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## THE SLOW MARCH OF LIBERTY

Tracing the Growth of Freedom Up to the Birth of the American Republic.

**The English Magna Charta, the Bill of Rights, and the Habeas Corpus Act Corner Stones on Liberty's Pedestal.**

To the Editor of the BEE: In a discussion a few days ago over the disgraceful and unpatriotic course of the democratic party, I was informed for the ten thousandth time that "Thos. Jefferson, the father and author of the Declaration of Independence, was the founder and progenitor of the democratic party." This has been repeated so often by the democratic party that it has almost become an axiom, whilst in truth and in fact the Declaration of Independence was written more than one hundred years before the Fourth of July, 1776. I will not deny that perhaps Mr. Jefferson was in some way responsible for organizing the opposition to John Adams and Aaron Burr to make himself president, by such methods as buying the vote of James F. Bayard (then a member of the house of representatives, the grandfather of the present secretary of state) paying for his vote for that high office by nominating him to the senate for minister to France, and in that way and by such methods well-earned the name of "Father of the Democratic Party." The history of the struggle of the continental congress in its efforts and the efforts of the people to dissolve their relations with Great Britain, ran through many years dating as far back as 1764.

The ideas set forth in the Declaration of Independence were not new, and in fact several paragraphs of that great protest can be found in the "Bill of Rights," granted by William and Mary, on the 13th day of February, 1688, soon after James II fled to France, and later than this it passed both houses of parliament, when William and Mary had been crowned.

Whilst on this subject a full review of the great documents, that might be called the antecedents or predecessors of the Declaration of Independence, chronologically examined, will fairly illustrate the progress of science of self government, until we find ourself with a system that seems to be the acme of the science, which has done so much to secure civil and religious liberty, not only in this country, but in France, and by the influence of which we will one day, not far off, hail Ireland as the second natural offspring of the American republic.

"THE MAGNA CHARTA,"

or great charter obtained by the people of England, with arms in their hands against King John, was the first effort of a people to assert the inalienable rights of man. The second was the reign of his son and successor, Henry III, where this charter with other declarations was enacted by parliament; and again in the reign of Edward I, by statute called "confirmatio custorium," whereby the great charter is directed to be allowed as the common law. Copies of this instrument were sent to all cathedral churches, and it was directed that it should be read at least twice each year, that the people might know what were their rights, and knowing them would watch them with great diligence and jealousy.

In the reign of Edward III, there were several declaratory acts defining the rights and privileges of the subject, touching his duties and relation to the crown and kingdom, all of them being encroachments upon the despotic authority of the crown and beneficial to the subject.

The second grand advance towards self-government was in the reign of Charles I, soon after his coronation, when the "Petition of Rights" was drawn up, presented to Charles, and he gave it his assent and signature. It was termed "A Parliamentary Declaration of the Liberties of the People." This instrument confirmed to the citizen many concessions, rights and privileges that had been before unknown. This was followed soon after by an act that did more to prepare for and establish personal liberty than any that had ever adorned the statute book of any country, which was the act that dissolved and abolished the star chamber. It occurred just before that unfortunate prince became entangled in that rupture with his parliament whereby he lost his head.

The next act in review of the progress of the right of personal security, which is the first object of organized government, was the enactment of the law that asserts and secures to individuals personal liberty. It was the passage of

THE HABEAS CORPUS ACT,

which passed the house of commons during the reign of Charles II. on the 1st day of April, 1628. There had been frequent resolves and assertions in the house of commons on this subject, but the barons, always viewing such acts as a menace and encroachment on the aristocracy, were slow to recognize them, but at this time it seems they could not longer resist what the progress of civilization demanded with so much unanimity through the nearer representatives of the people.

As a proof that the people were not slowly progressing toward self-government, after the death of Charles II., his brother, the duke of York, became king as James II. This prince had hardly been crowned when he began a series of innovations upon the written and unwritten constitution of England. He levied bottomry, kept a larger army than was necessary, imprisoned people without due process of law, prorogued parliament and did not convene them for two years, and did many other acts that rendered him extremely unpopular. The result of it all was that when the prince of Orange came to England he had an easy conquest, and James went in exile to his friend, Louis, king of France, where he died some years afterwards. Then came the accession of William and Mary with

THE "BILL OF RIGHTS."

This state paper was more ample and complete than any that had ever been produced. It embodied the ideas that had been formulated and expressed in all the others. It was a perfect compilation of all charters, grants, resolves and assurances that were contained in the English constitution, with new and more pronounced expressions for civil and religious liberty. Concerning the author of "the bill of rights" there has never been any dispute, and that our declaration of independence was taken from "the bill of rights" no one who has ever read both documents will deny.

After William and Mary had been declared king and queen, but before their coronation, parliament in behalf of the people who had been so sorely oppressed, demanded some assurance and security against oppressive acts of the crown. The king informed them that he was ready to do the will of the people, and whatever they desired he would assent to. Then the question arose who should draw the paper. Bentick, who had come over with William, was suggested, but with the keen foresight that seems to have guided the prince of Orange in most matters, urged that they select some one of their number or some one more familiar with the desires of the people. Then they began to cast about among themselves, and they selected a man who but a short time before had been a common barrister about the Old Bailey and Lincoln's Inn Courts, and some authors have denominated him as a briefless barrister up to the time that he rendered himself so famous in the defense of the seven bishops. His success in that trial was one of those "jerks" in the annals of men that so seldom occurs. He was at once snatched FROM PENURY, POVERTY AND PLEBIANISM to a condition of wealth, affluence and power. He took rank with the greatest men in the realm and maintained this position until his death. "The Bill of Rights," the offspring of his genius and wisdom remains to-day as unparalleled for its terseness and compactness of ideas and independence of expression, whilst as a literary production it far surpassed any state paper of that day. The words are monosylabic, for the use of compound and derivative words had not then been adopted to one tenth the extent they are of this day. The pronouns and verbs were always used in the person and tense literally, not as they are now. And whilst they are a little harsh and not so euphonious upon the ear, yet students of literature in reading of ancient chivalry, prowess and genius prefer the works of that day, not because they possess the Greek or Latin idioms, but there is that definite and unerring expression of thought in every word and so much more pleasing than verbosity and sentences of doubtful meaning or susceptible of double constructions.

The history of the trial of the seven bishops was of itself another stride in advance of the old and settled routine, standard and fixed law that not only deprived so many persons of their liberty but their lives as well. This was a confirmation of the law that made juries in criminal cases the sole judges of the law and the facts. The court instructed the jury to bring in a verdict of guilty, the jury disregarded the instructions and the court at once ordered them to prison for contempt. Vaughan was chief justice of the realm, and the jury so imprisoned were released upon a writ of habeas corpus, whereby Vaughan so distinguished himself that he is recognized as a jurist of the highest standard and most impartial justice.

A few years after this, soon after the death of Mary, there was another marked and essential progress in the direction of civil liberty, and the liberty of conscience. In 1685 was re-enacted the licensing act and it expired in 1693, and was renewed, but with great opposition with only about five majority. On the third of May, 1695, the law which

SUBJECTED THE PRESS TO A CENSORSHIP

expired. Then there was but one newspaper in London, the London Gazette. In two weeks afterward the Intelligence Domestic and Foreign appeared, which had been suppressed about fifteen years before. In a few days came the English Covenant, the Packet Boat, the Pegasus, the London News Letter, the London Post, the Flying Post, the Old Post Master the Post Boy, the Post Man, all within three months, and within a year there were one hundred and ten daily and weekly papers in London. Censorship was established later, but this great medium of educating the people being once permitted could not easily be suppressed, and not until the works of Theodore Hughes appeared with all the scandals and secret history of the court of George IV was its entire freedom permanently established, when it became necessary for the friends of the court to buy up the whole edition to prevent its circulation, being equal in that peculiar topic to the secret history of the first empire.

To return to the main question. In order to be convinced and to know how far and how near the Declaration of Independence resembles and is copied from the several charters, grants and the bill of rights, it is only necessary to consult Langmead's Constitutional History of England, the journal of the two houses of parliament in 1689, and a book called Gray's Debates, published about that time, in all of which is the original text of those instruments, which can be found in the congressional library at Washington. Langmead can be purchased of Brown & Littleton, of Boston. Tom Paine, (author of the Age of Reason, the Crisis and the Rights of Man) was in Philadelphia at the time the continental congress was preparing the declaration. He being well known as a litterati, and a man above all thing of an independent nature, and being familiar with all this subject, at once produced copies, and this with the similarity of verbiage and ideas leaves no doubt that the Declaration of Independence was taken from the bill of rights. The average American citizen thinks and believes, that by one grand great patriotic effort the Declaration of Independence and the constitution of the United States came into existence. The truth is, that all the long eventful years that commenced with the reign of Elizabeth and ended with the inauguration of George Washington on the 30th day of April, 1789, on the corner of Nassau and Wall streets in New York city, as president of the United States, were preparing for

THE BIRTH OF THE REPUBLIC.

So it was that the student of the science of government and the progress of civilization requires no vivid imagination to conceive of the glory and grandeur of the magnificent fabric under which we live. Thiers, in 1830, wrote his History of the French Revolution. In the last page he predicted that France must and would be self-governed. He had witnessed the death of Louis XVI, the fall of the Bastile, the assassination of the Princess De Lambell, an exile most of the first empire from the mountains of Switzerland, the hither banks of the Rhine, or from over the borders of Belgium he had seen the brilliancy of the first empire reflected on every sky, he saw the recall of the Bourbons to be succeeded by the second empire, and yet he said, "France would be free." He lived to be in 1871 the first president of the French republic.

The time had come. Was not Columbus, by some power up among or above the stars, sent over waters never divided by a beak, to find a country where genius, energy, fortitude and independence could plant the germs where might grow and prosper, the mighty, towering monarch of nations to cast its shadows of influence wherever shines the sun. In less than four hundred years, where there was practically a vacant continent, unknown and untraveled, we have wealth untold, power unlimited and a nation indomitable. Our ancestors were the bravest, freest and best blood of every country. None but the most fearless and independent came, and that best blood mingled and mixed up together has produced a people that no one of this period can tell what they will accomplish.

PATRICK O. HAWES.

**Jake Heiszspiegel's Little Joke.**

Chicago News: Many people peddled jokes touching upon the presidential nuptials.

Jacob Heiszspiegel did.

And it is so impressed Jacob that he told it in nearly every saloon on the south side. It was a sort of illustrated affair, and Jacob himself furnished the illustration.

At 11 o'clock Jacob stood at the bar of a down-town saloon. "Schnappes!" he laconically announced.

The bartender put up the bottle and glasses.

"Vy," began Jacob, pouring out the liquor, "vy am I like Grover Cleveland?"

The bar tender meekly said he didn't know.

"Pecause I get full some" (here Mr. Heiszspiegel winked and swallowed his liquor) "to-day."

The career of Jacob and his joke was an eventful one. At 5:40 he was trying to tell the joke to the lamp-post at the corner of Monroe street and 5th avenue. A policeman gathered him in.

"Vy ain't I like Grover Clevelandy" were Jacob's last works as he was shuffled to the basement of the Harrison street station.

## LAY OF LANDS NORTHWEST

The Powder River Region Rich in Mineral and Agricultural Wealth.

THE VALLEY OF THE SHADOW.

**The Graves and Bones of Murdered Whites Mark the Old Highway—Bloody Work of Indians Twenty Years Ago.**

FORT NIOBRARA, Neb., May 31.—(Correspondence of the BEE.)—We are now traveling over the old government road toward Fort Reno. The country is somewhat monotonous, but we cross many streams and the soil in the little valleys looks rich. Off to our right are the famous Black Hills, while to the left rise the Big Horn mountains. The country is rolling, but the ascent gradual. Our course lies over a series of high ridges, and as we reach the summit we discover they are spurs of the great Big Horns. The mountains are saddle-shaped and extend for a hundred miles southeast and northwest. The saddle has a pommel, and that is Pumpkin butte. Having passed the ridges, which are the spurs putting out from the southeastern base of the Big Horns, we cross Dry Fork of Powder river. It runs down for about twenty miles, bringing up against the mountains. It is sparsely timbered with scraggy oaks and cottonwoods. The trees are low, squatty, gnarled and contorted. They seem to have started out all right, but lacked moisture to grow up tall. The timber is fit for nothing here but fuel. On one of the trees somebody had cut a bare spot, and on the white wood carved in rude letters, "H. Martin—Killed by Indians, August 13, 1863." It was one of the legends so familiar in the northwest. Poor fellow!

HE SLEEPS AS WELL THERE,

however, after death as if surrounded by the monuments of Greenwood cemetery. Far from home and friends, it is true, but the ancient cottonwood stands guard over his lonely grave, and the owl and the coyote sing him nightly a lullaby. This valley had a bad reputation in early days when Red Cloud was hostile and the traveler was always cautioned by the post commander to look out for danger there and leave it behind as soon as possible. It is lined with graves, and as many as forty frontiersmen are said to have fallen there at different times, victims to the fury of savage foes. When Belden went up he picked up a skull near the road with an arrow head sticking in it just behind where the left ear had been. The arrow told its own tale—murdered by Indians. It was the old story over again, and they hunted for the bones of the body, but found only a pile of ashes and one knee joint. He had probably been badly wounded by the arrow and then burned at the stake. When Bradley came through he found five skeletons in this valley dug up by wolves, and he reburied them. When we were up we found a piece of board, which had once been part of the tailgate of an army wagon. The blue paint was still on one side of it, and on the other was written in rude characters,

"ZACH HUSTED HERE."

Who Zach Husted was or just where his grave was we did not know, for the board was lying on the ground and there seemed to be no grave there. We, however, set the board up, and Zach can find it when he rises and put it in the right place if we missed his remains.

This valley of Dry Fork is really a "Valley of Death," and we shall hasten on.

We are now within six miles of Powder river, and the road suddenly turns off Dry Fork and ascends a high ridge to our right. Winding over the hills we come upon a strip of Mau Vais Tenes, or Bad Lands. They are terrible, and bleak and sterile as bad lands usually are. The region is a burned out volcano and the earth lies in ash-heaps. Not a thing grows here, and even the jack rabbits and birds have abandoned this strip. "God-forsaken" is written on a board and stuck up at the entrance of the road to the Bad Lands, and the description given of the region in those two brief words is not a bad one. Leaving behind the blood-stained valley and riding hastily across the strip of Bad Lands, we come to the Powder river, a clear, shallow stream, about fifty feet wide. It runs north and rapidly widens as it proceeds toward the Yellowstone. Crossing at a good ford we ascend the bank to a wide level plain and are at the site of old Fort Reno. Part of the stockade built by General Patrick Connor in 1865 was still standing a few years ago. The fort had been burned, but some of the dilapidated barracks were still there. Pieces of blue cloth with brass buttons attached to them, old army shoes, wagon wheels and piles of empty, rusty in cans showed plainly enough the use the place had been put to, and there was 'till

THE AIR OF A FRONTIER POST

about the spot. It was here on the deserted parade ground Van Voast had day after day marshalled his little band of soldiers in the days gone by and drilled them, while the Indians looked on from the hills. The place where the flag staff had stood, and from which the flag of a nation of 40,000,000 of people had been hauled down at the behest of Red Cloud and his hordes of savages, was our camping ground for the night. There were only five of us, and where a regiment could not stay a few years ago five men were now more than enough to make it safe. There was an air of sadness and loneliness about this place, and as we looked at the ruins of the officers' quarters we could not but recall the anxious days of 1866, when delicate ladies waited there day after day, not knowing but the next their beloved ones would be all massacred and they themselves prisoners in the hands of a merciless foe, reserved for a fate worse than death. The trees still bore the scars of bullet marks, and every one had been a fortress for a white or a red man as they fired at each other day after day in 1866.

The Powder river is pretty well timbered, and about twelve miles up the river from Reno is a large grove of cottonwood trees, where the Indians had a burying ground. The bodies were placed on scaffolds or strapped to the limbs of the trees. Many old warriors, pappooses and Indian women were buried here. That was one reason perhaps why the savages fought so fiercely for possession of that valley. They will often carry their dead a hundred miles to bury them at a favorite spot, and they do not like to have their dead disturbed.

The Powder river, I was told, was well timbered all the way from Reno to its head and much of the land

GOOD FARMING LAND.

The road from Reno runs down the river twenty miles to Pumpkin Buttes. The stream is tortuous, but seemed pretty well timbered and the land good. The buttes are bare and said to be full of iron ore. A magnificent view of the Big Horn mountains is obtained from the top of the buttes. They loom up dark and grand, and far to the southwest is seen Cloud Peak. The buttes in early days were used as an observatory by the Indians, and it is said that in 1865, 1866 and 1867 an Indian look-out was constantly on a these buttes somewhere.

Following the old military road we strike out for Fort Phil Kearney, one of the three dismantled posts pulled down to please Red Cloud. For twenty-six miles there are bad lands and no water that is good. After this stretch is passed we find good water, grass and timber. This is Beard river, or Crazy Woman's Fork as it is now called on the maps. It is a good valley and full of fine grass and wild rye. How it came to have its name changed from Beard or Big Beard river to Crazy Woman's Fork is a most interesting story, and this legend of the frontier and the crazy woman who once lived there and finally gave her name to the stream and valley, will be told in my next communication.

JAMES S. BRISBIN.

L.S.L.

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That maple trees are planted on each side of the streets.
That each lot contains 9,000 square feet with 20 foot alley.
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That there are six dummy trains each way, besides the regular trains.
That the street cars run to within one half mile of there.
That the street cars will run there this car.
That the price is one third less than is asked for property the same distance in other directions.
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That there has already been expended between $1,000,000 and $1,500,000.
That there is a fine system of waterworks, furnishing pure spring water.
That the railways all center there.
That South Omaha is a town of itself.
That it has its own postoffice.
That it has its own railway station.
That it has its own newspaper.

In Fact
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