

SPRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS—COMPILED WEEKLY BY THE EVENING TELEGRAPH.

NO IMMUNITY FOR SLANDER.

Libel suits are generally regarded as a device for the persecution of newspapers. They should be held a wise provision for their protection. We dissent from the declaration of a prominent editor, the other day, when an acquaintance claimed his congratulations on the recovery of a substantial verdict for a wanton slander. "Oh, you know newspapers are all opposed to libel suits." The Tribune is not opposed to libel suits; it is in favor of them. It heartily wishes there were ten times as many of them; that the law's delays might be lessened, the process of forcing a verdict simplified, the probability of heavy damages for clear malicious libel increased a hundred fold. In short, the Tribune is not in favor of slander; wants no immunity for slander; longs for the day when the impunity wherein so many other papers riot, to the disgrace of journalism and the incalculable reduction of its power, shall be summarily ended, by short, sharp justice, impartially and relentlessly administered.

Here is the case of Mr. E. L. Sanderson, of Brooklyn, against whom this libel was printed in the Sunday Mercury, in the autumn of 1867.

"Ethan L. Sanderson, extra radical candidate for Assembly from the Third, Fourth, Fifth, and Eleventh wards of Brooklyn, did a good thing in his sober moments, and in the way of a soldier, claims against the government for a fearful period. The blood money he got from the Boys in Blue in this way is supposed to be a big thing, and we expect him to the Assembly next fall, although the soldiers and sailors are out in full force against him."

It was not till this month of April, 1871, that three or four days ago, Mr. Sanderson was finally able to secure from the court of last resort a judgment for five thousand dollars damages for this wanton libel, the means for determining the falsity of which were in the possession of the editor when he recklessly set it out. A verdict was obtained in the Kings County Court. The case was appealed to the General Term, and the judgment of the Court below was there affirmed. The case was then carried to the Court of Appeals, where the judgment was again affirmed, and Mr. Sanderson was given, after a delay of half a year of vexatious litigation, his order on responsible men for his five thousand dollars.

Now who does not see that it would have been better for the cause of honest, reputable journalism, if the damages had been made twice as heavy, and awarded five times as soon? We have looked through the copy of the paper in which this libel was printed, and do not doubt that that identical sheet contains a dozen others as gross and malicious. But there was only one of the victims uniting the means and courage to prosecute with the promptness of a lawyer, and the nerve and throat to fight for his verdict. Suppose the others had been ready to do the same, and the verdicts had been irrevocably rendered in each case within six months, can it be doubted that the Sunday Mercury would henceforth have thought it profitable to indulge more sparingly in wholesale slander—that a swarm of lesser organs of personal defamation would have taken warning by the example—that honorable journals would have gained in repute and influence by this process of cauterizing the excrescences of journalism?

There are papers in this city that never print an issue without a libel. Sometimes it is the offering of malicious hate, more often of malicious recklessness. In not one case in a hundred is a fair correction ever made. A few angry victims go to the office, intemperately threaten suits, find their threats not unnaturally met with defiance, and then, remembering the cost, interminable delays, and great uncertainty, abandon the matter; while the newspaper, accepting this as a triumph, refuses any explanation, and either lacks the libel or avoids the subject, as its instinct of the probability that the victim may be goaded into an execution of his threat may dictate. Others ask corrections courteously, and are so disgusted at finding these adroitly put in such guise as to conceal the fact that there is any correction (or perhaps even to make the original libel worse), that they abandon the matter. The rest, witnessing these results, do nothing; but lament the lawless tyranny of a licentious press. Meanwhile the profession is degraded, and the influence of every honest paper is curtailed. Angry and wronged men do not draw the libel to court, or avoid the subject, as its instinct of the probability that the victim may be goaded into an execution of his threat may dictate. Others ask corrections courteously, and are so disgusted at finding these adroitly put in such guise as to conceal the fact that there is any correction (or perhaps even to make the original libel worse), that they abandon the matter. The rest, witnessing these results, do nothing; but lament the lawless tyranny of a licentious press. Meanwhile the profession is degraded, and the influence of every honest paper is curtailed. Angry and wronged men do not draw the libel to court, or avoid the subject, as its instinct of the probability that the victim may be goaded into an execution of his threat may dictate.

On many well-meaning journals, too, there comes a reflex influence. Finding slap-dash personal abuse one of the profitable things in the market, and the organs of slander apparently free to say what they please without restraint of any kind whatsoever, the wants of their business and the spirit of competition gradually draw them into the same current of miscellaneous libel. Here was a reputable journal, the other day, so demoralized to change a United States Senator by its infamous offense without a scintilla of evidence or even of probability for it, and so brazen as to refuse correction. On our table lies another reputable journal with an article gloating over a story it has wantonly invented that a young lady, prominent before the public, is secretly married. Political malignity may explain the one; a mere goitish love for prurience the other; but would it not be better for honorable journalism if both could be promptly and sharply punished for their inexcusable offenses against truth and decency?

We conclude as we began. Libel suits should be regarded not as the persecution, but as the protection of journalism. The Tribune is in favor of libel suits, wishes there were more of them, and that the process of getting verdicts and collecting damages were easier. But let us not be misunderstood. The subjects of real wrong rarely prosecute for libel, and we wish they would; the tricksters, the adventurers, the men without characters to damage, are the ones so generally prompt to seek salves in court for what no court can cure; and for them we profess no purpose save to give them the same hard rights they have so often had from us in the past. We intentionally make no statement which we do not believe true, and trust to be made. When we are mistaken, as must sometimes happen, we hold ourselves always ready, when the mistake is brought to our knowledge, to give the promptest reparation. There are fools who, after that, would still seek damages in court, and we are glad that they generally meet the fool's reward. But clear and malicious libel, correction whereof has, on proper application, been refused, ought always to be prosecuted; and we hold that the duty and interest of honorable journalists is self-defense, to unite in encouraging the prosecution.

THE FATE OF MRS. FAIR.

From the N. Y. World. A word fitly spoken, the wise man tells us, is like apples of gold in pictures of silver. California is rich both in gold and in silver, but she has never combined her treasures in more useful form than when on Wednesday a San Francisco jury pronounced Mrs. Fair to be guilty of murder in the first degree. It remains still to be seen whether the Governor of California will have the courage to initiate the firmness with which Governor Hoffman, in the case of the ruffian Real, who murdered a policeman, did his full executive duty, with an equal superiority to the moral movements of his own nature and to the organized influences which were brought to bear upon him to sway him from his loyalty to his oath and to his trust.

With the single exception, perhaps, of the murder of Mr. Key by Sikes, the murder of Mr. Crittenden by the woman whom California juries have now most righteously condemned was the most thoroughly odious crime of the kind which has been perpetrated of late years in this country. It closely resembled the "Washington tragedy" of 1859, not only as we have already pointed out, in the elaborate care with which the dramatic accessories of the deed had been considered and planned by the perpetrator, but in the cold-blooded and exquisite selfishness of the motives by which, so far as it is given to man to analyze the motives of his fellow-creatures, the assassin seems to have been governed in the doing of the deed. As subsequent events interpreted by the light of revelations made in the course of the trial have abundantly shown, the murderer of Mr. Key deliberately determined upon attempting to convert to his own personal political advantage, by an outburst of simulated passion, a scandal in which he had acquired so long as it seemed likely to slumber within the circle of his intimates, but which he had sufficient knowledge of his countrymen to feel would damn him were it to become public in a tame and commonplace fashion, the means made for the meritorious of Washington, proved to be correct. With the help of Edwin M. Stanton he emerged from his trial an injured husband maddened by the delicacy of his sensibilities into an irresponsible murderer.

The slayer of Mr. Crittenden, after exhausting her last hope of converting his remaining resources of property and of ability to her own exclusive advantage, in like manner resolved upon refreshing her somewhat worn and threadbare reputation as a siren by surrounding herself with the blood-red aureole of a murderess. Possibly she had read, certainly she was far enough advanced in life to remember, the proceedings in the case of that remarkable young lady of Scotland, Miss Madeline Smith, whose trial for the murder of her lover and dismissal upon a Scotch verdict of "not proven" were immediately followed by no fewer than sixteen offers of marriage, some of them from persons of means if not of mind. But a woman who had passed through life after the fashion of Mrs. Fair needed not the help of precedent and example to teach her a contemptuous confidence in the power of insolence and indecency over the imagination of a certain proportion of what we sarcastically term the "solid citizens." Mrs. Fair, in her well-known and widely-advertised character of a woman scorned into transient fury, and more than all that she had lost by the miserable subserviency of Mr. Crittenden to the yoke of the home which he had madly disowned but could not bring himself coldly to disown. She had nothing to fear but the possibility of such a verdict as that which has now in truth overtaken her.

But how vague and remote that possibility may have appeared to her. Of her male prototypes most distinguished, she was a friend of the Chief Magistrate of the Union, and to be selected by him as the fitting representative in a great foreign city of American morals and manners. Of those of her own sex the most conspicuous, the truly heart-broken Miss Harris, who came all the way from Chicago by express train, stopping at the best hotels, to shoot another woman's husband in the National Treasury because she had wished to marry him herself, had been surrounded by twelve sobbing citizens in a jury-box to the tender embraces, deep with many tears, of her sympathizing counsel. Why should Mrs. Fair have anticipated a less flattering fate than theirs? If we are to believe the reports of her trial, she is better looking than Miss Harris. Her histrionic talents certainly are not much inferior to those of Sikes. She made a mistake, to be sure, in that tirade which flung her fiercely and brutally, the lion upon her lips, against the widow of her victim confronted with her in the court. But then she had not enjoyed such advantages of education as her masculine predecessor. Perhaps, too, her almost exclusive familiarity with local life may have misled her as to the universality of that intolerance of conjugal fidelity which seems to have been her nearest approach to a moral conviction. But at all events she was attractive enough and clever enough to warrant her in counting upon a triumphant acquittal. It is recorded of a duchess of the Regency that she put down her confessor peremptorily, when he sought to tame her by eternal terrors into temporal restraint, by informing him that in her opinion the Almighty would think twice before he damned a person of her quality. What French duchesses of the last century expected of the Almighty, American drabs of the present century seem to expect of American juries. It is not very easy to justify criminal legislation at all, except its design be to benefit society, either by disciplining its members into restraining their passions or by putting away those members who trample the discipline under foot. In our recent American practice it had come near to be established as a principle that to prove the criminal transported by individual passion over the limits of social discipline was to excuse the crime. We cannot be quite sure that this principle has really been set aside in the case of Mrs. Fair. Her condemnation may perhaps, have resulted rather from the belief of the jury that her passion was simulated than from a sound recognition of the true basis of just verdicts in such cases. Still it is something to find a capacity even of critical dramatic perception in an average jury. It is better that a woman who has outraged every principle of decency and every noble instinct of humanity should be punished for bad acting in the dock than that she should be acquitted of murder in the highway merely because she is a woman.

RUFFIANISM IN STREET CARS. From the N. Y. Times. Any one accustomed to travel at night in our street cars will be able to appreciate how completely the respectable inhabitants of this community are at the mercy of our city ruffians. Their extensive control over city boards and local courts tends to our collective mass of ruffianism a social importance and a degree of immunity from ordinary restraint unexampled in any great city of the world. Any one who is a drunken or quarrelsome rough

may single out for insult is almost entirely without a remedy. He may be riding in a car filled with passengers, nearly all of whom are respectable citizens, but in the event of his being made the target of brutal insolence his peaceably-disposed fellow-passengers will, in nine cases out of ten, keep their sentiments to themselves, and represent the cause of order by a masterly inactivity. Nobody knows whether the foul-mouthed aggressor may not by an alderman or part proprietor of some local justice. He might have the ear of the Governor, or might be one of the shoulder-bitters who bark in the smiles of Vesali. To forcibly eject such a fellow, in the interests of decency and order, might somehow turn out to be a State prison offense, while to remonstrate with him might probably be the signal for a little promiscuous shooting, for which he would not unlikely go unpunished. In such a case, therefore, people who value their lives and their liberty cautiously let the insolent ruffian alone, and congratulate themselves that they have not happened to the recipient of his attentions. As for the drivers and conductors of street cars, we have yet to hear of one who will turn a passenger out for any reason short of being unable to pay his fare. He may be disgustingly drunk, filthy in speech or violent in conduct; but the company's servants, having but a low idea at any time of the deceptions proper to a public conveyance, may probably have a certain sympathy with the offender, and will certainly not, unless in very exceptional cases, have him put out or arrested.

A melancholy illustration of how much a ruffian may dare and do with the tolerance of on-lookers was given on Tuesday night. Mr. Avery D. Putnam was a passenger in a Broadway car, and was accompanied by two ladies. He occupied a seat near the door opening on the front platform. Beside the driver stood a man named Foster, said to be an ex-conductor of the Broadway and Seventh avenues line. This fellow took it into his head to exercise the right of a New York ruffian to insult a lady. He opened the door several times, and by look and action behaved insolently towards the younger of Mr. Putnam's female companions. A quiet remonstrance from the gentleman appears to have been regarded by the ruffian as a perfectly unwarranted interference with his special prerogatives. Awaiting the time when Mr. Putnam and his companions alighted, Foster seized the book of the apparently sympathetic driver, and stepping from the car, delivered his violent blow on the head which fractured the skull, and will probably result fatally. No more atrocious outrage it would be impossible to imagine, and its significance lies in the fact that nobody who has any experience of night-cars will be greatly astonished at it. People will say that the safest rule in such cases is not to notice the affront, but quietly to get out of harm's way by alighting. But will they at the same time reflect how utterly degrading to the inhabitants of the greatest city of the greatest of free people is the confession involved here? Our ruffians have got a blow on the head of us, and we give a shaking of our heads and a gasp of indignation. It is the unbridled license, and ours the unbridled submission. There is the power to command executive perdition, pigeon-holed indictments, and reverence from the police. Ours are the taxes that maintain ruffianism in riotous and insolent ease, and ours are the votes they are hired to render worthless.

The morbidly cautious passengers of a street car are but a type of the society to which they belong. We are sacrificing manhood, fair play, chivalry, everything that is worth being proud of, from a slavish fear of the driver of our police who have come to the surface. How inseparable are political morals and social license brought home to every man's understanding by an incident like the present. If our ruffians were not pampered, flattered, and paid by the knavish ring that misgoverns us, they would be far less bold and infinitely less dangerous. There is no perceptible dividing line between the men who, if the law did not bid them, would be in the State Prison and the men who control both the prevention and the punishment of crime. Their interests are perfectly identical, and those who believe in the stability of the one will be likely to fear to dispute the immunities of the other. If the public who ride in street cars would respect themselves a little more, and the class of ruffians a little less, we should soon see a marked reform in the insolent demeanor of these worthies, and perhaps a corresponding regard to decency in their political patrons. It will be but a melancholy consolation to the relatives of Mr. Putnam to be told that he has fallen a victim to such brutal passion as grows up side by side with political depravity, and that these excesses were all equally liable. The present offense is so monstrous that it cannot fail to excite a universal sentiment of public indignation. It may thus help to direct attention to the primary causes that render such an act possible. It will, without doubt, incite a general demand for the better regulation of our street cars and a more careful choice of the men to whom they are entrusted. Mr. Putnam's unprovoked and brutal murder may thus, by the startling disclosure it affords of the need for reform, be the means of producing a partial remedy for similar outrages. For his sorrowing friends every respectable inhabitant of this community will have but one sentiment of heartfelt sympathy, and for his dastardly assailant but one indignant demand for the full measure of justice.

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REAL ESTATE—THOMAS & SONS' SALE.—Valuable Business Stand, Three-story Brick Dwelling, No. 206 S. Eleventh Street, below Walnut Street, 56 1/2 feet front, on Tuesday, May 2, 1871, at 12 o'clock, noon, will be sold at public sale, at the Philadelphia Exchange, all that valuable three-story brick stable with basement and lot of ground, situated on the west side of Eleventh Street, south of Walnut Street, No. 206, the lot containing in front on Eleventh Street 55 feet, and extending in depth along Zenobia Street 62 feet. The stable has a press-trick front, good basement, the conveniences, etc., has accommodations for about 100 horses and 100 carriages. There is room for three stalls in the lot. Immediate possession. Terms—\$2000 may remain on mortgage. M. THOMAS & SONS, Auctioneers, 415 N. 2d St. Nos. 139 and 141 S. FOURTH STREET.

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REAL ESTATE AT AUCTION.

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REAL ESTATE AT AUCTION.

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