

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

THE DARIEN Isthmus Explorations.

From the N. Y. Herald. From the results of the careful and laborious explorations of the expedition under Commander Selfridge, United States Navy, in search of a feasible route at some pass across the Isthmus of Darien for a ship canal, we conclude that there is no feasible route in that quarter for a ship canal of the character required for the world's commerce. A dividing ridge of seven hundred and sixteen feet altitude above the sea level is too much for a through cut, or for the lockages necessary, in view of the vast reservoir of water demanded to supply the locks in both directions from the summit level. South of Nicaragua, the best route for a ship canal after all is that now occupied by the Aspinwall and Panama Railroad. The length of the canal by this route, from sea to sea, would be, say fifty miles, and for nearly half this distance the bed or the valley of the Chagres river would be available. The summit level is not much over three hundred feet, and appears, from its interlocking streams, to command a good supply of water. It is probable that a canal as large could be cut across this isthmus route at less than the cost of the Suez Canal, and that it would be much more durable when completed.

It is now prepared the most available route for a ship canal between the Atlantic and Pacific oceans in the Nicaraguan route. Captain Pym, Royal Navy, a British engineer, has calculated that a ship canal may be excavated over this route for about twenty millions of dollars. The length of this route from sea to sea for a canal would be, say one hundred and thirty miles, including the river San Juan to the great Lake Nicaragua (about two-thirds the size of Lake Ontario), the distance thence across the lake, and the distance thence some fifteen miles, to the Pacific. The summit level of Lake Nicaragua is some three hundred and fifty feet above the sea level, and in this great lake we have not only a reservoir sufficient for all purposes of lockage, and a fountain of cool fresh water from which may be supplied all the ships in the world, but a summit level harbor broad and deep enough to accommodate all comers from all quarters of the globe. Ten miles north of Lake Nicaragua, on the same plateau, is another fine lake, called Managua, and of the little town of Masaya, between these two lakes, Louis Napoleon Bonaparte, in an essay on a ship canal by the Nicaraguan route, has left his opinion upon the subject. No man has traced out a small capital canal. The moment he appears before a banker, or a board of directors, he is overcome by the moral power which flashes indignantly from their eyes. He sacrifices the small earnings of long years, and pays his note. Far different is it with the man who attaches no moral responsibility to his signature. He is the Napoleon of Commerce. The possessor of five millions, he gives out his notes for ten millions in the hope of making fifteen. The time comes when his "enterprise" has been carried so far that his creditors think it is judicious to arrest his onward career; but in stopping him in his business insanity, they think it important that he should reap its fruits. He is to be petted at the expense of the poorer people who have trusted him. It is important that his large fortune should be secured, through what is called an "extension," although a hundred people who followed modestly in his wake should be relentlessly sacrificed. This is the last stage of business demoralization, on the principles of Comparative Rascality.

THE SCIENCE OF COMPARATIVE RASCALITY.

From Every Saturday. Moralists are beginning to find that the development of modern science is bringing them face to face with new problems in ethics. Formerly it was considered sufficient to describe vices and crimes; now it is found necessary to compare them with each other, and indicate their relations. Comparative anatomy is an acknowledged science, which has shed immense light on the mysteries of the human body; Comparative Rascality is an imperfectly recognized science, but one sure in the end to clear up some of the mysteries of the human conscience, and establish just relations between rogues occupying palaces and those who sleep in ills. The great difficulty in the way of practical moralists is the vast space which still separates offenses punishable by law from offenses which law practically overlooks. It is the misfortune of our country that it presents some of the worst examples of this huge injustice. Take, for example, the city of New York. If we may believe the testimony of its most honest, independent, and intrepid newspapers, such as the Times, Tribune, and Evening Post, robbery, on a large scale, is a perfectly respectable occupation in that great metropolis. The sneak-thief, the wrecker who pilfers for a week's earnings, is punished when he is engaged in his vocation; but the trouble is that the ingenious demagogue who manages to get the political control of the city are allowed to steal millions on millions without the slightest danger of exchanging their Fifth-avenue dwellings for a cell in the Tombs. The small thief who steals ten, or fifty, or a hundred dollars has the decency to practice his profession in a secret way, modestly shunning the light; the big thief does his depredations in the full blaze of the sun. The small thief is celebrated only in the usual type of the newspaper, which announces in a few lines his misdeeds from the court to the prison; the big thief is thundered against in headed editorials, but he none the less complacently retires to his wine and walnuts in the big house he has erected out of the "swag" of his colossal knavery, with the Astors and the Taylors ready to testify that he is a respectable man.

The science of Comparative Rascality would be a very simple study if confined merely to the consideration of such extremes. The criminal imprisoned or hanged is so palpably less guilty than such a criminal rolling in affluence, that there is hardly a ground for scientific comparison. The next comparison would naturally be between the gambler and the stock speculator who contrives a "corner" in stocks. There is something amusing to a comprehensive moralist in the rage of the law against gambling, and its toleration of gambling in its worst, its most demoralizing, its most destructive form. Everybody knows that the money lost and gained in the gambling halls is as nothing when compared with the money lost and gained every day in Wall Street, the most horrible gambling hell on the American continent. Let it be granted that the professional gambler is honest, but there is nothing so utterly base, dishonest, and inhuman as the cheating of a stock "ring," which runs a particular security up or down, merely to tempt outsiders into their trap, and then mercilessly to rob them of their money. But we know that the professional gambler is a person watched by the police; the "cornerers" of stocks are among the richest, most respected, most powerful, most "enterprising" men of the country. The science of Comparative Rascality would be very valuable if inexorably applied to such a case as this.

The liar is justly held in general contempt; the politician is universally abhorred; but still what is the practice of adulation in what we eat and drink but a vast scheme of systematic lying and poisoning? Yet everybody knows that respectable members of churches not only deal in articles which are known to be false and poisonous, but often condescend to be manufacturers of such articles. Alexander the Sixth, Cesar Borgia, and Brinvilliers only poisoned particular individuals, who might happen to obstruct their particular schemes. They had no desire to poison slowly a whole community in order to make money. We think, if they could be raised from the dead, they would be somewhat startled to find that lying and poisoning were considered as legitimate branches of business. This fact alone would prove that the science of Comparative Rascality is still in its infancy.

Robbery, in the eye of the law, is a serious offense. To pick the pocket or break into the house of a private individual is a crime punishable by imprisonment. But it is well known that a colossal pickpocket and burglar may be made a legislator by the purpose of plundering a community, without incurring any other punishment than that which comes from the vague denunciation of a few honest newspapers.

All law implies that a deliberate wrong, done by one man to another, is to be punished. The law is operative as respects small offenders; but it is practically nullified in the matter of taxation. The security of property depends on taxing equitably the whole community in order to raise yearly large sums to pay policemen, soldiers, and magistrates, to save society from that anarchy in which property is hopeless wrecked. It might therefore be supposed that the richer a man is the more ready he would be to pay his honest portion of the general tax. Far otherwise is the fact. The moment people get property to any large amount they exert their ingenuity in throwing the expense of protecting it on their poorer neighbors, less interested than they in its protection. This phase of the science of Comparative Rascality would alone furnish matter for a volume. We merely give the slightest hint of the folly as well as means involved in the theory on which these millionaires appear to rely.

Can more illustration be given us will leave this hateful subject. The system of credit is now so generally established that civilization itself depends on its preservation. It is fundamentally based on honesty. When a man signs an obligation to pay a certain sum at a defined date, he pledges all the moral character there is in him to its fulfillment. At whatever sacrifice to himself, he engages to pay his note; and if he cannot pay it at maturity, he delivers his property to his creditor. This is the simple statement of the fact of credit as respects the humble creditor. Bankers insist on it. No man can do any trade on a small capital capital evade it. The moment he appears before a banker, or a board of directors, he is overcome by the moral power which flashes indignantly from their eyes. He sacrifices the small earnings of long years, and pays his note. Far different is it with the man who attaches no moral responsibility to his signature. He is the Napoleon of Commerce. The possessor of five millions, he gives out his notes for ten millions in the hope of making fifteen. The time comes when his "enterprise" has been carried so far that his creditors think it is judicious to arrest his onward career; but in stopping him in his business insanity, they think it important that he should reap its fruits. He is to be petted at the expense of the poorer people who have trusted him. It is important that his large fortune should be secured, through what is called an "extension," although a hundred people who followed modestly in his wake should be relentlessly sacrificed. This is the last stage of business demoralization, on the principles of Comparative Rascality.

From the N. Y. Herald. The last act of the Republican party in Congress—the Ku-klux law—which authorizes President Grant to suspend the privilege of the writ of habeas corpus, brings sad memories of what this great writ of liberty has undergone within the last ten years. The Constitution says:—"The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." In April, 1861, John Merryman petitioned Chief Justice Taney for issue of the writ to General Cadwalader. The petitioner set forth that he was deprived of his liberty by armed men, who incarcerated him in Fort Mifflin. The writ was issued, and the General replied that he is "duly authorized by the President in such cases to suspend the writ of habeas corpus for the public safety," and refused to produce the prisoner. The Chief Justice thereupon decided that "the privilege of the writ could not be suspended except by act of Congress."

This was in the spring of 1861. No public proclamation of suspension had been made by the President, only an order issued to commanding officers, which in effect extinguishes the most important personal guarantees of the Constitution. A citizen is seized and imprisoned for a cause known to be false but a few military officers, and when the Chief Justice of the United States issues a writ to inquire into the ground of imprisonment the military commander refuses to tell or produce the prisoner. He demanded a "speedy trial," but the suspension of the writ literally effaces him from his country. The facts developed in the Merryman case and opinion of the Chief Justice deeply stirred the whole country. Republican partisans denounced the venerable Chief Justice as the vilest of the vile. On the other hand, conservative men upheld and vindicated his judgment. In the meantime, September 24, 1862, President Lincoln made a public proclamation that "the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion, shall be imprisoned in any fort, etc. This was without warrant of Congress, and discussion of the question of power in the Executive went on. Finally, the next September, in 1863, the public indignation was so great that Congress intervened, authorized the President to suspend the privilege of the writ, and passed an act to indemnify him and his officers for detentions under previous mere Executive suspensions. Congress did not, so great was the popular excitement, venture to give to the President unlimited power in this matter, for it required that the lists containing the names of persons arrested should be furnished to the judges of the circuit and district courts, and whenever the grand jury of any of these courts should terminate its session without finding indictment against such person, that the judges should order such prisoner desiring a discharge to be brought before them to be discharged. These provisions lulled the popular wrath and checked the popular vigilance. The people were cheated again. The names of prisoners

were not furnished; the oppressed were not bidden to go free.

The next prominent event in the history of habeas corpus was the argument before the Supreme Court of the United States, at the December term of 1861, of the case of Milligan, who was arrested in 1861 in the State of Indiana by Major-General Hovey, brought before a military commission, tried, found guilty, sentenced to be hanged, and ordered to be executed May 19, 1865. On the second day of the next January the Circuit Court for Indiana met at Indianapolis. The Grand Jury proceeding was discharged without finding any indictment against Milligan. Thereupon the accused, under the act of 1863, just cited, petitioned the court to be released. The Federal judges were divided in opinion on the three following questions:—(1) Whether a writ of habeas corpus ought to be issued; (2) whether Milligan ought to be discharged from custody; and (3) whether the military commission had jurisdiction legally to try and sentence Milligan. The division was certified to the Supreme Court, there argued, and the first two questions were decided in the affirmative. In the last in the negative. The decision called forth some such hostile criticism on the part of Republicans as did that of Chief Justice Taney in the Dred Scott case. The majority of that tribunal was assailed with all manner of abuse. All of the nine judges were agreed that President Lincoln had no power to establish a military commission to try a civilian in a part of the country not invaded by hostile armies nor in a state of insurrection, but in which the courts of law were in full and unimpeded operation. The court ran full in the face of executive authority and the current of public opinion. The proceedings known to the public through the trines of martial law for which radicals had so zealously contended. The court admitted that Congress had authorized the President, if he thought the public safety demanded, to arrest a suspected person and deprive him of the privilege of habeas corpus; that is, deprive him of the right to require the person holding him in custody to give the cause of his detention on return to a writ. But the court added that it was not contemplated that such person should be detained in custody beyond a certain fixed period, unless certain judicial proceedings known to the common law were commenced against him.

The next event in this history is an act of Congress of February 7, 1867. Previous to this time the machinery necessary to carry a decision from an inferior judge on a habeas corpus case up to the appellate tribunal at Washington was complicated and inconvenient. This act of the latter year was intended to provide a remedy for an appeal to the circuit court from any inferior judge, and from the circuit court to the Supreme Court. The legislation was of a most comprehensive character. After this law was passed one McArdle was arrested by a military commander in Mississippi for a political offense. The accused was brought up on a writ of habeas corpus and returned into custody. From this order an appeal was taken to the Supreme Court. It was argued by Senator Trumbull against McArdle that the act of 1867 was only intended to protect loyal men in the Rebel States from a deprivation of their liberty under State laws administered by Rebel officers. In other words, it was only to shield freed negroes. The whole Supreme Court to this argument said "no." The law was as applicable to white men as to black or red men, and the jurisdiction of the Supreme Court was sustained. This opinion was given early in 1868.

Watch the sequel! March 27, 1868, a law was passed repealing so much of the previous act of 1867 as authorized an appeal in habeas corpus cases from the Circuit Court to the Supreme Court of the United States. The bill was vetoed by President Johnson, but passed over his head. In December, 1868, when the Supreme Court met, its attention was directed to this statute, argument was heard upon the effect of the repeal of the act, and the court decided that Congress by the repeal had deprived the court of giving remedy to the writ of habeas corpus. In other words, the court having asserted its jurisdiction to examine the facts upon which McArdle was arrested, and to determine whether or not he was legally in custody, Congress intervened to deprive the prisoner of such inquiry.

The next and last stage in this disgraceful history is the passage of the recent Ku-klux bill, wherein the President is authorized to suspend the writ of habeas corpus, subject to the provisions of the second section of the act of March 3, 1863, to which we have already referred, and shall refer again at another time. By reference to the constitutional provision in respect to suspension of the writ, already cited, it will be seen that it assumes authority somewhere in the Government to issue the writ as of right. This power inheres in the judiciary, and the clause in question not only requires that Congress, and not the President, shall make the suspension, but prohibits Congress from doing unless—first, rebellion or invasion actually exists as a public fact; and, secondly, that the public safety requires the suspension. No power in this Government, whether legislative or executive, can suspend this writ in the case of rebellion or invasion. One or the other must be actually and palpably going on. Everybody knows that no invasion existed in the Southern States at the time of the Ku-klux law. Neither was there nor is there a rebellion within the meaning of the Constitution. So much, therefore, of the Ku-klux legislation as authorizes the President to suspend the privilege of the writ of habeas corpus is mere usurpation, unauthorized, unwarranted, null and void.

The object of giving this tremendous power to President Grant is, however, obvious. It was to enable him to strike terror into the Southern communities by arrests from which there was no power in the judicial tribunals to relieve. It was to enable him to carry on bayonet elections in their nakedst shamelessness. The military plebiscites of Louis Napoleon were "mellow music, matched" with the Ku-klux powers of General Grant. The power was given to be exercised in the Southern States; but, as we have heretofore shown, there is no power sufficient to prevent the administration from certifying the existence of facts upon which it can suspend the writ in New York or any other Northern State whose election it desires to carry. No holder of balded falsehoods will be necessary bring about such a state of things that were required last autumn to enable General McDowell to fill this city with Federal troops. The election law of May, 1870, was the most flagrant and unconstitutional outrage by the Republican party on the rights of the States which had, up to that time, been perpetrated. It was abominable enough to have warranted armed resistance to an effort on the part of the President to enforce its provisions. But it was paternal and constitutional gentleness compared with the provisions of the Ku-klux bill. He who offers up offending, born to the cruel and unlawful end, of perpetrating Republican law by the bayonet, all else failing,

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MEDICAL: NERVOUS SYSTEM, RHEUMATISM, NEURALGIA, ST. VITUS DANCE, AND ALL THE AFFECTIONS OF THE NERVOUS SYSTEM, RESTORING THE INSANIBLE PERSEVERATION, AND AT ONCE GIVING NEW LIFE AND VIGOR TO THE WHOLE FRAME. CURE THIS WORST HEADACHE IN A FEW MINUTES.

Having seen the wonderful curative effects of WATSON'S NERVOUS SYSTEM RESTORER in cases of prostrating paralysis, severe neuralgia, rheumatism, and other nervous diseases, I most heartily recommend it as the most valuable medicine. Yours truly, M. THOMAS & SONS, No. 139 and 141 S. FOURTH STREET.

REAL ESTATE AT AUCTION.

ASSIGNEE'S PEREMPTORY SALE.—BY order of Joseph L. Doran, Assignee in Bankruptcy of Joseph Bunting, John Follock, and Joseph J. Sellers, as individuals and partners, trading as Bunting Bros. & Co. Thomas & Sons, Auctioneers, on Tuesday, June 13, 1871, at 12 o'clock, noon, will be sold at public sale, without reserve, at the Philadelphia Exchange, the following described property, viz:—

1. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-100 perches, more or less.

2. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-100 perches, more or less.

3. All those two certain adjoining lots or pieces of land, situate in the township of Darby, Delaware county, Pennsylvania, bounded and described as follows:—Beginning at the corner of the lot of John Pennell, and Samuel Bunting, and adjoining a new public street or road leading from said Bunting's lane to Philadelphia road; thence along said Bunting's lane to the center of the said road; thence along said road south 63 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 60 acres, 1 rood and 14-100 perches, more or less.

4. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-100 perches, more or less.

5. All those two certain adjoining lots or pieces of land, situate in the township of Darby, Delaware county, Pennsylvania, bounded and described as follows:—Beginning at the corner of the lot of John Pennell, and Samuel Bunting, and adjoining a new public street or road leading from said Bunting's lane to Philadelphia road; thence along said Bunting's lane to the center of the said road; thence along said road south 63 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 60 acres, 1 rood and 14-100 perches, more or less.

6. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-100 perches, more or less.

7. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-100 perches, more or less.

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12. All that certain piece or parcel of meadow land, situate, lying, and being on Carpenter's Island, in the county of Philadelphia. Beginning at the center of the said island, at the point where said road crosses "Hutch creek"; thence in a southerly direction along said creek the several courses and distances thereof to Bow creek; thence along Bow creek and the embankment recently erected thereon, the several courses and distances thereof to low-water mark on the river Delaware; thence along low-water mark on the river Delaware north 25 degrees, east 25 perches; thence north 40 degrees, east 166-10 perches; thence north 9 degrees, east 100 perches to the center of the said road; thence along said road south 26 degrees, east 109 64-100 perches to a stone near the southerly side of said Bunting street; thence along said Bunting street north 62 degrees, east 30 minutes, east 30-100 perches to the place of beginning. Containing 10 acres, 1 rood and 14-10