

Law Topic 7: The foundation of british law: Habeas Corpus Act.

Read the text. (Прочитайте текст).

HABEAS CORPUS ACT “Let the Body Be Brought...”

In Britain, the United States and many other English-speaking countries, the law of Habeas Corpus guarantees that nobody can be held in prison without trial. Habeas Corpus became a law because of a wild party held in 1621 at the London home of a notoriously rowdy lady, Alice Robinson. When a constable appeared and asked her and her guests to quiet down, Mrs. Robinson allegedly swore at him so violently that he arrested her, and a local justice of the peace committed her to jail.

When she was finally brought to trial, Mrs. Robinson’s story of her treatment in prison caused an outcry. She had been put on a punishment diet of bread and water, forced to sleep on the bare earth, stripped, and given 50 lashes. Such treatment was barbaric even by the harsh standards of the time; what made it worse was that Mrs. Robinson was pregnant.

Public anger was so great that she was acquitted, the constable who had arrested her without a warrant was himself sent to prison, and the justice of the peace was severely reprimanded. And the case, along with other similar cases, led to the passing of the Habeas Corpus Act in Britain in 1679. The law is still on the British statute books, and a version of it is used in the United States, where the law was regarded as such an important guarantee of liberty that Article 1 of the Constitution declares that “Habeas Corpus shall not be suspended except in cases of rebellion or invasion”.

Habeas Corpus is part of a Latin phrase – *Habeas corpus ad subjiciendum* – that means “Let the body be brought before the judge”. In effect, a writ of Habeas Corpus is an order in the name of the people (or, in Britain, of the sovereign) to produce an imprisoned person in court at once.

Exercise 7.1. *Find in the text the English equivalents for the following words and expressions: (знайдіть у тексті англійські еквіваленти наданим словам).*

- 1) суддя;
- 2) ордер на арешт;
- 3) варварське ставлення;

- 4) повстання;
- 5) вторгнення, напад;
- 6) невдоволення громадян;
- 7) сумнозвісний;
- 8) посадити у в'язницю;
- 9) викликати опір;
- 10) прийняття закону;
- 11) отримати сувору догану;
- 12) постати перед судом;
- 13) бути виправданим;
- 14) бути зупиненим;
- 15) від імені народу / монарха.

Exercise 7.2. *Translate the text. (Перекладіть текст).*

Exercise 7.3. *Retell the text using words from L. ex. 7.1. (Перекажіть текст, використовуючи слова із впр. 7.1.).*

Exercise 7.4. *Answer the questions. (Дайте відповіді на запитання).*

1. What are the benefits of habeas corpus?
2. Can habeas corpus be the guarantee of fair justice?

Exercise 7.5. *Look through the words with explanations. Translate the words and the examples. Make your own sentences with these words. (Перегляньте слова з поясненням, перекладіть слова та приклади. Складіть власні речення зі словами).*

TRIAL – the hearing of statements and showing of objects in a court of law for the purpose of judging whether a person is guilty of a crime.

*She is **going on / standing** trial for fraud.*

*He is awaiting **trial** for murder.*

*I can not remember whether the case **went to trial***

WRIT – a legal document from the name of law which informs someone that they will be involved in a legal process and instructs them what they must do.

*He was not allowed to appeal against the decision and the court rejected his application **for a writ of habeas corpus**.*

HABEAS CORPUS – a legal order which states that a person in prison must appear before and be judged by a court of law before he can lawfully be made to stay in prison.

The applicant sought a writ of habeas corpus for his release.