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not imply distrust whether the rule had been wrested from the king.

The opinion carried the day, and the Colonial Convention at once set to work to prepare a declaration of rights, and such a plan of government as will most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people. On the 15th of May to the 24th of June a large and able committee was engaged in carrying these instructions into effect, and, after some amendments, on the 28th the first constitution of form for government for Virginia was unanimously adopted. It is known that the chief labor of framing the Constitution had fallen to George Mason, certainly one of the most competent members of the body. Col. Landon Carter, to whom Jefferson in the great mass, showed, thought that "ambition had vastly seized so much ignorance all over the colony," and as a result the Convention abounded "with too many of the inexperienced creatures to navigate our bark on this dangerous coast."

On the other hand, Patrick Henry, the leader of the popular element in the assembly, complained of a want of associates of ability on his side of the question.

This complaint conveyed much meaning, for the social condition of the colony had given rise to two quite distinct factions, apart from the political differences that the Revolution had produced. Whigs and Tories were known, and these "good people" who were opposed to the government of Parliament and the British Ministry—were divided among themselves quite as sharply as were over the Whigs from the Tories. The large landowners formed an aristocracy of great influence and of conservative views, while opposed to them were the so-called radicals and reformers, who, of more ancient nature, were intent upon introducing as great a revolution in the form of government for the colony as had been inspired by the separation from English control. Henry complained that the aristocrats were strong in the committee appointed to frame a constitution, and that "my most esteemed republican friends many and powerful enemies." Each party had its printed argument: the one supported an anonymous tract sent to the Convention from Philadelphiap with a strong endorsement from Carter Braxton; the other read with approval the "Remarks on Government" written by John Adams.

Adams had addressed his pamphlet to George Wythe. It was Wythe who carried to the convention a sketch or outline of a constitution which Jefferson, then in Congress, prepared. This, wrote Jefferson in 1820:

"I sent to Mr. Pendleton, President of the Convention, on the more possibility that it might suggest something worth incorporating in it. He did so; and before the Committee met afterwards by letter that he received on the subject, that he had reported to the House the plan they had agreed to; that it had been so long in hand, so discussed by inch and inch, and engrossed so much alteration and debate, that they were warned with the contents it produced, and could not, for more latitude, have been induced to open the instrument again; but, that they agreed with the plan, and that they adopted it in the House by way of amendment to the Report of the Committee; and thus my project be came laced to the work of George Mason."

It is not a little curious that Jefferson did not retain among his papers a copy of this attempt of his at constitution-making, or that he should not have had enough pride in his handiwork to examine the same reforms of it. If he had been, as a rule, careful in such matters. Of the composition that made his reputation as a
The Nation.

possessed the power to sit, "so long as they should think the public service requires;" for he appears to have had some doubt on the manner of appointing the Administrator and his deputies. The representatives tentatively, for the words are enclosed in brackets. Even he provided that the "legisla-

tive, executive, and judicial offices shall be kept for ever separate." The actual constitution as adopted by the Virginia Convention, the electoral college composed of members elected once in four years from

Joseph Jefferson

The manner of electing Jefferson's House--the body of kingsy powers--is worthy of no-

notice. In the session of 1769 the qualifications of a voter were a freehold estate, or fifty acres of

unsettled land, or twenty-five acres where there was a house, or a city lot improved--very

peculiarly the entire manhood of the colony, where land was to be had almost for the asking. Jefferson

wished to require "full age and sane mind," a freehold estate in land, that for the country being de
centralized, Jefferson preferred; and he also gave the suffrage to "all persons resident in the colony who shall have paid rent and lot to Government the last two years." Not con-

tent with this, he would make every man in the colony a slave, a chairman of the county; and the commonwealth itself, he said, of"full age, neither owning nor having owned [50] acres of land shall be entitled to an

appropriation of [50] or so much as shall make up what he owns or has owned [50] acres, free

from all absolute dominion, and no other person shall be capable of taking an

appropriation.

Having thus turned every man of full age and

sane mind in the colony into a landholder and a voter, Jefferson passed to the question of representation, and here offered a distinct improve-

ment upon the plan of the Convention. Among the complaints brought against the

English Constitution (and its faults attract

attention at the very roots of its virtues), was the inequality of representation in the British House of Commons. Yet the Convention provided for a representation of the coun-
ties in the lower house of Assembly quite unequal as the British-h-examples, for each coun-

ty was to send two members without respect to the population it contained. Randolph explained the acceptance of this provision by saying that the counties to the eastward of the Blue Ridge, in which the equality was most glaring, were too numerous to be irri-
tated, and it was tactfully understood that every body and individual came into the revolution with their rights, and was to continue to enjoy them as they existed under the former government." Jefferson was able to give a rep-

resentative for every 4000 freemen, thus having it upon population. The result of the re-
tention of the old provision was that "nineteen thousand, living in one part of the coun-

try, gave the representation to a thousand living in another, and appoint all their chief

officers, executive and judiciary.

Two-thirds of either house constituted a quorum, and there was little limit to the powers or functions of the executive. Capital offenses, commercial offenses, and crimes of any commodity for a longer space than forty days: nor could be made denizens, pardon crimes, or

remits fines or punishments, or create dignities or
grant rights of precedence. All these powers or actions could be exercised by the Legislature alone. The Administrator was liable to action, though not to personal re-

straint, for private duties or wrongs, and all his acts were to be controlled by law. The

sort of power this veto on the action of the Executive made him powerless to oppose what he might
dean a dangerous policy, and would have rend-

ered supreme what dogs in fact tend to be-

come the most powerful element in a republic-

ation government, the Legislature.

There is much in this draft that does not

properly belong to a constitution, much that was later the subject of special legislation in Virginia under Jefferson's own direction. He was to be a

“person hereafter coming into this country shall be held in slavery under any pretext whatever.” He would have abolished entail titles, and

made all debts go “according to the time of settlement, saving none shall have equal rights with males.” Seven years' residence, or a declaration of an

intention to such a residence, and a subscription to the fundamental laws of the commonwealth,

would entitle a person to “all the rights of persons natural born.” Religious liberty was

provided for; printing-presses should be free,

“except so far as by commission of private injury they may give cause for private action,”

which would be no more than a commission. In time of war, the freeman was not to be debarred the use of arms “within his own lands or tenements.” Royal claims to wrecks,

waifs, strays, treasurere, mines, royal fish and royal birds were declared to be the common

property of the common right” and abolished. The judiciary system of the State was elaborately

provided for, but the details of that branch

need not be described. Finally, “no salaries shall be given to the Administrator, members of the legislative houses, judges, officers, privy councillors, or delegates to the Ameri-

can Congress;” but, should the Legislature so
direct, the “reasonable expenses” of these officers “for subsistence while acting in the secret of their office” might be borne by the State.

Such were the main features of the instrument which Jefferson devised for the government of Virginia. The details are of interest to the student of constitutional theory, but the greater degree for the light they throw upon a contemporary document, the authorship of which is still one of the unsolved problems. I have already mentioned a tract which appeared in the sessions of 1776 in which which was sent from Philadelphia about the same time as Adams's Thoughts on Government. Little was known of its origin, but as it bore a strong recommendation from Car-

ter Braxton, he was suspected of being its au-

thor, and came in for the blame that his ex-

summarized view of the event. He wrote out two copies, one of which was sent to Patrick Henry. Of the De-

claration of Independence he made a number of changes, and distributed the copies among his intimates. In 1783 he prepared a dra-

fet constitution for the State, and so strong was his purpose of it, he called it "reaching all the great ob-

jects of public liberty," that he printed it. His earlier skeleton was now more noticeable, as it allowed John Adams to pose as the mainstay of the Virginia Convention;

for he claimed that it was his little pamph-

let that influenced the Convention, and, which seemed to find an inclination of the legislatures throughout all the Southern colonies to adopt plans so nearly resembling that in the "Thoughts on Government," he was not a little elated that the "pride of the haughty must, I see, come down a little in the South." He had felt not a little the arrogance of the Southern members in the first and second Con-

gresses, but he knew well how essential it was to keep with them. The fact remains that for more than a year Jefferson's draft was not adopted, and it has only recently been discovered near Lexington—two copies of it, both in Je-

ferson's MS., one with and the other wanting the preamble. Is it too great a stretch to con-

jecture that the Federalist was the identical manuscript that Wythe carried to Pendleton?

It would naturally be expected that Jefferson would favor a democratic constitution—one, that is, which embodied the idea that all powers rest on the will of the people. Yet his plan is by no means

nationalistic than the instrument adopted by the Convention, for he would allow the people to participate directly only in the election of the house of the Assembly. All else was left to the Convention. The plan was to be "approved" by the House, and his first idea contemplated an appointment for life; but a second thought led him to make a term of service three years. The judges of the General Court and of the High Court of Chan-

cery were to sit in the Senate, and be allowed to speak to a question, but they could not vote. The Executive, called "Administrator," a Doctor, a Privy Council, and a Treasurer were all to be appointed by the House of Representa-

tatives, but all other officers, civil and military, with two exceptions, were to be ap-

pointed by the Administrator, such appoint-

ments being subject to the negative of the Privy Council. The effect of this is, the freeholders were to elect annually the high sheriffs and coroners of counties.

The lower house of the Legislature in this way received all the privileges of appointment the Parliament possessed in the colo-

nial system. All offices were then held at the
gift of the King, and the Council was of royal appointment. The House of Burgess alone was chosen by popular election, and its powers, save for nomination and obstruction, were nor-

limited by the King. Jefferson's instructions to his amm-

ler—instructions that could not be enforced by the Governor without the tedious, uncer-

tain, and often dangerous appeal to the King to interpose his veto to a measure contrary to his will. The fear of a strong executive power in the royal order led Jefferson to deny to the Governor any veto on the acts of the Legisl-

ature, and it was due to Patrick Henry that the power to negative was granted by the Conven-

tion. The effect of this was that the proper power to remove was not in the hands of a single house, the members of which were to be chosen annually, but, once chosen,
pensions of doubtful Whiggism aroused. Yet this pamphlet embodied in its proposed constitution many of the features that Jefferson inserted in his draft. A lower house elected for three years, a Senate chosen for life by the House of Representatives, Secretary of State elected by the lower house, judges to be appointed by the Governor, with the advice of his privy council, and all military and inferior civil officers to be appointed by the governor—the points of the Governor's system this was as narrow a system as that of Jefferson's, and as open to the objection of centralization. The one, however, was regarded by the Convention as an aristocratic program, and Braxton received several hard knocks for recommending it; yet Jefferson's was quite aristocratic.

By comparing his Constitution of 1784 with that of 1786, it may easily be seen how great a stride Jefferson had taken in a few years. By the proposition of 1784 is included in his published works, it may be referred to and need not detain me here. A later proposition, a suggestion for a change in the State Constitution which have been not more than a year, and Jefferson's hand-writing changed so little in the active years of his life as to furnish no clue to the period at which a memorandum may have been made. The pages of his journal, written in ink and marked 1784, may be attributed to that period of leisure which followed his retirement from Washington's Cabinet, while he was nursing his sore grief over the monarchical tendency of Administration, and the growth of centralization that threatened to swallow up the individual States and erect an engine of oppression such as the world had never seen. With such an impulse resting upon him, it is not to be wondered at that he should have developed an almost extreme democratic remedy. I doubt if the like proposition has ever been seriously broached in a community that claims to be self-governed, or that is capable of exercising due judgment in matters of government. After providing for the election of a legislature, to consist of not less than 150 or more than 200 members, Jefferson makes this original proposition:

"The Legislature shall form one house only for their deliberations, or for what relates to their privileges. For all other business they shall be separated by lot into two chambers, one half shall be called the Senate and the other half for the other; and each member shall be for that week, of the chamber he shall be drawn.

"Each chamber shall appoint a Speaker for the session, and it shall be weekly decided by lot who shall be chosen from the members of each chamber for the ensuing week."

It is unfortunate for us that merely the bald proposition is made without the interesting explanation of the reasons for the proposed change that Jefferson might have recorded. In such an expository and difficult to conjecture his purpose, for this weekly shifting of members and speakers of two houses, elected by the same constituencies, would have introduced as a matter into the political system of Virginia as did Jefferson's favorite feature into the social system of Virginia. The latter almost produced a diplomatic complication that war alone could solve; the former would have produced legislative anarchy that nothing but a revolution to the earliest Constitu-

tion could have cured. That he had some purpose must be conceded, for during his Presidency he generally sought to cover his policy by special amendments to the Constitution, as in the case of the Louisiana purchase, internal improvements by the national Government, the extension of the Union, and a national university. Yet there is nothing in the political condition of Virginia between 1794 and 1801 that could call for such a remarkable experiment in government, nor does the proposition appear to have been submitted to his friends. None the less, it was a genuine product of Jefferson's mind, and as such is essential to understand the progression of his political ideas.

FURTHER IMPRESSIONS OF THE HOUSE OF COMMONS.

LONDON, July 28, 1800.

The session of Parliament draws near its close. It has been in the main, and considering possibilities, a wasted session. That contempt or regardlessness of public opinion which despotic government has always shown towards Ireland has infected their handling of British questions, and brought humiliation and lesseened majorities. The really fine and well-intentioned men who back the Government, adrift without a policy to guide them, and often are pitifully. What may befall the other side of the House when in the ascendant their errors and shortcomings are exposed and followed up with the unfeigned and pitying hostility that has been melted out to the present Government?

I do not propose, however, now considering general politics, but rather desire to take up the thread of previous remarks upon the life and consistory of the Irish party in Commons.

Subsequent impressions have only deepened my interest in the study. It is a democratic assembly in the best sense, often reminding me of the society of friends. In the long run a man takes his place according to his abilities and honesty of purpose, irrespective of his election or means. The size of London and the consequent freedom of London life doubtfully contribute to this result. There is much opportunity for the indiscriminate promotion of good or bad speeches. If the man be exquisite, owing to the imperious nature of the subject that has diverted him from the strict lines of debate, with the other the rules are stretched because of his inconspicuousness. Openings of both sides are kept open, or the opponent of the chair in checking a speaker.

Apart from the nature of the instrument in their policy towards Ireland, I perceive no difference between the treatment of Irish matters and that of members of the great Irish parties. The Irish whip, one of whom has, as Mr. Pitt's criminal, spent a considerable time in prison, are accorded their own convenient, handsomely furnished room. A presentation to Mr. and Mrs. O'Brien took place the other day in one of the grand committee-rooms. If Mr. Farrell deems it desirable to have the members of the refreshment room, on an "off evening," doubtless be placed at his disposal, as they were upon a late occasion relegated to Mr. Matthews, the Home Secretary. It is, indeed, a remarkable illustration of the generosity of the Irish party. The Irish have no fear of fair play and respect for vigorous opponents innate in the English character, that the Irish party should claim their present position in the House. That position belies the assumption that they are a pack of unreliable scoundrels.