.  
"That girl is at the bottom of it, I guess," said Mr. Figgins to himself, as he mounted the three-penny omnibus to reach Scotland Yard.  
"That is to say, I don't think she is guilty of stealing the ring, but she has got into a mess with somebody who did it. I should read her pretty plainly. However, we shall see."  
And descending from the vehicle, he went to his private room, in the detective's headquarters and began to arrange his plans for the discovery of the ruby ring.  
"Poor Susan! She kept up courage as long as she could; but as soon as she reached the miserable den below, she threw herself into a chair, and wept bitterly. Then she arose, and taking a dirty scrap of paper, scrawled the following words:  
"Don't come here never any more. You hev done it."  
And having hastily inclosed this scrap in an envelope, she slipped out unnoticed, (as she tho't) and posted it in the nearest letter-box.  
A week passed by. Nothing was heard of the ring or the detective. Don Ramon began to curse British institutions as he had never cursed them before, which is going very far indeed. Cervantes had no longer a charm for him. Don Quixote might have fought a whole regiment of windmills, and won no smile from his passionate lips. The tricks and quips of all the witty Graclosos in *Lope* were stale and stupid to this Spanish grandee bewailing the loss of a royal gem. He trod Leicester Square in bewilderment, and actually so far forgot himself as to raise his hat to the Spanish ambassador, the representative of that hated constitutional infant, Isabella.  
It was a dull and drily evening. A combination of fogs had settled over unhappy London, like a thrice-crowned pall of gloom. The street lamps struggled in vain to cast cheering rays through the mournful mist, and sickening in wasted energy, paled into hopeless despair. Pedestrians in the streets loomed up against you like ghoul, and then bounced against you like battering rams. Your sides ached with reiterated blows; and there was a new marvel in phonology—the development of lumps of consciousness. The vehicles wore the awful aspect of moving mansonnens, dark and grim in funeral majesty. Up from Westminster bridge rolled a great column of fluvial vapor, which settling down over Whitehall and the Horse Guards threatened to blot them out of existence. Scotland Yard had faded from the memories of men.  
No! not exactly, since two or three shrewd fellows just then drove up in so many cabs, and threading their way to the great Temple of Detection, reached the ante-room of Mr. Figgins.

There was a rap at his door.  
"Come in, Mike," said Mr. Figgins, as Mike's head peered round the door. It was a snug, cheery little apartment that Mr. Figgins occupied—carpeted, curtained, brilliantly lighted with gas, and nicely warmed. Mr. Figgins sat at a large writing-table, above which rose tier upon tier of pigeon-holes, full of papers and memoranda.  
"Come in, Mike."  
And Mike entered and took a chair beside him.  
"Now, about this business," said Mr. Figgins, opening a small portfolio of papers which referred to the case under consideration. "You have been tracing the different rings. When did you get the two imitations?"  
"On the night he stole the ring," interrupted Mr. Figgins.  
"How do you know he stole it?"  
"Well, well," said Mike, with a smile, "I think it a pretty clear case, sir. On the night he had possession of the ring, he went to Zacharia's in the Minories, and made them turn over their stock until he discovered two exactly resembling those the Spanish gentleman lost."  
"Um! deep fellow," said Mr. Figgins. "Did he say anything there?"  
"He remarked to the shopman that his ruby was lost, and that as it was known among his friends that he possessed a really good ring, the wearing of an imitation would answer every purpose."  
"Go on," said Mr. Figgins.  
"The next day he went to Rose, the pawnbroker's in Oxford street, and asked for a loan of fifty pounds on the real ruby. Rose offered thirty. The party was dissatisfied, and went away; but by and by he returned and obtained thirty pounds on one of the paste rings, as Rose did not examine it very carefully."  
"Capital!" said Mr. Figgins, rubbing his hands. "To think that Rose should be taken in by such a scheme!"  
"After this he went to Buckley, the pawnbroker, in Convent Garden, and obtained twenty-five pounds by a similar method. So he passed off two rings worth certainly not more than five shillings for fifty five pounds."  
Mr. Figgins, cold and unscrupled as were his usual habits, could not refrain from indulging in a hearty peal of laughter at the success of the "party's" ingenious trick.  
"What has become of the original ring?" said Mike.  
"I can trace nothing farther at present," said Mike.  
"That will do, then. Send in Hearn, if he has returned."  
Hearn accordingly made his appearance.  
"Come here," said Mr. Figgins. "Have you discovered anything about the abstraction of the ring?"  
"Yes," said Hearn.  
"What is the party's name?"  
"Oh, he has fifty different aliases," said Hearn; "but his real name is Robert Smith."  
"What is his profession?"  
"He has been a clerk, a carpenter, and a ticket porter on the railway. But for the past twelve months he has been living on his wile."  
"Ha, ha! Preyed on society," said Mr. Figgins. "How did it all happen with the girl?"  
"He formed her acquaintance at Greenwich, three months ago, and has hung about after her ever since. She does not suspect his real character. He promised to marry her when he could get work; but that never seemed likely to happen. The day the ring was stolen, he slipped down the area and asked for some food, as he had nothing to eat. Mrs. Badger was out, so the girl gave him refreshment, and then ran to get some ale for him. While she was gone, he slipped down stairs, opened the Spaniard's door with a false key, and took the ring."  
"There is no end of the trouble caused by these foolish servant girls," said Mr. Figgins.  
"Is that all you know?"  
"That is all."  
"No tidings of the stolen ring?"  
"No."  
"That will do. Send in Maundering as soon as he arrives."  
And Mr. Figgins resumed the occupation upon which he was engaged previous to the visits of these satellites.  
Presently there was a rap at the door, and Maundering entered.  
"Have you traced him?" said Mr. Figgins with a slight show of eagerness.  
"Yes."  
"Where is he?"  
"He took a ticket at the Bricklayers' Arms Station at ten o'clock this morning. He arrived at Dover at half past one. He was apprehended at three."  
"Good!" said Mr. Figgins. "Where is the ring?"  
"He sold it at Dover for twenty pound."  
"By Jove!" said the detective.  
"Yes. He went to the Lord Warden Hotel to wait till the French packet started, and he gave his address as Sir Robert Smith."  
"Are they coming up with him?"  
"Yes," said Maundering; "they telegraphed to say they would be here to-night. The train arrived at the Bricklayers' Arms Station at nine I guess they will be here in ten minutes."  
And at that moment the tramping of feet was heard in the ante room, and presently the door opened, and in walked the Superintendent of the Dover police.  
Then came the usual congratulations and civilities between the two officials, and then "Sir Robert Smith" was transferred to two of Mr. Figgins's officials, and within half an hour he found himself on the safe but unpleasant side of the walls of a police station.  
I have but little more to add to this narrative. Don Ramon received his royal gem with demonstrations of delight, and was careful to keep it out of the way of pickers and stealers forever afterward. "Sir Robert Smith," was sentenced to four years penal servitude. Susan learned wisdom and vowed never to take a "follower" again unless he came well recommended. And Mr. Figgins rejoiced at his own wonderful shrewdness in tracing the felon. "Another conviction," Mr. Figgins, said the worthy man to himself; "another conviction, and you unravelled the case most elegantly."

## THE HABEAS CORPUS CASE.

**OPINION OF THE CHIEF JUSTICE OF THE UNITED STATES.**  
*Ex Parte*  
JOHN MERRYMAN.  
Before the Chief Justice of the Supreme Court of the U. S., at Chambers.  
The application in this case for a writ of *habeas corpus* is made to me under the 14th section of the Judiciary Act of 1789, which renders effectual for the citizen the constitutional privilege of *habeas corpus*. That act gives to the courts of the United States, as well as to each Justice of the Supreme Court, and to every District Judge power to grant writs of *habeas corpus*, for the purpose of an inquiry into the cause of commitment. The petition was presented to me at Washington, under the impression that I would order the prisoner to be brought before me there, but he was confined in Fort McHenry, at the city of Baltimore, which is in my circuit, I resolved to hear it in the latter city, as obedience to the writ, under the circumstances, would not withdraw Gen. Cadwallader, who had him in custody, from the limits of his military command.  
The petition presents the following case: The petitioner resides in Maryland, in Baltimore county. While peacefully in his own house with his family, at 2 o'clock, on the morning of the 25th of May, 1861, it was entered by an armed force, professing to be under military orders. He was then compelled to rise from his bed, taken into custody, and conveyed to Fort McHenry, where he was imprisoned by the commanding officer, without any lawful authority.  
The commander of the fort, Gen. George Cadwallader, by whom he is detained in confinement, in his return to the writ, does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of Gen. Keith, of Pennsylvania, and conducted as a prisoner to Fort McHenry by his order, and placed in his (Gen. Cadwallader's) custody to be there detained by him as a prisoner.  
A copy of the warrant, or order, under which the prisoner was arrested, was demanded by his counsel, and refused. And it is not alleged in the return that any special act, constituting an offence against the laws of the United States, had been charged against him on oath, but he appears to have been arrested on general charges of treason and rebellion, without proof, and without giving the names of witnesses, or specifying the acts, which, in the judgment of the military officers constituting the court-martial, rendered a prisoner thus in custody, under these vague and unsupported accusations, he refuses to obey the writ of *habeas corpus*, upon the ground that he is duly authorized by the President to suspend it.  
The case, then, is simply this: A military officer, residing in Pennsylvania, issues an order to arrest a citizen of Maryland, upon vague and indefinite charges, without any proof, so far as it appears. Under this order, his house is entered in the night; he is seized as a prisoner, and conveyed to Fort McHenry, and there kept in close confinement. And when a *habeas corpus* is served on the commanding officer, requiring him to produce the prisoner before a Justice of the Supreme Court, in order that he may examine into the merits of the petition, the answer of the officer is, that he is authorized by the President to suspend the writ of *habeas corpus* at his discretion, and, in the exercise of that discretion, suspends it in this case, and on that ground refuses obedience to the writ.  
As the case comes before me, therefore, I understand that the President has only claimed the right, at his discretion, to delegate that discretionary power to a military officer, and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.  
No official notice has been given to the Courts of Justice, or to the judicial department, or otherwise, that the President claimed this power, and had used it in the manner stated in the return. And certainly listened to it with some surprise, for I had considered it one of those points of constitutional law upon which there was no difference of opinion, and that it was admitted on all hands that the privilege of the writ could not be suspended, except by an act of Congress.  
When the conspiracy of which Aaron Burr was the head, became so formidable, and was so extensively ramified as to justify, in Mr. Jefferson's opinion, the suspension of the writ, he claimed, on his part, no power to suspend it—but communicated his opinion to Congress, with all the proofs in his possession, in order that Congress might exercise its discretion upon the subject, and determine whether the public safety required it. And in the debate which took place upon this subject, no one suggested that Mr. Jefferson might exercise the power himself, if, in his opinion, the public safety demanded it.  
Having, therefore, regarded the question as too plain and too well settled to be open to dispute, if the commanding officer had stated that upon his own discretion he had suspended the writ, I should have contented myself with referring to the clause of the Constitution and to the construction it received from every jurist and statesman of that day, when the case of Burr was before them. But being thus officially notified that the privilege of the writ had been suspended under the orders, and by the authority of the President, and believing, as I do, that the President has exercised a power which he does not possess under the Constitution, a proper respect for the high office he fills requires me to state plainly and fully, the grounds of my opinion to show that I have not ventured to question the legality of his act without a careful and deliberate examination of the whole subject.  
The clause of the Constitution which authorizes the suspension of the privilege of the writ of *habeas corpus*, is in the ninth section of the first article.  
"This article is devoted to the legislative department of the U. S., and has not the slightest reference to the Executive Department. It begins by providing 'that all legislative powers therein granted shall be vested in a Congress of the U. S., which shall consist of a Senate and House of Representatives.' And after prescribing the manner in which these two branches of the legislative department shall be chosen, it proposes to enumerate specially the legislative powers which it thereby grants, and legislative powers it expressly prohibits, and at the conclusion of its specifications, a clause is inserted, giving Congress 'the power to make all laws which may be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the U. S. or in any department or office thereof.'  
The power of legislation granted by this clause is by its words carefully confined to the specific objects before enumerated. But as this limitation is unavailingly somewhat indefinite, it was deemed necessary to guard more effectually certain great cardinal principles essential to the liberty of the citizen, and to the rights and equality of the States, by denying to Congress, in express

## THE HABEAS CORPUS CASE.

terms, any power of legislation over them. It might be attempted under the pretext that it was necessary and proper to carry into execution the powers granted; and it was determined that there should be no room to doubt, where rights of such vital importance were concerned, and accordingly, this clause is immediately followed by an enumeration of certain subjects, which the powers of legislation shall not extend, and the great importance which the framers of the Constitution attached to a writ of *habeas corpus* to protect the liberty of the citizen, is proved by the fact that its suspension, except in cases of invasion, and rebellion, is first in the list of prohibited powers—and even in these cases the power is denied, and its exercise prohibited, unless the public safety shall require it. It is true that in the cases mentioned, Congress is, of necessity, the judge of whether the public safety does, or does not require it; and its judgment is conclusive. But the introduction of these words is a standing admonition to the legislative body of the danger of suspending it, and of the extreme caution they should exercise before they give the government of the U. S. such power over the liberty of a citizen.  
It is the second article of the Constitution that provides for the organization of the Executive Department, and enumerates the powers conferred on it, and prescribes its duties. And if the high power over the liberty of the citizens now claimed, was intended to be conferred on the President, it was undoubtedly found in plain words in this article. But there is not a word in it that can furnish the slightest ground to justify the exercise of the power.  
The article begins by declaring that the Executive power shall be vested in a President of the U. S. of America, to hold his office during a term of four years—and then proceeds to describe the mode of election, and to specify in plain words the powers delegated to him and the duties imposed upon him. And the short term for which he is elected, and the narrow limits to which it is confined, show the jealousy and apprehensions of future danger which the framers of the Constitution felt in relation to that department of the government—and how carefully they withheld from it many of the powers belonging to the Executive of the English government, which were considered as dangerous to the liberty of the subject—and conferred (and that in clear and specific terms) those powers only which were deemed essential to secure the successful operation of the government.  
He is elected as I have already said, for the brief term of four years, and is made personally responsible by impeachment, for malfeasance in office. He is from necessity and the nature of his duties, commander-in-chief of the army and navy, and the militia when called into active service. But no appropriation for the support of an army can be made by Congress for a longer period than two years, so that it is in the power of the succeeding House of Representatives to withhold the appropriation for its support, and thus disband it, if, in their judgment, the President uses, or designs to use, it for improper purposes. And, although the militia when in actual service, are under his command, the appointment of the officers is reserved to the States, as a security against the use of the military power for purposes dangerous to the liberties of the people, or the rights of the States.  
So, to his powers in relation to the civil and military authority necessary conferred on him are carefully restricted, as well as those belonging to his military character. He cannot appoint the ordinary officers of the government nor make a treaty with a foreign nation, or Indian tribe, without the advice and consent of the Senate, and cannot appoint even inferior officers, unless he is authorized by an act of Congress to do so. He is not empowered to arrest any one charged with an offence against the United States, and whom he may, from the evidence before him, believe to be guilty, nor can he authorize any officer, civil or military, to exercise this power, for the fifth article of the amendments to the Constitution expressly provides that no person shall be deprived of life, liberty or property without the due process of law, and that judicial process. And even if the privilege of the writ of *habeas corpus* was suspended by act of Congress, and a party not subject to the rules and articles of war was afterwards arrested and imprisoned by regular judicial process—he could not be detained in prison, or brought to trial before a military tribunal, for the article in the amendments to the Constitution, immediately following the one above referred to—that is the sixth article provides that—"In all prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."  
And the only power, therefore, which the President possesses, where the "life liberty or property" of a private citizen is concerned, is the duty prescribed in the third section of the second article, which requires that "he shall take care that the laws be faithfully executed. He is not authorized to execute them himself, or through agents or officers, civil or military, appointed by himself, but he is to take care that they be faithfully carried into execution as they are expounded and adjudged by the co-ordinate branch of the government, to which that duty is assigned by the Constitution. It is thus made his duty to come in aid of the judicial authority, if it shall be resisted by a force too strong to be overcome without the assistance of the Executive arm. But in exercising this power he acts in subordination to the judicial authority, assisting it to execute its process, and enforce its judgement.  
With such provisions in the Constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President in any emergency or any state of things, can authorize the suspension of the privilege of the writ of *habeas corpus*, or arrest a citizen, except in aid of the judicial power. He certainly does not faithfully execute the laws if he takes upon himself legislative power by suspending the writ of *habeas corpus*—and the judicial power also, by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty, or the necessities of Government for self defence in times of tumult and danger. The Government of the United States is one of delegated and limited powers. It derives its existence and authority altogether from the Constitution, and neither of its branches, Executive, Legislative, or Judicial, can exercise any of the powers of Government beyond those specified and granted. For the 10th article of the amendments to the Constitution, in express terms, provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it

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to the States, are reserved to the States respectively, or to the people."  
Indeed, the security against imprisonment by executive authority, provided for in the fifth article of the Amendments to the Constitution, which I have before quoted, is nothing more than a copy of a like provision in the English Constitution, which had been firmly established before the Declaration of Independence.  
Blackstone, in his commentaries (1st vol. 137) states it in the following words:  
"To make imprisonment lawful, it must be either by process from the Courts of Judicature or by warrant from some legal officer having authority to commit to prison." And the people of the United States, who had themselves lived under its protection while they were British subjects, were well aware of the necessity of this safety for their personal liberties. Crown and court believe that in framing a government intended to guard still more effectually the rights and the liberties of the citizens against executive encroachment, and oppression, they would have conferred on the President a power which the history of England had proved to be dangerous and oppressive. In the annual Convention, and which the people of England had compelled it to surrender after a long and obstinate struggle on the part of the English Executive to usurp and retain it.  
The right of the subject to the benefit of the writ of *habeas corpus*, it must be recollected, was one of the great points in controversy during the long struggle in England, between the arbitrary government and free institutions, and must therefore have strongly attracted the attention of statesmen engaged in framing a new one, as they supposed, a freer government than the one which they had thrown off by the Revolution. For from the earliest history of the Common Law, if a person was imprisoned—no matter by what authority—he had a right to the writ of *habeas corpus* to bring the case before the King's Bench; and if no specific offence was charged against him in the warrant of commitment he was entitled to be forthwith discharged; and if an offence was charged which was bailable in its character, the court was bound to set him at liberty on bail.—And the most exciting contests between the Crown and the people of England from the time of Magna Charta were in relation to the privilege of this writ, and they continued until the passage of the statute of 31st Charles II., commonly known as the great *habeas corpus* act. This statute put an end to the struggle, and finally and firmly secured the liberty of the subject, from King and government, and the people of the branch of the government. It nevertheless confirmed no new right upon the subject, but only secured a right already existing. For although the right could not be justly denied, there was often no effectual remedy against its violation. Until the statute of the 13th of William III., the judges held their offices at the pleasure of the King, and the influence which he exercised over time, time serving, and partisan judges often induced them, upon some pretext or other, to refuse to discharge the party, although he was entitled to it by law, or delayed their decisions from time to time, so as to prolong the imprisonment of persons who were obnoxious to the King; for their political opinions had incurred his resentment in any other way.  
The great and inestimable value of the *habeas corpus* act of the 31st Charles II., is that it contains provisions which compel courts and judges, and all the parties concerned, to perform their duties promptly, in the manner specified in the statute.  
A passage in Blackstone's Commentaries, showing the ancient state of the law upon this subject, and the abuses which were practiced through the power and influence of the Crown, and a short extract from Hallam's Constitutional History, stating the circumstances which gave rise to the passage of this statute, explain briefly, but fully, all that is material to this subject.  
Blackstone, in his Commentaries on the Laws of England, (3d vol., 133-134) says:  
"To assert an absolute exemption from imprisonment in all cases, is inconsistent with every idea of law and political society, and, in the end, would destroy all civil liberty, by rendering its protection impossible.  
"By the glory of the English law consists in clearly defining the times, the causes, and the extent, when, wherefore, and to what degree the imprisonment of the subject may be lawful. This it is which induces the absolute necessity of expressing upon every commitment the reason for which it is made, that the court upon a *habeas corpus* may examine into its validity, and according to the circumstances of the case, may discharge, admit to bail, or remand the prisoner."  
And yet early in the reign of Charles I., the Court of King's Bench, relying on some arbitrary precedents (and those perhaps misunderstood) determined that they would not upon a *habeas corpus*, either bail, or deliver a prisoner, though committed without any cause assigned, in case he was committed by the special command of the King, or by the Lords of the Privy Council.—This error on a Parliamentary inquiry and produced the *Petition of Right*—3 Charles I.—which recites this illegal judgment, and enacts that no freeman hereafter shall be so imprisoned or detained. But when in the following year Mr. Selden and others were committed by the Lords of the Council, in their nature and character, and stated, bearing a striking resemblance to those assigned in the warrant for the arrest of Mr. Selden, and yet, even at that day, the warrant was regarded as such a flagrant violation of the rights of the subject, that the delay of the time-serving judges to set him at liberty upon the *habeas corpus* issued in his behalf, excited universal indignation of the bar.  
The extracts from Hallam's Constitutional History is equally impressive and equally in point. It is in vol. 4: p. 14.  
"It is a very common mistake, and not only among foreigners, but many from whom some knowledge of our constitutional laws might be

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It was apprehended, it seems, that such legislation might be attempted under the pretext that it was necessary and proper to carry into execution the powers granted; and it was determined that there should be no room to doubt, where rights of such vital importance were concerned, and accordingly, this clause is immediately followed by an enumeration of certain subjects, which the powers of legislation shall not extend, and the great importance which the framers of the Constitution attached to a writ of *habeas corpus* to protect the liberty of the citizen, is proved by the fact that its suspension, except in cases of invasion, and rebellion, is first in the list of prohibited powers—and even in these cases the power is denied, and its exercise prohibited, unless the public safety shall require it. It is true that in the cases mentioned, Congress is, of necessity, the judge of whether the public safety does, or does not require it; and its judgment is conclusive. But the introduction of these words is a standing admonition to the legislative body of the danger of suspending it, and of the extreme caution they should exercise before they give the government of the U. S. such power over the liberty of a citizen.  
It is the second article of the Constitution that provides for the organization of the Executive Department, and enumerates the powers conferred on it, and prescribes its duties. And if the high power over the liberty of the citizens now claimed, was intended to be conferred on the President, it was undoubtedly found in plain words in this article. But there is not a word in it that can furnish the slightest ground to justify the exercise of the power.  
The article begins by declaring that the Executive power shall be vested in a President of the U. S. of America, to hold his office during a term of four years—and then proceeds to describe the mode of election, and to specify in plain words the powers delegated to him and the duties imposed upon him. And the short term for which he is elected, and the narrow limits to which it is confined, show the jealousy and apprehensions of future danger which the framers of the Constitution felt in relation to that department of the government—and how carefully they withheld from it many of the powers belonging to the Executive of the English government, which were considered as dangerous to the liberty of the subject—and conferred (and that in clear and specific terms) those powers only which were deemed essential to secure the successful operation of the government.  
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