#### SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS-COMPILED EVERY DAY FOR THE EVENING TELEGRAPH.

Ju le'at Killing.

From the N. Y. Tribune. An able summary of reasons for abolishing capital punishment is published in Putnam' Magazine for February. We hope our present Legislature, and the people and press gene-rally, throughout this State at least, will promptly give this matter the attention it deserves, by striking from the statute-book this lingering relic of barbarism-the cool and deliberate killing of criminals by officers of the law. This custom has its rise in the same low estimate of the value of human life which constitutes savagery itself as distinguished from civilization. We must not lose sight of the fact that legislatures, courts, and sheriffs do not create justice; they only make law. Eternal Justice, always mightier than the law, denies that those who are powerless to confer life shall take it away, or that any combination of men, or forms or technicalities of statutes, or elections, or human warrants, can confer on one man, though he be styled a sheriff, the right to take the life of another, whatever may have been his crime. It is still brother against brother-Cain against Abelwhatever judicial forms precede the murder.

In the earlier and rude stages of society, there was a strong argument for taking human life for great offenses, because society was too weak to restrain its criminals. Its lack of prisons, or of the means to make them efficient, compelled it either to slaughter its prigoners or to enslave them. But we have such ample provisions for securing and reforming criminals that it is wholly unnecessary to kill them. If we compare with our present state the lack of prisons, jails, and the means of taking care of prisoners in the nomadic life of the ancient Jews, we must perceive that capital punishment, while necessary for the defense of society then, is a ruthless and useless sacrifice of life now. The world has so outgrown the notion that punishment has some merit or excellence in itself which demands its infliction, without regard to its utility, or that Justice, when violated by the taking of one life, can in some mysterious way be vindicated by taking another, that it seems like recognizing the Inquisition as an existing evil to argue against such phantasies. The wounds of Justice only bleed afresh when staunched with the blood of those who inflict them.

Judicial killing tends directly and only to increase murder by individuals. Abolish the gallows, and the most deprayed are taught a new lesson of the sacredness of life. centuries ago, in England, 134 crimes, says Blackstone, were punished with death; now, we believe, but three. When society at large held its lives so cheap, could individuals hold them dear? Shall a part be greater than the whole? When society collectively holds the taking of life for injuries against it to be a religious duty, will society individually held the taking of life for individual injuries a bestial crime? When England held life to be fifty times as cheap as now, Englishmen committed fifty times as many murders.

The abolition of capital punishment in Maine, Michigan, Rhode Island, and Minnesota has not made violent crimes more frequent there, but less. In Arkansas or Texas, where Judge Lynch cannot even wait for lawful court and jury, but hangs his supposed culprit at the first tree, there are still twenty murders to one hanging. However society may make haste to shed blood, individuals will outstrip it in the race. Not so much for the sake of the criminal as for that of society, to increase the horror of man-killing, to make sacred from violence the mysterious incarnation of God in man which every human form embodies, to educate our children in the faith that not even the horns of the Altar of Refuge were ever so sacred in the sight of God as the fugitive life that clung to them, let us do away with the death penalty. Let it follow after the stake, the rack, the wheel; after the chain-gang, the slave-pen, and the auctionblock; after the burnings, orgies, and tortures of the American savage; and let our children read of it with a shudder, as one of the ghastly, ghoulish horrors which went out with slavery.

### The Victory of Fenton.

From the N. Y. Herald. Thurlow Weed came into political life on the dead body of one Morgan, and goes out with the dead body of another Morgan. The first Morgan, though bogus, was "a good enough Morgan till after the election;" the last Morgan, though genuine, was "a good enough Morgan" enly till the election came Weed came in under the wing of Seward and goes out under the wing of Hugh Hastings. The dethroned king of the lobby jobbers has retired to the more genial climate of South Carolina, there to ruminate over the ruins of Charleston, like Marius, on a small scale, over the ruins of Carthage, while the managers and the trumpeters of his faction, left behind, "make Rome howl" with their impotent rage.

The election of Fenton to the Senate in the place of Morgan is a terrible defeat to the Seward Weed-Morgan faction. Down to 1860 it was the political firm of 'Seward, Weed, and Greeley." But then, although Seward and Weed were fattening on the spoils, Greeley, on bran bread and dry promises, was getting rather thin in the legs. So he bolted, and while Seward was thrown upon his beam ends Weed set up the war whoop and the war dance, and has been fighting on that line ever since till finally knocked off his pins and laid out stiff and celd with Morgan. All things to all men; perfect in his role of Oliver le Dain, the king's barber; taking everything as fish that came into his net, and fishing for everything; denouncing to-day Tom, Dick, and Harry as thieves and traitors, and sharing with them on the morrow the profits of a lobby job, Weed has conciliated old enemies or made new friends with an opening on free wool, a shoddy contract, a steamboat, a guano venture, or a whisky ring; but though flexible in everything else, his wrath against Greeley and all his tribe has been stronger than free wool, shoddy, or whisky. Upon this one idea of a rival to be put down at any cost, large as have been the lobby pickings and perquisites of Weed, we dare say that much has been saved to the treasury-city, State, and Federal -from the war between these implacable factions.

The decisive split has come in Morgan's terrific defeat. An immense brood of chickens counted upon has failed, for the eggs are addled. The regular Seward organ of city was getting on hopefully, very hopefully, with a charming budget of offices and spoils in behalf of the so-called conservative Republicans, until the preposterous fizzle of the attempt to fuse them with the Democracy in the steaming chowder pot of the Philadelphia Johnson Convention. That fiasco not only ended the funny career of the orator of the day in Congress, but resulted in the necessity for a new departure and a new organ in New York for the firm of Seward, Weed, Morgan, Conkling, and Andy Johnson. The impeachment to the contrary, they were all in it; for while Morgan and Conkling were voting to

quittal of Johnson.

The new organ was set up, a joint stock cencern, by joint stock contributions. If we are not mistaken, Mr. Morgan put in ten thousand cash, Mr. Conkling ten thousand, Mr. Roberts ten thousand, and so on, more or less, from different parties, until enough was secured to float a nominal capital of three hundred thousand dollars. What then? The programme was to save all obtained and to get all that could be got out of Johnson in spoils, while working to secure the inside track in the Senate, the Cabinet, the Custom House, etc., under Grant. Raymond was set back on probation, Weed was required to keep in the shade, and Dana was brought into the foreground. Dana is a sort of Tall-yrand in diplomacy. He hit upon the idea that a man who won't be bullied may be humbugged, and hence the brilliant conceit of Greeley for the mission to England as the proper successor for Reverdy Johnson. This distinction, it was supposed, would serve two

purposes-one in satisfying the fighting philosopher, and one in getting him out of the way. This was the programme. The first essential in carrying it out was the defeat of Fenton as candidate for the nomination to the Vice-Presidency on the ticket with Grant, and he was defeated. The next thing was to secure the reclection of Morgan to the Senate, and in this view, Morgan and his political ring contributed very liberally the sinews of war in many doubtful districts. Indeed, we are told that Morgan's money carried the Legislature for the Republican party; that he has reason to think he had carried the Senatorial caucus; and that he has become so completely acclimated to high life in Washington, to say nothing of its honors and emoluments, that the matter of money was to him a small matter in view of another term of six years in the Senate. But upon this vital issue there has been a dead failure-bay, a disaster equal to that of the first Bull Run. The brilliant programme we have outlined, with its mission to England and all its beautiful eastles in Spain, has vanished like the delusive pictures of the mirage in the desert. Morgan and his men, with their own money and their own guns turned against them, are done for, and Fenton and his faction have secured the magic lamp, at the rubbing of which a Cabinet portfolio, or a post office, or a custom house, or a palace across the sea rises into view with a

beckening hand at the door. Well, such is the whirligig of politics, and if Mr. Morgan has been beaten by his own money, he must remember that the love of money is the root of all evil. But with Conkling still in reserve against the radical ring, Fenton, keen, cunning, and unscrupulous as he may be in party tactics, may still have a hard fight before him. In any event, we have here a split in the Republican camp over which the New York Democracy may rub their hands and chuckle with some satisfaction at the inviting prospect of better things

The National Banks-Mr. Sherman's Bill. From the N. Y. World.

The bill reported by the Chairman of the Senate Finance Committee for amending the National Bank act is a declaration of want of confidence in the national banks, an inculpa-tion of their management, and an impugnment of their solvency. The evils and dan-gers against which the bill seeks to guard, are evils and dangers which have been forced upon the attention of Congress by the practical operation of the system.

The first section of the bill compels the banks to make reports of their condition on any past day which the Comptroller of the Currency may choose to designate, such reports to be required of every bank at least | men in this freedom and intelligence as agents once a quarter, and of any bank as often as | in the production of wealth. It is due in parthe Comptroller may think expedient. This is intended to abolish the present dishonest practice of cooking up reports of the condition of the banks on a stated and foreknown day. By certain tricks and subterfuges, well understood by the banks and constantly practised, they can prepare a delusive exhibit, which shows a factitious state of their concerns, created for the occasion; deceptively true on that day, but true for no other. The consequence is, that the public has no trust-worthy knowledge of the condition of the banks, their reports being the only accessible source of information, and being expressly fabricated with a view to mislead. This, of course, is not true of all the banks; but it is true of so large a number that no confidence can be reasonably felt in any except those old and reputable institutions which acquired their character and stood on solid foundations before the national system was adopted. If Mr. Sherman's bill passes, as it ought and we hope it will, the banks can no longer practise the juggle of putting on a borrowed holiday suit just for one day to appear before the public in, and resume their ordinary rags as soon as the report day is over. They will never know beforehand the day whose condition is to be disclosed. It is only their condition on some past day that is to be called for, and as this is to be selected at random, it is as likely to fall on the worst day as on the best. If the Comptroller suspects its honesty, he can immediately call for another report of the condition of the bank on any other past day; and as all such reports are to be published, two or three reports required of any bank in quick succession would indicate distrust, and put the public on its guard. Nothing could be more wholesome or salutary than this feature of the new bill, but it unsettles confidence in the banks that such a precaution against fraudulent

reports is judged necessary.

\*\*nother still stronger implication against the credit of the national banks is contained in that section of the bill which requires all banks in which Government funds are deposited to give security by pledges of United States bonds, the deposits never to exceed ninety per cent. of the amount of the bonds so pledged. Now, whatever is unsafe for the Government cannot be safe for private depositors. The Government has great advantages over individuals in its means of estimating the solvency of different banks, and if it dares not trust the few which it may select as depositaries of the public revenue, how great must be the danger to the community which deposits in them all! The proposal of such a bill as this must shake confidence in the banks-a thing which the Government would be slow to do if the management of the banks

did not furnish grounds of distrust.

The holders of bank notes are perfectly safe, as the Government guarantees their payment. But the notes form but a small part of the banks' liabilities. The people are more and more abandoning the practice of keeping sums of money by them, imitating in this respect the trading community, who deposit their money in banks as fast as they receive it. Butchers' bill, grocers' bills, shopkeepers' bills are paid by checks, as well as the larger purchases made by traders. A man who carries bank notes in his pocket is safe when the bank fails, because the Government will pay them; but he who deposits his money, and uses it by means of checks, has no guarantee; and this latter description comprises the greater part of the ready money of every com-munity. It would be perfectly delusive,

convict, their factorum was raising money from the whisky rings to buy up two or three lation of the banks is guaranteed, their failure would not inflict great and wide-spread lesses. would not inflict great and wide spread lesses.

By this new bill the Government proposes to take ample security for its deposits with the banks; but the community can have no other security than its knowledge of the solvency of the banks-a subject which it behooves depositors closely to look into since this declaration of distrust by the Finance Committee

The Revision of the Tariff.

of the Senate.

From the N. Y. Nation. The public, as regards the tariff question, may be divided into several classes. The first are prohibitionists, pure and simple, who would, if they could, put an end to all trade with foreigners and employ the whole capital and whole labor of the country in producing every article the people require; but then these are so few in number, and to deficient in intellect and education, that their opinions hardly repay discussion. Then there are protectionists of the Carey school, who believe diversity of interest to be necessary so sound progress, but are not disposed to trust the reation of this diversity to the spontaneous exertions of individuals, and therefore advocate the stimulation of it by taxation. These may be called the scientific protectionists, and they have a large body of undisciplined followers, who may be called spread-eagle protectionists, and want everything to be made at home for the honor of the flag. After these come the selfish protectionists, who advocate the exclusion of foreign products, really to provide a good market for their own goods, but nominally either on scientific or spread-eagle grounds, or on a mixture of both. Lastly come the moderate protectionists, who comprise by far the greater portion of the sect, who think it necessary and desirable in a new country to tempt men into the foundation of new branches of industry by legislative aid, but would not foster anything that would plainly flourish without fostering, nor foster anything whatever longer than was necessary to give it a fair start. Turning to the free-traders, we find two

divisions, and two only. One may be called absolute free-traders, of the French type, trained by Bastiat, armed with principles and logic, and full of scorn for people who shrink in politics from clean-cut conclusions. They apply the laws of mechanics to the work of government, and having found their rule, refuse to admit that its action may be modified by circumstances. They proclaim the absolute right of men in society to sell the products of their industry where they please, and treat all restrictions on this right as forms of robbery, implying moral obliquity in the person or persons who create them. This division is small in number, but it does most of the work of agi ation. The other, while admitting the abstract truth of the great doctrine of free trade, is content to submit to such modifications in the application of it as the state of public sentiment or of the national finances may seem to require; and while maintaining that duties should only be levied on foreign imports for revenue, are willing to have the duties so distributed as to favor branches of industry which protection seems likely to make selfsupporting within a reasonable time, and, in fact, generally to give the American manufacturer, wherever possible, whatever advantage over the foreigner may be capable of being extracted from a moderate tariff.

Now, the tendency of opinion the world over is towards the recognition of the freetrade dectrine as the natural law of human intercourse, and towards the reduction to the lowest possible point of all interference with its action. This is due in part to the growth everywhere of individualism, the increasing respect for individual intelligence and freedom, and the increasing confidence of statesalso to the prodigious success which has attended the application of the pure freetrade principle in the United States to the relations of a great number of separate political communities. The absence of custom-houses from the interior of this continent has afforded the first practical refutation of the old delusion on which most government interferences with trade have in past ages been based, that in the exchange of commodities between two separate political communities one is sure to lose, and both cannot profit. The absurdity of this has for the first time been demonstrated by the United States. The result is that though absolute free trade is nowhere else found, the tendency in all civilized countries, except in the British colonies, is towards a lowering of tariffs, and the leading political economists of the world have abandoned the principle of protection as worthless, and the influence of nearly all colleges and places of education is

thrown against it. In the United States sentiment is so divided that the triumph of either principle is not possible; and, if we are to believe Burke's maxim, what is not possible in politics is never desirable. The tide at present, owing to the shocking abuses of their power perpetrated during the last seven years by the sel fish protectionists, is running against protection; but even if it ran twice as strongly as it does, free-traders are not in a position to take advantage of it-nor are likely to be in our time, to secure the absolute triumph of their idea-for the simple reason that in a country like this a very large proportion of the revenue must, perforce, be drawn from duties on imports from abroad. The middle ground, on which both parties may and probably will meet, is such an arrange ment of the tariff as will give an advantage over foreigners to interests which are likely to gain strength by being temporarily fostered, and which are now too weak to stand alone, and by whose existence the country seems likely eventually to profit. The free-traders need not hope for the abolition of the customhouse, and the protectionists must give up the hope of complete or indiscriminate pro-tection, and of all protection for branches of industry the forcing of which is injurious to other and larger branches, or which are never likely to be able to stand alone, no matter how much they are forced.

Indiscriminate protection is an absurdity on its face, because it gives no advantage to anybody. It the Government gives an iron manufacturer the power of raising his prices forty per cent., he profits by it so long as the farmer, butcher, baker, tailor, shoemaker, landlord, and weaver do not raise their prices too; but if, by protecting them also, the Gov ernment enables them to raise their prices, its protection to the ironmaster becomes a farce. Nor is it necessary to protect all branches of industry to produce the farce; the leading ones are sufficient; because a rise in a few leading products diffuses itself through all. Yet this is what Congress, for the last seven years, has been trying to do. Having no policy, and apparently no principles of its own, its plan has been to sit and wait for the manufacturers to come and ask for what they want. First comes the ironmaster and gets his forty per cent.; as long as nobody else gets a similar favor, it is clear gain to him. But he has hardly got home when the wool-grower and cotton-spinner and lumber-dealer and coal-miner arrive and claim the same thing, and get it. The result is that all prices are raised forty per cent., and the

ironmaster finds at the end of a year he is just where he was before. He accordingly goes back the next year and claims more protection, and gets it; the others hearing of this, do the same. Members of Congress take each interest's own story as to what it wants as conclusive, and the result is the monstrosity called the tariff. The whole process has been somewhat like an attempt to fill a bucket with a hole in it.

What is wanted to produce any change for the better in the tariff is the adoption, either by bill or resolution, of some principle or rule or policy as to the kinds of industry which shall be protected, and the rigid restriction of the duty to the point, consistent with due regard to the revenue, at which foreign competition, though not felt, may be feared by the lazy or unenterprising, and the absolute exclusion from all protection of raw materials and products which can never hope to stand alone. The facts on which such a principle should be based should be furnished by a long and careful examination, such as Mr. Wells has made, and not on the application of manufac-

The fact that a manufacturer cannot make money at present prices no more constitutes a claim to protection, or increased protection, than to an appropriation from the Treasury because it may be the result of his own bad management or the over-protection of some other branch of industry on which he is dependent, or simply the rise of prices to their old level under the influence of the general diffusion of the tax. In one most important branch Mr. Wells found that the effect of a rise of duty was exhausted in about six months. At the close of that time the manufacturers had to go to Washington and begin their lamentations once more.

Botching the Indian Bureau. From the N. Y. Times.

The Senate Committee on Indian Affairs proposes, it seems, to "effect a compromise" between the two theories of Indian management by recommending the appointment of a "Civil Commissioner," with sole power over the Indian tribes, until "the occurrence of hostilities," in which event, should the President declare that a state of war exists, the control of the Indians is to be passed over to the War Department.

In other words, this committee proposes to give us the old bureau under a new namethe old foe with a new face. It proposes to give a fresh lease to the inefficiency and corruption already connected with the civil administration of Indian affairs, and to make the present confusion worse confounded. For, under the proposed system, we shall have a greater division of responsibility than ever. As it is, there is never anybody to blame—the army officers declaring that Indian troubles are not their fault, because they have no absolute control, and the bureau officers always as stoutly protesting that they are not responsible, because the army has come in and made war where war there was none. What the Senate committee now contemplates, apparently, is to make this bad matter worse. We shall get just enough War Department to block the Interior Department, and just enough of the Interior to disgust the War. It will be a complete slipping between two

But, we shall be told, the civilians will control Indian affairs in peace and the army officers in war, according to the natural division of authority. Exactly. The Indian rings will do all the damage they can in peace, with their rascally agents and tracers, and when the general ruin and demondization and ill-feeling against the troops have got to such a point that the Indians begin hostilities, then the army may step in, as of old, to restore peace. This being done, back goes control to the Interior Department, or to the "Commissioner," and, with control, the old round of trick and dicker, fraud and folly.

Now, what we say of this is that it is no 'compromise' at all-it is the old thing in a new shape. It is the treadmill of trouble and relief which we have had ever since Indian affairs were taken from their original place in the War Department and given to the newly-created Department of the Interior. Our army officers, an upright and incorruptible class, have proved that they understand the Indian better, and know better how to treat him, than do the civil appointees of any political party. The Senate committee claims that its report "embodies the views of the Indian Peace Commission last winter." That is true. But since then, namely, last fall, the same commission, raising its former plan on which the Senate bases its action, recommended with a solitary negative vote (and that Com missioner Taylor's), the absolute transfer of the control of Indian affairs, in peace as well as in war, to the War Department, as the only way out of our difficulties. On this revised judgment the House based its action, and we cannot but hope that the House bill will yet pass the Senate.

We predicate these observations on the published summary of the Senate committee's plan. We should only be too glad to be compelled to modify them by finding that this summary unfavorably misrepresented the bill. We admit, too, that it is a great point that General Grant will be the "President," for four years at least, who will judge of "the state of war" authorizing a transfer of Indian control to the army. Nevertheless, it is the civilian Commissioner who is first to "report that hostilities exist." And, on the whole, the House bill seems to us the least cumbrous. safest, directest, and every way the best plan for restoring something like order and system to our Indian palicy.

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