

EDITORIALS.

THE KHEDIVE AND THE SOUTHERN GENERALS.

GEORGIA papers say that General Joe Johnston has neither accepted nor declined the invitation of the Khedive to take command of the Egyptian army. The General is flattered with the offer, but does not like to expatriate himself.

The Charleston *Courier*, however, says that the General contradicts the statement that he is to become commander-in-chief; that the Khedive made him a tempting offer three or four years ago, but it was declined and has not been renewed; and that the General intimates that his sword is not for hire.

The Alexandria (Va.) *Gazette* says that Gen. Fitzhugh Lee has been highly complimented by the Khedive, and asked to form a body of household troops, or "body guard," for him (the Khedive), to be composed of veterans, picked men from the American cavalry of the civil war, the Black Horse cavalry, for instance, if it can be re-organized. Gen. Lee does not think it can be done, and the *Gazette* thinks it impracticable, the members of the Black Horse being scattered over the globe. Besides, Gen. Lee is very busy just now over industrial and virtual reconstruction enterprises in Virginia.

COCK-CROWING A NUISANCE.

THERE was a curious case in the Brompton County Court, England, recently, before Mr. Sergeant Wheeler, the question being whether cock-crowing was a nuisance. Mr. Barnett and Mr. Batten occupied adjoining houses in Kensington. Mr. Batten kept fowls (chickens) and among them a noisy bantam cock, which did not do as roosters do here, crow at all hours of the night, but commenced to crow at four or five o'clock in the morning, disturbing Mrs. Barnett, an invalid, and retarding her recovery. The defendant claimed that it was his legal right to keep fowls and he could not prevent the little gentleman fowl from crowing. The judge evidently considered Mrs. Barnett of more value than the bantam rooster, and said that the matter was not a question of law but of fact, that a person might strain his legal rights to such an extreme as to make them illegal, that as soon as a man's rights interfered with those of his neighbor he must make concessions and waive his rights, suggesting that the defendant undertake to abate the nuisance. Ultimately the defendant consented to a nominal verdict for the plaintiff, damages one shilling, and gave an undertaking to abate the nuisance. Thus adding another precedent against the maintenance of public nuisances amongst neighbors.

A CURIOUS COW CASE—DIAMOND CUT DIAMOND—A HUMOROUS JURY.

ONE Slattery and one Heineman, of New York, recently swapped cows, the latter receiving \$25 to boot. Slattery sued Heineman for damages, on the ground that the cow he obtained was not a milker as represented. The cow which Heineman received was blind of one eye, and only fit to kill and corn, so he killed and corned her. The jury "wrestled with the case" for two hours, and eventually returned the following jewel of a verdict—

"We find that Both Cows were unhealthy and Dried up. We therefore Give a Verdict for Plaintiff for \$22.50 with Costs and that the Dry Cow shall be put in charge of the two Lawyers in the case, each to hold her a week & that they have the milk Received from the Dry Cow while in their charge. We give this Verdict on the Basis that the one-eyed Cow, which was killed, was not given sufficient time to show what it could do before it was killed and we take for

Granted that, the cow now in Possession of Slattery is about the same kind and worth as much as the one-eyed Cow and the only difference between them is the money Paid by Slattery, which we give verdict for."

AN AMERICAN'S IMPRESSIONS OF ENGLAND.

HORACE WHITE, until recently editor of the *Chicago Tribune*, has been passing a few months in Europe, and as one result of his observations "An American's Impressions of England" appears in the London *Fortnightly Review*.

The thing that struck his mind most powerfully was that there was more real practical republicanism in England than in the United States. The following are his observations upon this point—

"England has given to America language, literature, laws and institutions. She gave us the Protestant religion, Magna Charta and African slavery. She endowed us with whatever she had at the time, and we took the good and the bad together. When we came to construct our government we borrowed the form of king, lords and commons without their titles and hereditary succession. The new country remains in this respect, where it was nearly a hundred years ago, while the old has greatly changed. King and lords, through retaining their titles and succession, have been merged for all practical purposes in the Commons, while President and Senate remain independent, co-ordinate powers on our side of the water, and the executive power has sensibly gained upon the legislative. In recording some of the impressions which a first visit to England makes upon an American, I mention this as the most striking in its effect upon my own mind. The new republic has, if anything, veered toward monarchy, while the old monarchy has manifestly drifted to republicanism. It seems rather a startling thing to say that England is more republican than the United States, but I have ventured to say it in an American publication, and I repeat it here.

"I understand a republic to be a country which is governed by public opinion. As between two countries which are so governed, the one in which public opinion acts more speedily, surely and effectively is the more republican, and that country is England, since England is not fettered with specified terms of office during which public opinion is powerless to effect its ends. The spectacle of a proud and able ministry brought to its knees and compelled to change its course within a week's time, upon a question whether a bill, deemed by the Premier to be of secondary importance, should be passed in this session or the next, is altogether without parallel in our legislation. It was clearly Mr. Disraeli, not Mr. Plimsoll, who apologized for the late exciting scene in the House of Commons. It may be argued that specified terms of office are useful in order to secure the sober second thought of the people rather than the first impulsive expression. That may be true, but does not affect the question whether the one or the other kind of government is the more republican."

Mr. White does not seem to be in favor of universal suffrage, pure democracy. He thinks that it would not be wise for England to adopt measures to bring in shoals of voters suddenly from the now non-voting class; that a more equal distribution of seats among the constituencies is desirable, but that in a general sense the republicans of England have already got all, and more, than they can ever attain by copying after the Americans; and that the opinion that it would have been better for the people of this country, especially in the large cities, if property or educational tests had been adopted and adhered to, in place of universal suffrage, is held by nearly all who have either education or property.

Mr. White is convinced that not only is there more real republicanism enjoyed in England than in

America, but that justice is more surely and expeditiously administered in British than in American courts, a fact which needs no argument. The reasons for this Mr. White thus sets forth—

"In the first place English judges are not concerned to determine the constitutionality of any statute—that question having been concluded by the Parliament which enacted it. American courts are constantly pestered with questions of this kind. They have to determine not only the interpretation of the law, but whether it was competent for the legislature to pass the law, and the Legislatures, both national and state, have fallen into the habit of passing bills of doubtful conformity to the Constitution, relying upon the courts to correct their errors, if any—a habit which may be mildly characterized as slovenly, dangerous, and destructive of all sense of legislative responsibility. One-third of all the delay and expense of lawsuits (except those of a strictly common law type) arises from the necessity imposed upon judges of deciding upon the constitutionality of statutes. It might be supposed *a priori* that the courts would eagerly seize such powers, and that the Legislature would stoutly resist such encroachments. Exactly the opposite result has followed in both cases. The courts manifest great reluctance to set aside statutes for want of conformity to the constitution, and the Legislature, in cases where they do so interfere, manifests not the least uneasiness, unless some party advantage is thereby put in jeopardy, which seldom happens. Secondly, the twofold system of courts—one appertaining to the State and the other to the United States—with a large and increasing number of cases which may be transferred or appealed from the former to the latter, has no parallel in England. Without going into details, I may say that it is productive of both delay and bad feeling. Thirdly, the practice of choosing judges of the State courts by universal suffrage has borne bad fruit in many places, and is destined to bear worse before we see the end of it. The general uprightness of the Judiciary serves to make the rascality of the exceptions more glaring, and to point out more forcibly the dangers of a system which contains such germs."

Mr. White was also struck with the rapidity with which common schools had been established in England since the passage of the late education bill, and the means employed to enforce the attendance of children, great progress having been made recently by England in providing school room and instruction for all her children, and in compelling their attendance.

The rates (taxes) paid by Londoners for all purposes, including church rates, Mr. White says are trivial, compared with those paid in American cities, probably not more than one-fifth the sums assessed upon equal amounts of property in New York or Boston.

Mr. White thinks the Church of England safe enough from the assaults of either Moody and Sankey or the Pope of Rome.

Mr. White thinks there is a necessity in England for further sanitary legislation. In regard to land tenure, he is of the opinion that the accumulation of land in great estates, that improve the air and beautify the scenery, is rather a public benefit than an injury. He considers that the English railway trains are run faster than the American, and are safer from accident, except for the greater frequency of trains on the same tracks. The exclusiveness of the English railway carriage system, and the luggage arrangements, Mr. White condemns. He considers railway fares higher in England than in America, owing to the greater original cost of the roads, but he says—

"Of course, if people have the luxury of riding thirty miles an hour through crowded cities on the summit of arches more magnificent than those of the old Roman aqueducts, they must pay something for it. The sensation is a novelty to all foreigners, and probably nothing gives one a more distinct impression of the high material civilization centred in London. The extraordinary and unequalled facilities enjoyed by London for intercommunication by means of her elevated and underground railways and her river steamers constitute one of the factors whose con-

junction appears to make it impossible for any other city to overtake her in population and importance."

Mr. White says the English are more given to horse racing and turf gambling than Americans, and the English papers give more space to the betting market than to the produce market. He thinks John Bull has remarkable capacity for stowing away beer, stout, sherry and brandy, and that with that robust gentleman drinking is a matter of "true inwardness"—he does it because he likes it.

As a result of frequent and extensive tours on foot through the districts inhabited by the English working men, Mr. White concludes that skilled workmen are on the whole better provided with comforts in England than in America, but have less opportunity to become employers; that the condition of the unskilled laborer is essentially the same in both countries; and that the "slums" of London are more orderly than those of most American cities.

In regard to the civil service Mr. White says—

"The English civil service, though perhaps no better than some of the continental systems, is a text upon which any American who has had to do with public affairs may preach a long sermon to his own countrymen. This is not the place for such a discourse, and I shall only outline the impressions made upon me. They will perhaps appear as simple as some of the observations of Goldsmith's *Citizen of the World*. Nevertheless they go to the root of the whole question of government. In England I perceive that the forces of society conspire to make the person holding an administrative office efficient, faithful, diligent, and trustworthy. How far the original appointment to office may be controlled by favoritism I do not enquire. But it is very clear that if the appointee turns out a rascal, an ignoramus, or a sluggard, he must prove so in glaring despite of the system under which he holds his place, since he is sure of retaining it if he is meritorious, and of being promoted in due time if he is extra meritorious, and of being pensioned if he is disabled in the service or overtaken by age. His office gives him a certain amount of social distinction, which he loses if removed for any fault, and the *esprit de corps* which has been bred by long continuance of the system insures a degree of intelligence at least proportioned to the duties of the office. Under such a system the members of a vast official patronage cannot be imported into the ordinary political contests of the country to give additional heat to elections, to inflame partisan rage, and to stifle independent thought and action. Turning to the American system or practice, we find that the surroundings of the ordinary office-holder prompt him to do the best he can for himself during his probably limited term of office. His social position is not improved by his acceptance of place, but rather the reverse, because he is most commonly understood to hold it at the pleasure of some Congressman, and consequently to be the tool of said Congressman. No qualifications of fitness are really requisite, though public opinion enforces some attention thereto. The officer is liable to be removed whenever he becomes distasteful for any reason to the appointing power, or when any other person can command the influence to supplant him. Of *esprit de corps* there is none, and can be none. When an election of President is to take place, the emoluments of some eighty thousand offices are really put in dispute, for although the number of removals is always much less, the potentiality of removal is equal to the whole number of incumbents, and the heat generated by the strife is equal to the greed which that number is capable of engendering. A distinguished American Senator has been heard to say that this makes the best civil service in the world. It is the worst one that I know anything about, but its inherent vices cannot be fully appreciated till one has been brought into the neighborhood of a better. I count it among the greatest advantages an American can derive from a visit to England, that he has the opportunity to put the two systems side by side, and to learn the detestable vices of his own by comparing it with yours. If England has not carried her civil service to the perfection

attained in Germany, she is not manacled by bureaucracy, and her example proves that it is possible to have an official class who are not a governing class. Indeed, the official class in the United States are understood to have fulfilled the conditions of their appointment so far as they have succeeded in becoming the governing class, and the most common reason assigned for removing an incumbent is that he has lost political supremacy in his locality. Why do we not change this system? you ask. There are some difficulties of a technical character. Congress cannot change it even if so disposed, because the constitution lodges the appointing power in the President and the removing power is understood to be a part of the appointing power. The President, for the time being, could change it if he would, but his acts would only have the force of an example to his successor. In truth, neither Congress nor President appears to desire any change. They are the chief beneficiaries of the partisan activity of the appointees. In point of fact, public opinion is not yet fully alive to the egregious and growing evils of the service. These evils are understood to have begun in the Presidency of General Jackson, some forty years ago. Prior to that time the American civil service was very much what the English is now, yet there has been no change of law or constitution meanwhile, but only of practice. The American civil service has now become in some respects like the English in the time of George III., when members of Parliament were bribed with place to bound on the war against the colonies. It is a system which cannot last. How much further mischief it must work ere it is abated time will show."

WON'T ACCEPT AN APOLOGY.

ON the breaking out of the late Indian scare in Nevada, there was such great outcry that the California papers expected a first class sensation, and particularly that the "Mormons" would be seriously incriminated, and that terrible vengeance would be inflicted upon them by the indignant and enraged volunteers from the Pacific Coast. Since the explosion of the hubbub, those papers have been heavily denouncing the Nevadans who raised the false alarm, or took a hand in it. The latest indulgence in this line is the following from the *Sacramento Record-Union*—

"The Eureka (Nevada) *Sentinel* takes us to task roundly for our comments on the lynching of the Indian who killed Toland. Our readers may, perhaps, remember that we characterized the deed as an indefensible outrage, and intimated that it was calculated to have a very bad effect upon the Indians. The Nevada paper states in rejoinder that we know nothing of the facts; that the lynchers were not ruffians, but the best citizens of Eastern Nevada; and that they murdered the Indian from the best and most enlightened motives. Of course we make allowance for the position of a journal which, being published within reach of the 'best citizens' of Eastern Nevada, and being so much better acquainted with the 'facts' than we can possibly be, no doubt, finds discretion the better part of valor, and even the somewhat repulsive task of justifying a villainous murder preferable to the physical insecurity which might attend upon a more independent course. But, notwithstanding such considerations, we see no reason whatever either to modify or retract our previous expressions. On the contrary, if the lynchers were among the best citizens, their conduct is the more disgraceful and reprehensible; and if lynching is the way in which the bubbling passions of our country find a vent among the best citizens, it would be interesting to know how the worst citizens behave when they happen to be 'riled.' As to the pretense that the murder of this Indian was justified by any existing circumstances, we are far too well acquainted with the facts to accept so preposterous a plea. There never was the least danger of an Indian rising in Eastern Nevada, though some of the 'best citizens' evidently lost their heads over baseless rumors. We take the truth to be that these men