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FRIDAY, APRIL 21, 1899.

"INHERENT POWER."

The Judiciary of Virginia, through its Supreme Court, asserts an "inherent power," independent and superior above the government, as administered by the Executive and Legislative departments, above the laws and constitutions that guarantee trial by jury in all cases affecting life, liberty, or property, and in contempt of the authority conferred on the Legislature by the State Constitution to erect courts and regulate them.

If "inherent power" exist anywhere, it is in the "reserved" rights and powers of the people, from whom our Declaration of Independence and our Virginia Bill of Rights both positively assert that all power is "derived"; and if any such power can be asserted or exercised by any branch of government, it is by the legislative department, as directly representing the people, and in the name of the people, under the reserved powers and rights of the people as constitutionally recognized by our Bill of Rights, where it says: "The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed."

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved respectively to the States, or to the people."

There must be a head of the State, and a supreme power, and if that power reside anywhere in a popular government, it must be in the Legislature, where it undoubtedly is, in fact. Both the executive and judicial branches are subordinate to the legislative, though separate from and independent of the legislative, within a certain sphere, respectively; but which may be curtailed or enlarged by legislative action, and both executive and judicial officers are liable to legislative impeachment and removal from office, without a trial by jury, except as an additional proceeding against them for their offenses. The assumption of our courts that they are commissioned by the Crown of England, during benevolent reigns, and held under the divine right of the King or Queen of Great Britain, with jurisdiction and powers limited only by British precedent, is a very gross error. The Code of Virginia, section 2, says: "The common law of England, so far as it is NOT REPUGNANT to the Bill of Rights and Constitution of this State, shall continue in full force within the same, and be the rule of decision, EXCEPT IN THOSE RESPECTS WHEREIN IT IS OR SHALL BE ALTERED BY THE GENERAL ASSEMBLY."

How repugnant the common law of contempt, as still claimed by our judiciary, is to all our principles and institutions, has already been shown repeatedly by THE VIRGINIAN-PILOT

by citations from our constitutions, &c.; and now our judiciary revolts at the attempt of our General Assembly to alter the common-law of contempt in those of its features most repugnant to the principles of the Bill of Rights and Constitution of this State! There seems to be no limit to the assumption and presumption of this tribunal. If it must assert the repugnant and obsolete and unconstitutional common-law of contempt, as it exists in England over a century ago, and deny and defy the General Assembly to alter the law, or regulate the courts, surely it is incumbent on the legislature to do its constitutional duty in maintaining its supremacy, protecting the people and vindicating its "inherent power" and constitutional right to exact obedience even from Judges and to regulate the whole judiciary, high or low.

THE PRETENSIONS OF THE COURT ARE FATAL TO PERSONAL FREEDOM AND TO ALL FREE SELF-GOVERNMENT, if allowed to go on unchecked and unrebuked. If, as Jefferson wrote to Thomas Ritchie about the Federal judiciary, that "Having found from experience that impeachment is an impractical thing, a mere scarecrow, they consider themselves safe," our judges are contemptuous of authority and affect to govern the government, they present a case calling for abolition of the court, and its reconstitution in another form and with Judges competent, honest and FAITHFUL TO THE CONSTITUTION. Certainly, there can be no good government where the judiciary is in revolt against the State and the constitution, and asserts an "inherent power" to govern by injunction, and to arbitrarily fine and imprison the people without due trial by jury, according to our laws and constitutions, if the people are left remediless by a craven legislature.

(From the New York Herald.)

"Recruiting for the army is so brisk and satisfactory that the maximum number authorized by the new law will be reached within the next ten days. More than sixty thousand soldiers are already mustered in the service, and the desire to enter is so great that the recruiting officers are able to secure a large proportion of young Americans of good character, education and physique.

Perhaps this is one of the best answers that can be given to the wisecrack who caught against querulously where this government could hope to find soldiers for service abroad. They forget that the allurements of a military life are very potent, and that the patriotic impulses which made this country great are as keen in this generation as they were of old.

Whatever the allurements of military life, they heavily discount any imaginary popular favor for expansion; and these allurements must be great indeed, if they overcome the general disgust at American "sojering" caused by this Hanna administration, with its Algiers, Egans and rotten beef.

But it is very strange that the Herald forgot that what it states about the recruiting for the army is one of the best answers to the boomers of prosperity, who allege that business has so increased that there is full employment for all at good wages. How could recruiting, under the auspices of Alger, with the air still redden of embalmed beef, be so brisk at army pay, if life were really worth living for workmen in this country, at good wages and regular employment? Would so many men be so full of military ardor and patriotic self-devotion as to risk their lives by Philippine shot, kris and fever, if they could remain in peace and safety at home, with plenty of work and fair pay? It is these self-righted, so to speak, that reveal the real truth of our industrial and business condition. When men voluntarily choose war abroad to peace at home, it is a plain case against both home and peace.

Among the many able journals that were formerly Republican, but are now fighting this Hanna crew about men or measures, is the Nebraska Conservative. The Baltimore Sun, speaking of the Conservative and its differences with this Federal administration, says:

"The Nebraska Conservative finds certain difficulties in the new political creed put forth by the present administration. It cannot, for example, accept 'home rule for Ireland and alien rule for the Spanish islands,' nor can it believe the Spanish islands are unable to govern themselves, but fit to help govern us." The Conservative is staggered also by a Monroe doctrine which forbids Europe to interfere with self-government in America, but permits American intervention with self-government in Asia. Circumstances will arise, still our contemporary cannot see that "taxation without representation is tyranny when applied to us," or that "governments get their just powers from the consent of the governed in America, but from the conscious superiority of the governors in Asia." As an ex-Republican our contemporary believes that "the blacks have a right to govern themselves," especially in the South; but does not understand how the yellow race that right on the other side of the globe. There are many things which only the Democrats of politics can comprehend."

If the conscience and intelligence of the Republican party have the courage of their convictions, by the next Presidential election all the wiser and better men of the party will be fighting for the Democracy and W. J. Bryan.

It is not the "Government of the People" that is making war on our former allies—the Philippines. It is the Hanna "Government of the Money Trust!"

abroad, the response is a sneer at everything right, true and good, or a mocking roar of laughter at the simplicity of such an appeal, or an outburst of derision at all decency or virtue in business or politics, from the very fellows who alternately abuse Bryan as a blasphemer, or ridicule him as a crazy fanatic and Puritanic prig! Nothing could more fully reveal the depravity, profligacy, licentiousness and villainess of those who now bear sway among us.

"We think it was not good policy to stop the great work of paying off our bonded debt and begin adding thereto in a time of profound peace; but we do not see that it has done any serious harm. It certainly has not impaired our credit, and our financial situation, as a whole, is stronger and healthier today than it ever has been at any previous period in our history. No other nation on the globe compares with us in financial achievements or in resources, and while we have been piling up debt, not only in peace, but in war, our situation has steadily and wonderfully improved. Our prosperity has been so great that it cannot be indefinitely continued at the same ratio, for the reason that it would impoverish other nations and thus impair their capacity to purchase our surplus products."—Washington Post.

Now, read that over carefully, several times; for, though intended seriously, it would furnish several fine samples of "nonsense verses," if it were only in rhyme; whereas, as it is, it lacks both rhyme and reason. "No serious harm" in ceasing to pay off the national debt, but increasing it in peace, as well as in war! Our credit is better now than we are going deeper in debt than it was when we were paying off! What profound political economy and financiering! Deeper we go in debt, the greater our prosperity, and our situation wonderfully improved! Most wonderful—if true. Our prosperity is impoverishing all other nations! What purblind nonsense!

An independent, separate and free self-governing Republic in Cuba is not a whit more likely than a like Republic in the Philippines. There is evidently a widely ramified conspiracy to baffle the Cuban hope to be an independent and separate State, backed by ample funds (English and American, if no other), as well as by the officialty of the present administrations of Spain and the United States, as well as by powerful influences (native and other), in Cuba itself. How penniless and unofficial patriotism can cope with trust is inconceivable; but God is there!

"In case the next Democratic National Convention sees fit to repudiate the Chicago platform, Mr. Bryan will be forced to bolt."—Washington Post.

And if the sky fall, we shall catch larks. But the Post is mistaken. Any convention capable of repudiating the Chicago platform referred to, will also repudiate Mr. Bryan, and also exclude him from its doors. He will be under no necessity of bolting.

"No steps taken shall be retraced," declared Mr. Bryan at Milwaukee. That is the platform Aguinaldo is running on."—Washington Post.

If that be true, then it is confessed that Mr. Bryan's platform is as faithful to his country and people as that of Aguinaldo is to the Philippines and Philippines, in face of an invading army of conquest, subjugation, outrage and pillage.

"Mr. Hanna is quite right when he says a meeting of the Republican National Committee is unnecessary."—Washington Post.

The meeting of the National Republican Convention next year, to nominate a candidate for President, is equally unnecessary. Mr. Hanna suffices for all things. He could probably do all the Republican voting necessary to elect his man next year.

"It seems that Secretary Alger was in complete ignorance of his contemplated resignation."—Washington Post.

But that is not the first case in which Alger and his friends have pleaded his ignorance for not performing his duty. They do not seem to comprehend that in matters of duty, ignorance is a plea that aggravates the neglect of duty.

It is said that music is a peace-maker. If that be true the sooner Uncle Sam starts band carnivals in the Philippines and Samoa the better it will be for everybody concerned.

Now that an undertaker has given evidence about the embalmed beef, the Court of Inquiry would do well to call in a grave digger and a grave rock-cutter and make the list complete.

OPINIONS OF THE PRESS.

IMPERIALISM. Fresno, Cal., April 19.—William J. Bryan has written a letter to the Fresno Democrat, giving his views on imperialism. He says, in part:

"I think it can be shown from a pecuniary standpoint that it will cost us more to conquer the Philippine and keep them in subjection than we shall be able to make out of the enterprise, and that money which does return from the Philippines will not find its way to the pockets of those who supply sons for the army and whose taxation furnishes the sinews of war.

A HIGHER VIEW. "But there is a higher view to take of it than the money view. The principle of conquest is wrong. Our nation has steadily contended against it, and it is impossible to calculate the far-reaching effect upon our people of a doctrine that would substitute force for reason in the declaration of the nation's policy. Those who oppose imperialism plead not for the Filipinos, but for the American people. Our nation is strong enough to do harm, but it ought to be too great to do wrong. I feel confident that the sober and thoughtful of the American people will sustain those who believe that the Filipinos should be treated like the Cubans, namely, given their independence and protected from outside interference."

There is always with the general public a desire for one good history of a

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POPULAR STUDIES IN LITERATURE.

VIII.—FIRST HISTORIANS AND FAMOUS HISTORIES.

(Concluded.) BY JOHN EBENEZER BRYAN, M.A.

We have now gone over the field of English history once and picked out the writers who have been its most popular representatives. These are Hume, Macaulay, Froude, Carlyle and Meade. To these perhaps should be added the name of J. R. Green, whose "Short History of the English People" though not so well known or so generally read, is nevertheless quite worthy of the praise sometimes given it—"the most important general history of England that has ever been written."

It remains now that we run through the history of English historical literature again and take a glance at (1) the works that have been in their day important, but are no longer so except to the special student; (2) those works which are important enough; but because of some defect or peculiarity of



JAMES ANTHONY FROUDE.

authorship, or because they are devoted to special epochs, or because they have been superseded by works more consonant with current public taste, are not so much read as their merits otherwise entitle them to be.

Of the first class of these histories we shall mention only two—Clarendon's "History of the Great Rebellion" and Burnet's "History of My Own Times." The "Great Rebellion" was of course the civil war that culminated in the death of Charles I. Clarendon was that Edward Hyde, afterward earl of Clarendon (1628-74) who, although at first a parliamentarian, became a royalist. By the marriage of his daughter with James, duke of York, he became progenitor of two queens of England—Mary, wife of William III., and Anne. Clarendon's history is in reality a series of personal memoirs. On that account, and also on account of its accuracy and its very considerable impartiality, it is of great intrinsic value, while its dignity and grace of style, in spite of some obscurities, have made it one of the great classical masterpieces of English prose literature.

Burnet's "History of My Times" was a history written from an entirely opposite point of view. Burnet, too, had been in exile, and, like Clarendon, had returned to his country with a new-coming king and court. His devotion to William and Mary secured for him a



JUSTIN MCCARTHY.

bishopric—an office that he adorned with many virtues. His "history," which is lively and gossiping, generally has been accorded as trustworthy, though recent scholarship has begun to pick holes in it. It was, as is well known, a great favorite with Macaulay, and perhaps no other work of English history written prior to this century has even to-day as many readers.

Coming now to the second class of histories referred to, the most important one to be mentioned is Lingard's John Lingard (1771-1851) is the great Roman catholic authority on the history of England. His great work, which was first published in 1809 and 1850, has been the subject of much severe criticism, and in many quarters has been judged to be strongly biased, but, nevertheless, it remains one of the best histories of England up to the year 1688—the date it closes with—yet written.

country that shall cover the whole field of history for that country. In the case of England this desire has, in recent years been supplied by the works of Green, and still more recently by such scholarly productions as those of Gardiner and Bright, although these latter like Green's shorter work, are primarily intended for academic use. But in earlier years there were few such works. Hume's work, with its various "continuations," as, for example, "Hume and Smollett," was the principal history available. In 1841 Charles Knight, the eminent Shakespearean scholar, who had already done excellent work for popular education as the editor of such publications as the "Library of Entertaining Knowledge," and the "Penny Cyclopaedia," produced his "Popular History of England."

The remaining great histories of England of the second class are the histories in chronological order, are: (1) Freeman's "History of the Norman Conquest in England"; (2) S. R. Gardiner's series of histories of England under the first two Stuarts, the commonwealth and the protectorate; (3) Lingard's "History of England in the Eighteenth Century"; (4) Stanhope's (Lord Mahon's) history of England under Queen Anne and down to the peace of Versailles (1713); (5) Spenser Walpole's "History of England from the Conclusion of the great War of 1815"; (6) Napier's "History of the War in the Peninsula," and (7) Kinglake's "History of the Invasion of the Crimea." Freeman and Gardiner are writers of profound scholarship. They belong to what is known



JOHN RICHARD GREEN.

as the modern school of historical writers—the school of which Bishop Stubbs is the most characteristic exponent—the school of minute, painstaking, accurate and uncolored research. They are not artists in words. One does not read them with the same sort of glowing enthusiasm one feels in reading Macaulay or Carlyle or Froude or even Justin McCarthy. But their sanity of judgment and their scrupulous fidelity to fact are beyond all question. Lecky's work is a series of broad-viewed essays rather than a history in the sense we usually understand the term. Stanhope's is a history of the conventional type, sound and generally impartial, but laden with sympathy for a party and infrequently devoid of literary style. Spenser Walpole's work has every merit except that of being interesting. Napier's work is universally recognized as "the most successful military history in the language." In the words of Charles Kendall Adams, "his pictures of battles and the heart-stirring events of war have scarcely been surpassed by any



EDWARD HYDE (Earl of Clarendon)

description in literature either ancient or modern." Kinglake's well-known work is also a masterpiece of military history. It abounds in vivid and carefully drawn pictures. But the author is no mere artist. His individuality as a thinker and a critic shows itself on every page.

The great constitutional histories of England are: First, Hallam's, now to some extent out of date, but valuable for its individuality, the author's mind being the most judicial that ever was applied to historical writing; second, Stubbs, characterized by Mr. Freeman as being "the greatest original mind yet shown by English historical scholarship"; and third, May's, which, with Hamilton and May, constitute a recognized Taswell-Langmead's work covers the whole round. It, however, is a work of authority rather than of delight.

Going outside the domain of English history, the most important historical work ever written by an Englishman indeed, in many respects the greatest historical work ever written in any department of history in any language—is Gibbon's famous "History of the Decline and Fall of the Roman Empire." Of this great work the first volume was given to the world, after twenty-two years of prodigious labor, in 1776. The last volumes were published twelve years later, in 1788. In minuteness and comprehensiveness of historical knowl-

edge, in power and skill in the combining of minute and complex details so as to present them in easily comprehensible and striking wholes, in gorgeousness and stateliness of style—a style that elevates and enkindles while it also attracts and charms—Gibbon has never had an equal. There are objections to be urged against this great work. One is its strong bias against Christianity. Another is its failure to



EDWARD GIBBON.

comprehend what may be called the sociologic significance of history, the vast and complex play and interplay of currents of life and action that take place below the upper surface of historical phenomena. But, nevertheless, the "Decline and Fall" is still the mightiest, the weightiest authority in its own special field that has yet been produced by the genius of man. As Mr. Freeman well says, "Whatever else is read, Gibbon must be read, too."

Four other great works produced by Englishmen claim special notice. First is Robertson's "History of Charles V." first published in 1769. This work is still considered one of the great classics of historical composition, equally so because of the clearness and persuasiveness of its style and the well-deserved authority of its statements and judgments. Robertson, Hume and Gibbon constituted the great historical triumvirate of the last century. And in some respects Robertson was the greatest of the three. He was perhaps the first of historians to recognize the importance of the "general currents" of history, those currents which are the result of social development rather than of the actions of individuals.

Second is Sir Archibald Alison's famous "History of Europe," (4) from the French revolution, (5) from the fall of Napoleon. This work, unfortunately recognized as the most important history written of the times it is devoted to, is, however, not without serious faults.



SIR ARCHIBALD ALISON.

Despite the scrupulous candor and honesty and painstakingness of its author, it is pervaded with a strong personal bias.

Third is Milman's great production, "The History of Latin Christianity," published in 1845, a work, in regard to the subject of which it treats, second in importance only to Gibbon's. In some respects, however, it is the very opposite of Gibbon's work. One of its regrettable characteristics is its too great gentleness or modesty of tone, which will scarcely be charged against Gibbon. An introductory work is the same author's earlier production, "A History of Christianity."

Fourth is Buckle's great but unfinished "History of Civilization in Europe," first published in 1857-61. This work was an attempt to establish a philosophy of history. It was the production of a man of high originality, great learning and wonderful enthusiasm for his theme, and when produced was considered one of the most remarkable contributions ever made to historical literature. Its merits and demerits cannot be sketched here. Suffice it to say that it still remains one of the most notable historical productions of the century.

EXAMINATIONS AND CERTIFICATES.

At the end of the term of seventeen weeks, a series of questions on each course, prepared by Professor Seymour Eaton, will be published in the Virginian-Pilot, and blanks containing the questions will be furnished every subscriber making application for same. Two weeks will be allowed after the courses close, for the receipt of examination papers containing answers. These papers will be referred to a Board of Examiners, who will assist Professor Eaton, and as soon as the work of examination is complete, the result will be reported, and certificates issued to the students entitled to them.

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