kind of taxation. The railroads are, for certain public purposes, authorized to collect and appropriate from the farmers a certain charge, which is collected by a specific assessment on the property transported. Supposing this to be a true view of the matter, it must not be forgotten that something more has been done. The road has mortgaged this grant to the bondholders, and if the farming out of the tax is misunderstood, it is the bondholders who suffer. If, now, the State, under its sovereign right to collect taxes, can fix the amount of this charge at any figure it pleases, and let the money, which would otherwise go to the bondholders, go to the farmers, what is this but taxing A for the benefit of B? There is nothing more sovereign than the power of taxation, yet there is nothing so well settled as that a State cannot, under it, take A's property and give it to B. There are no constitutional provisions on the subject in any of the States, so far as we are aware, because it has never been considered necessary until recently to provide in constitutions against the actual practice of highway robbery by the chosen representatives of the people.

And this brings us to the consideration of the point on which rests the whole case. No lawyer will deny that when the legislature reserves a right to alter or amend a charter, the State has some reserved rights. But it is not necessary for us, and it is not at all necessary for the Supreme Court, to enumerate or codify these rights. The opponents of this Western legislation maintain that whatever the reserved rights may be, the right to pass laws completely taking away the main corporate franchise, without compensation, is not among them. The power over charters, like the power over taxation or the police power, must be exercised in a rational way. The right to "alter or amend" this kind of contract must be looked at not only in the light of the literal meaning of the words, but in the light of all the circumstances of the case—including the fact that the State has allowed important rights to be granted under the charter which by every principle of public law are inviolable. The whole argument in favor of the Potter law is a logic-chopping argument. The conclusion flows from the premises as naturally and necessarily as if it were all in the air or in the wind. If law were formal logic, it would be perfect. But the way to decide the case is not this; we must take the whole constitution of Wisconsin, and the whole Constitution of the United States, and then ask ourselves what is this Potter law—whether it is or is not confiscation? If it is, is confiscation legal? If it is illegal, then the Supreme Court of the United States will say to the State of Wisconsin: Your law is illegal; we have wiped it from your statute-book. You have a right to alter or amend charters, but they must be altered in a reasonable and moral way. You cannot use this right as a cover for robbery, and your so-called law is void.

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CHROMO-CIVILIZATION.

The law, "statement," it is reasonable to hope, has been made in the Beecher-Tilton case previous to the trial at law, and it is safe to say that it has left the public mind in as unsettled a state as ever. People do not know what to believe, but they do not want to hear any more newspaper discussion by the principal actors. We are not going to attempt any analysis or summing-up of the case at present. It will be time enough to do that after the dromenize person have undergone an examination in court, but we would again warn our readers against looking for any decisive result from the legal trial. The expectations on this point which some of the newspapers and a good many lawyers are encouraging are in the highest degree extravagant. The truth is that only a very small portion of the stuff contained in the various "statements" can, under the rules of evidence, be laid before the jury—not, we venture to assert, more than will fill half a newspaper column in all. What still be laid before the jury is, in the main, "questions of veracity" between three or four persons whose credit is already greatly shaken, or, in other words, the very kind of questions on which juries are most likely to disagree, even when the jurymen are entirely unprejudiced. In the present case they are sure to be prejudiced, and no one are to be governed, consciously or unconsciously, in reaching their conclusions, by agencies wholly foreign to the matter in hand, and are thus very likely to disagree. There are very few men whose opinions about Mr. Beecher's guilt or innocence are not influenced by their own religious and political habits, or by their social antecedents or surroundings. A curious and somewhat instructive illustration of the way in which a man's fate in such cases as this may be affected by considerations having no sort of relation to the facts, is afforded by the attitude of the Western press towards the chief actors in the present Scandal. It may be said, roughly, that while the press east of the Alleghenies has inclined in Beecher's favor, the newspapers west of them have some sort of a character for persistently against him, and have treated Tilton as a martyr. The difference of such a divergence of views, considering that both Tilton and Beecher are Eastern men, is of course somewhat obscure, but we have no doubt that it is due to a vague feeling prevalent in the West that Tilton's cause is the democratic one—that is, the cause of the poor, friendless man against the rich and successful one—a feeling somewhat like that which in England culminated the working-classes in London on the side of the Tichborne Claimant, in defiance of all reason and evidence, as a poor devil fighting a hard battle with the high and mighty. One of the reporters of a Western paper which has made important contributions to the literature of the Scandal, recently accounted for his support of Tilton by declaring that in standing by him he was "fighting the battle of the Bohemians against Capital." Another Western paper, in analyzing the causes of the position taken by the leading New York papers on Beecher's side, ascribed it to the social relations of the editors with him—believing that they met him frequently at dinners and breakfasts, and found him a jovial companion. All this would be laughable enough if it did not show the amount of covert peril—peril against which no precautions can be taken—to which every prominent man's character is exposed. The moment one gets into a scrape of any kind he finds a host of persons, whose enmity he never suspected, clamoring to have him thrown to the hounds on general grounds—that is, in virtue of certain facts adopted by themselves, judged by which, apart from the facts of any particular accusation, a man of his kind is unquestionably a bad fellow. The accusation, in short, furnishes the occasion for destroying him, not necessarily the reason for it.

In Europe there are already abundant signs that the Scandal will be considered as a commonplace phenomenon—that is, a phenomenon illustrative of the moral condition of American society generally; for it must not be overlooked that, putting aside altogether the question of Beecher's guilt or innocence, the "statements" furnish sociological revelations of a most singular and instructive kind. The witnesses, in telling their story, although their minds are wholly occupied with the proof or disproof of certain propositions, describe ways of living, standards of right and wrong, truths of manners, codes of propriety, religious and social ideas, which, taken together, form a picture of great interest and value. Now, if there were really two or more pictures of American society in general, as some European observers are disposed to conclude, we do not hesitate to say that the prospect of the Anglo-Saxon race on this continent would be somewhat gloomy. But we believe we only express the sentiment of all parts of the country when we say that the state of things in Brooklyn revealed by the charges and counter-charges has filled the best part of the American people with nearly as much amazement as if we had found in tribes worshiping strange gods had been suddenly discovered on Brooklyn Heights. In fact, the Actors in the Scandal have the air of persons who are living, not more superstitiously, by rules with which they are familiar, but like half-civilized people who have got hold of a code which they do not understand, and the phrases of which they use without being able to adopt their conduct to it.

We have no space at our command to illustrate this as fully as we could wish, even if the patience of our readers would permit of it, but we can perhaps illustrate sufficiently within a very short compass. We have already spoken of the Oriental extravagance of the language used in the Scandal, which might pass in Persia or Central Arabia, where with hyperbole is permitted by the genius of the language, and where people are accustomed to it in conversation, understand it perfectly, and make unconscious allowance for it. Displayed here in the United States, in a mercantile community, and in a tongue characterized by directness and simplicity, it makes the Actors almost appear to have been persons of a very set excit., as is shown by the attempts made to explain and understand the hot-house language of the case. Most of the critics, both the friendly and hostile, are compelled to treat them as written in a sort of dialect, which has to be read with the aid of commentaries, glosses, and parallels, and accompanied, like the study of Homer or the Rig-Veda, by a careful examination of the surroundings of the writers, the conditions of their birth and education, the usages of the circle in which they live, and the social and religious influences by which they have been moulded, and so on. Their almost entire want of any sense of necessary connection between facts and written statements has been curiously revealed by Monist's
production of various drafts or outlines of cards, reports, and letters which they proposed from time to time to get up and publish, for the purpose of settling their troubles and warding off exposure, by imposing on the public. No savages could have acted with a more simple-minded, not disclosed, but unconsciousness of truth. Mrs. Becher, in order to publish a lying card; got Tilton to procure from his wife a lying letter; and Tilton concocted a lying report for the Committee, in which he made them express the highest admiration for himself, his adulterous wife, and her paramour. Here we have a lot of the machinery of high civilization—a committee, with its investigation and report, used, or attempted to be used, with just the kind of savage directness with which a Bongo would use it, when once he came to understand it, and found he could make it serve some end, and with just as little reference to the moral aspect of the transaction.

Take, again, Tilton’s account of the motives which governed him in his treatment of his wife and of Beecher. He is evidently aware that there are two codes regulating a man’s conduct under such circumstances—one the Christian code, and the other the conventional code of honor, or, as he calls it, “club-house morality”; but he soon became clear that he had no distinct conception of their difference. Having been brought up under the Christian code, and taught, doubtless, to regard the term “gentleman” as a name for a heartless spineless man, he started off by forgiving both Beecher and his wife, or, as the lawyers say, condoning their offense; and he speaks scornfully of the religious ignorance of the Committee in assuming in their report that there was no offense for which a Christian was not bound to accept an apology as a sufficient atonement. The club-house code would, however, have prescribed the infliction of vengeance on Beecher by exposing him. Accordingly, Tilton mixes the two codes as he most absurdly can: a Christian forgives Beecher, he begins, thirty days after the discovery of the offense, to expose him as a “gentleman,” and kept forgiving and exposing him continuously through the whole four years, the edict of such a relation to Beecher having evidently an irresistible temptation for him. Finally, when Dr. Beecher called him a “dog,” he threw aside the Christian role altogether, and began assailing his enemy with truly heathen virulence and vigor. A more curious blending of two conceptions of duty is not often seen; and it was doubtless due to the fact that no system of training or culture had made any impression on the man, or gone more than skin-deep. His interview with Beecher, too, by appointment, at his own house, for the purpose of ascertain the comparison of dates and reference to his wife’s diary the tolerable patience of her youngest child, which he describes with the utmost simplicity, is, we venture to say, an incident absolutely without precedent, and one which may safely be pronounced foreign to our civilization. Whether it really occurred, or Tilton invented it, it makes him a problem in social philosophy of considerable interest.

Moulton’s story, too, furnishes several puzzles of the same kind. That an English-speaking Protestant married couple in easy circumstances, and of fair education, and belonging to a religious circle, should not only be aware that their pastor was a libertine and should be keeping it a secret for him, but should make his adulteries the subject of conversation with him in the family circle, is hardly capable of explanation by reference to any known and acknowledged tendency of our society. But perhaps the most striking thing in Moulton’s role is that while he appears on the scene as a gentleman or “man of the world,” who does for honor’s sake what the other actors do from fear of God, his whole course is a kind of revolting caricature of what a gentleman under like circumstances would really do. For instance, he accepts Beecher’s confidence, which may have been unavoidable, and betrays it by telling various persons, from time to time, of the several incidents of Beecher’s trouble, which is what a weak or house-tongued person—van of the task in which he was engaged, as it seemed to him, i.e., of keeping the peace between two great men—might readily be guilty of; but he tells the public about it in perfect unconcealness, as if that were any of his business, and威尼斯他 his participation in the writing of lying letters and cards, and his passing money over from the adulterer to pacify the injured husband. In fact, he carries, according to his own account, his services to Beecher to a point at which it is very difficult to distinguish them from those of a paid man, maintaining at the same time relations of the most disgusting confidence with Mrs. Tilton. Finally, too, when greatly perplexed as to his course, he goes publicly and with éclat for advice to a lawyer with whom no gentleman, in the proper sense of the term, could maintain intimate personal relations or safely consult on a question of honor. The moral insensibility shown in his visit to General Butler is one of the strange parts of the affair.

We have of course only indicated in the briefest way some of the things which may be regarded as symptomatic of strange mental and moral conditions in the circle in which the affair has occurred. The explanation of them in any way that would generally be considered satisfactory would be a difficult task. The influences which bring about a certain state of manners at any given time or place are always numerous and generally obscure, but we may do something of this sort by safety in consideration of the following letter “goings on” in Brooklyn: In the first place, the newspapers and other cheap periodicals, and the lyceum lectures and small colleges, have diffused through the community a kind of smattering of all sorts of knowledge, a taste for reading and for “art”—that is, a desire to see and own pictures—which, taken together, pass with a large body of slenderly-equipped persons as “culture,” and give them an unprecedented self-confidence in dealing with all the problems of life, and raise them in their own minds to a plane on which they see nothing higher, greater, or better than themselves. Now, culture, in the only correct and safe sense of the term, is the result of a process of discipline, of thought, and moral. It is a thing that can be got by doing what one pleases. It cannot be acquired by desultory reading, for instance, or traveling in Europe. It is one of the practical exercises of the faculties for given ends, under restraints of some kind, whether imposed by one’s self or other people. In fact, it might not improperly be called the art of doing easily what you don’t like to do. It is the breaking in of the powers to the service of the will; and a man who has got it is not simply a person who knows a good deal, for he may know very little, but a man who has obtained an accurate estimate of his own capacity, and of that of a fellow and predecessors, who is aware of the nature and extent of his relations to the world about him, and who is at the same time capable of using his powers to the best advantage. In short, the man of culture is the man who has formed his ideals through labor and self-denial. To be real, therefore, culture ought to affect a man’s whole character, and not merely store his memory with facts. Let us add, too, that it may be got in various ways, through home influence as well as through schools or colleges; through living in a highly organized society, making useless demands on one’s time and faculties, as well as through the restraints of a severe course of study. A good deal of it was obtained from the old Calvinistic theology, against which, in the days of its predominance, the most husmongs youth hit his head at an early period of his career, and was reduced to thoughtfulness and self-examination, and forced to walk in ways that were not always to his liking.

If all this be true, the mischievous effects of the pseudo-culture of which we have spoken above may be readily estimated. A society of ignoramuses who know they are ignoramuses, might lead a tolerably happy and useful existence, but a society of ignoramuses each of whom thinks he is a Solon, would be an approach to the Bedlam of the loose, and something analogous to this may really be seen to-day in some parts of this country. A large body of persons has arisen, under the influence of the common-schools, magazines, newspapers, and the rapid acquisition of wealth, who are not only engaged in enjoying themselves after their fashion, but who firmly believe that they have found in the modern creed of social speculation, all that is attainable or desirable by anybody, and who therefore tackle all the problems of the day—men’s, women’s, and children’s rights and duties, marriage, education, suffrage, life, death, and immortality—with supreme indifference to what anybody else thinks or has ever thought, and have their own trumpery prophecies, panaceas, heroes and heroines, poets, orators, scholars, and philosophers, whom they worship with a kind of barbaric fervor. The result is a kind of mental and moral chaos, in which many of the fundamental rules of living, which have been worked out painfully by thousands of years of bitter human experience, seem in imminent risk of disappearing totally.

Now, if we said that a specimen of this society had been unearthed in Brooklyn by the recent exposures, we should doubtless, to many people, seem to say a very hard thing, and yet, with the allowances and reservations which have of course to be made for all attempts to describe anything so vague, shifty, and fleeting as a social state, is what we do mean to say. That Mr. Beecher’s preaching, falling on such a mass of disorder, should not have had a more purifying and organizing effect, is due, we think, to the absence from it of anything in the smallest degree disciplinary, either in the shape of systematic theology, with its tests and standards, or of a social code, with its pains and penalties. What he has most encouraged, if we may judge by some of the fruits, is vague aspiration and lachrymose sensibility. The ability to dare and do, the readiness to ask one’s due which comes of readiness to render the like to others, the profound consciousness of the need of sound habits to brace and fortify morals, which are the only true foundation and support of a healthy civilization, are things which he either has not preached, or which his preaching has only stilled.