

**SAFEGUARDS OF  
LIBERTY OR, LIBERTY  
PROTECTED BY LAWS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649169504

Safeguards of liberty or, Liberty protected by laws by W. B. Swaney

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Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

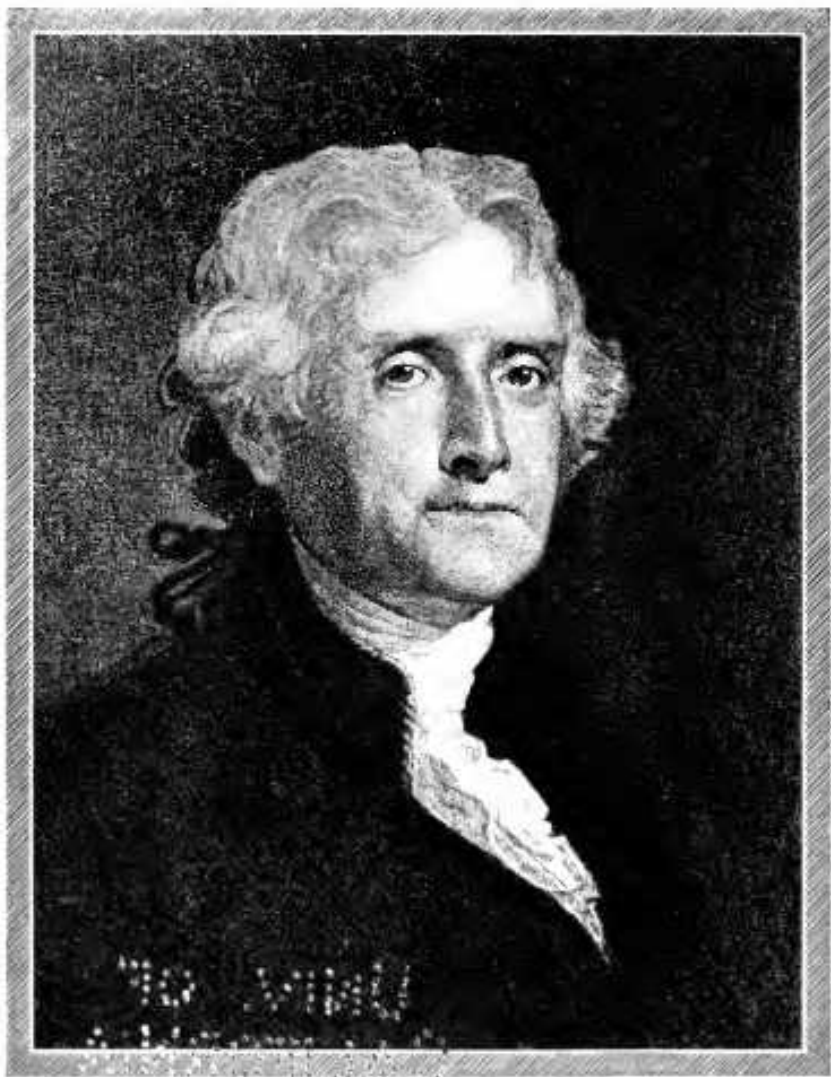
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**W. B. SWANEY**

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THOMAS JEFFERSON

Author of the Declaration of American Independence and the  
Statute of Virginia for Religious Freedom.

SAFEGUARDS *of* LIBERTY  
OR  
LIBERTY PROTECTED BY LAWS

BY

W. B. SWANEY

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"No Free Government or the  
Blessing of Liberty Can Be  
Preserved to any People . . .  
but by Frequent Recurrence  
to Fundamental Principles"  
*(Virginia Bill of Rights)*

NEW YORK

OXFORD UNIVERSITY PRESS

AMERICAN BRANCH: 35 WEST 32ND STREET

LONDON, TORONTO, MELBOURNE, AND BOMBAY

1920

JK34  
S8

NO. 1001  
ALBANY, N. Y.

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AMERICAN BRANCH

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INSCRIBED TO

HON. JAMES MARSHALL HEAD,

OF THE BOSTON BAR, FORMERLY OF THE GALLATIN AND NASHVILLE, TENNESSEE, BARS, AS A SLIGHT TOKEN OF MY APPRECIATION OF HIS FRIENDSHIP AND SERVICE AS TUTOR IN THE LAW. HAD HE BEEN MY BROTHER HE COULD NOT HAVE SHOWN ME MORE CONSIDERATION OR GIVEN ME MORE ATTENTION WHILE I STUDIED THE HARVARD LAW COURSE FOR OVER THIRTY MONTHS UNDER HIS DIRECTION.



## FOREWORD

MR. SWANEY has made a most interesting and valuable contribution to the literature and discussions of the day in the chapters of this book. A colossal war like that from which the world has just emerged, destroying autocratic governments, shaking others to their foundations, and testing anew the strength of those principles which have conferred upon the human race the great boons of liberty and democracy, is too frequently followed by a period of general collapse and reaction with an accompaniment of moral and intellectual astigmatism which prevents men from seeing and thinking clearly at the very time when straight thinking and clear vision are the essential safeguards of civilization.

To have presented to us in compact form and pleasing literary style the origin, growth, and progress of that civil and religious freedom which is the very lifeblood of modern democracy, is a genuine service to humanity. It is of the utmost importance that the people of the world should understand more than ever before the true meaning of democracy and of the principles which should guide and control democratic governments.

A study of our own Constitution and of the great

## FOREWORD

debates which led to its formulation and adoption, as well as of the works of so profound a democratic philosopher as Jefferson, convincingly proves the wisdom which led the founders of our Government to declare for freedom of speech, of the press, and of peaceable assembly. These are, to my mind, the surest antidotes for the false and poisonous doctrines of agitators and unsound thinkers. So long as these constitutional guarantees are preserved false opinion can be met and countered in the open arena of debate and discussion and the concealed evils which will be bred by foolish attempts at repression can be combated at their source.

It is a time to drink deeply from the fountains of wisdom and knowledge established by our forefathers and those who preceded them in the struggle for religious and civil liberty. Many gave their lives for this great cause with a heroism and nobility which must for all time command the admiration and affection of every lover of humanity and every champion of genuine democracy.

W. G. McADOO.

NEW YORK,  
*May, 1920.*

## PREFACE

THIS small volume is a by-product of the war between Autocracy and Democracy. There is nothing so conducive to the study of history and geography as war. It naturally followed from the issues involved that the question of government would be paramount. With the irresistible tendency to free governments nothing can be more instructive and helpful than the study of English and American theories and practices in self-government.

For many years, while teaching Contracts and Private Corporation, in the Chattanooga College of Law, it has been the privilege of the writer to make addresses on the life and writings of Thomas Jefferson, and to urge upon law students from practically all of the States the careful study of the Declaration of Independence, the Statute for Religious Freedom of Virginia, and the other priceless blessings conferred on the world by him, as the result of his life-long devotion to the causes of truth, freedom, and justice.

The more one studies the great charters of English and American liberty, the more one realizes law is a growth, and that the only way to get a thorough grasp of the fundamental principles of the governments of these nations is by the study of