

The Press and General Review

From the Non-conformist.

EDITORIAL MASKS FORBIDDEN.

The Paris newspapers of last week came under the full operation of the stringent Press-law passed by the Legislative Assembly prior to its prorogation. In conformity with this Act, every controversial article must be subscribed by the name in full of the writer. The French journals have complied more or less exactly with this arbitrary demand—and, for the first time, editors appear before their readers without a mask.

Of the law which places this restriction, amongst several others, upon the free action of the press in France—the object which the Government of the Republic kept in view in constructing it—of the latitudelessness to their liberal professions which it indicated—of the bad spirit in which it was discussed and passed—and of the probable impossibility of its being permanently carried into effect—we could say strong things if we could suppose they would answer any useful purpose. There can be no doubt that it was proposed, and will be worked with a view to the forcible suppression of public opinion and free discussion in France—and, as the natural corollary to such a state of things, it is certain, in as far as it succeeds, to drive opposition to the Government into dissimulation, plots, and confederacies. As a law, therefore, it is to be condemned on every ground. It will be all but impossible to enforce it with impartiality. It will irritate just where conciliation is most necessary. It will weaken the middle and ruling classes in popular estimation. And it will kindle in the conductors of the public press a spirit of bitter resentment against constituted authorities.

But, strongly objecting, as we do, to this mode of securing, by legal enactments, individual responsibility in regard to the conduct of the press, we are far from looking at the thing itself with disapprobation. We do not believe in the necessity, nor the desirableness, of enhancing editorial importance by shrouding their names in mystery. Whatever may be the case in France, we do not think that the mask of secrecy gives to a public political writer in this country any liberty which is proper for him to possess. All rational comment on public affairs and those who regulate them, may be made as freely, and as securely, by a known as by an anonymous writer. He would feel himself in fetters only in relation to matters which it would be well that he should carefully avoid—matters upon which no right-minded man would like to stake his reputation—namely, judgment of another's motives, or authentication of another's lie. In regard to these things, such restriction as common decency would impose, would be far from injurious. We see no reason on earth why newspaper writers should claim more freedom than members of Parliament, or in what respects the secrecy which is not accorded to the last, should be considered necessary to the first. There have been times, doubtless, when it afforded useful protection to the functionaries of "the fourth estate of the realm"—but such times are gone by, and we know not what it specially protects now, but impudence, inconsistency, and falsehood. All that society is interested in debating, may be debated as freely and usefully by men with, as by men without, a name.—Truth would lose nothing by the General disuse of the mask—reason an argument would go for as much as ever—only factitious authority would be undone. With some organs the spell of enchantment would be dissolved at the rising of the mist.

None, we imagine, would be hardy enough to pretend satisfaction with the present position of journalism in this country. The daily papers wield immense influence; and are, to all intents and purposes, irresponsible. No agency at work amongst us, perhaps, is doing more to guide, move, and mould the public mind. If in some respects, the writers in these journals utterly miss their mark—if, on particular questions, this newspaper or that has ceased to be regarded with deference, even by the least enlightened—if, here or there, all character for consistency has been notoriously forfeited, and all utterances of opinion, or statements of fact, are looked upon as untrustworthy, save as they may be corroborated from other quarters—it still remains true, after every abatement, that our daily press is an engine of fearful potency—it is still incontrovertible, that men's thoughts and feelings, and purposes, and even deeds, are very greatly modified by editorial lucubrations. And yet, it is difficult to say where the smallest responsibility is imposed on the one hand, or recognised on the other. The journal which, like the Times, can command a larger circulation than it wants, on account of, partly, its first-rate business management, and, partly, its long-standing reputation for high talent and early information, is not bound to the public by even a pecuniary tie. Moral character, delicacy, honor, truthfulness, it may outrage with impunity. Its writers do their work to order, and probably care as little as the ink they shed of what becomes of it when done. They are unknown, and are changed as occasion may require. They may lose their shafts or ridicule at whatever butt without incurring a sense of shame. To-day they may write up what to-morrow for the same pay, and with equal indifference, they may write down—may destroy

the sophistry or lie of yesterday by the keener sophistry or more audacious lie of to-day—may shock all good feeling, trample on all right principles, and play the scoundrel, or even worse, in print—and yet go into society as before, without losing an atom of bloom dust from their reputation. Now, it can never be reasonably maintained that such a power and position as these can be morally healthy—or are more likely to be turned to good account than to evil. It is a melancholy consideration that our most powerful political agents are necessarily without a conscience to restrain them, without a tribunal to which any account can be rendered. Men's signatures appended to their newspaper effusions would certainly afford some guarantee for sobriety and moderation. As it is, no character but an intellectual one needs to be maintained.

This, however, is far from all. The mischief of anonymous journalism is, unhappily, very much greater than the foregoing observations indicate. We recur again to the Times for illustration. It is well known that moments have occurred in our national history, when the Times, guided by a shrewd and practical understanding, did the people good service. Act up on act of this kind has given, not to the individual authors to whom the merit of them is due, but to the paper itself, an accumulated stock of influence. What we have to complain of under the present anonymous system of journalism is, that the splendid reputation, and acquired influence, of the useful writer of bygone days, are handed down as an heirloom to the mischievous and unprincipled scribbler of the passing time, and that men of the loosest habits and most worthless character, hurl their poisoned missiles from the vantage ground won for them by no prowess of their own, but by the wisdom, constancy, or worth of others. Were every article subscribed by the name of its writer, individuals would acquire, and be held responsible for, the use of that fame which now becomes the property of the paper for which they write—and when they ceased to contribute, such influence as their names might command would cease to be exercised. But now, the fool or the knave steps at once into the reputation of the sage. Last year's service is made to gild this year's buffoonery. The calumniators of Hungary, and the besotted admirers of Haynau and Austria, are making use of that renown which was won by the advocacy of Catholic emancipation, and the Reform Bill. This is not fair. It answers no good purpose. It invests with fictitious and most undeserved authority, many a wretched quill-driver. A potent name for conjuring with, ought not to be at the disposal of every hireling manager of the Times may choose to employ. But the bad result is inseparable from the present system of secrecy—and hence, on this, as well as many other accounts, we could heartily wish that in this country common consent might do what law is attempting in France—and that editorial masks might be forbidden.

THE LAWS OF LIFE, WEALTH, AND MORALS.

The history of human knowledge is that of the gradual substitution in the human mind of the recognition of law for the vague idea of accident or chance. That every existence or event is an effect of some pre-acting cause, and that every effect must have an adequate cause, is an axiom easy to understand, but one that it took long time to establish, and that may take yet longer fully to apply. Its first preception is the dawn of intelligence—the herald streak of light on the eastern horizon of the intellectual night—its perfect comprehension, if indeed, that be not reserved for the anticipated triumphs of a higher state of being than the present, will constitute the noonday, or the more glorious and solemn eventide, of philosophy.—We are now, it may be, midway in this inviting and ennobling career. We have got above the childish ignorance which instinctively attributed every phenomena of nature, every incident of life, and every movement in society, to itself, or to a cause but one step removed.—We are no longer content to regard anything of which we can be the spectators of the subjects as an isolated entity or occurrence. We have become impatient to refer every object to its class, to rank every fact in its appropriate series, and to trace the generation of each, step by step, back to the remotest influence. The physical world was the first, obviously, to be subjugated to this august dominion. From the star to the sand-grain, from the cedar of Lebanon to the moss upon the wall, from the fragments of antediluvian monsters to the meanest insect described,—all objects, organic or inorganic, it was perceived, were the agents and the creatures of power—the winds and waters, subterranean fires and ethereal essences—which made them what they were; and which themselves had an appointed mode of action, from which deviation was impossible, but which it might be impossible to understand. The deities and demons of ancient belief were resolved into the political impersonations of these mysterious but no longer idolized powers, or were dismissed by the stern hand of science, to the hades of exploded folly. Next, the eye of Philosophy was turned within, and a new world of wonder answered to the questioning introspective gaze. Her inquiries were evaded, and her curiosity heightened, by the unsubstantial nature and varying aspect of the phenomena with which

she had now to deal. The intellect and the passions were themselves the subject of their own scrutiny, and seemed by perpetual restlessness to elude investigation. The senses were counted, distinguished, and denominated—but not so easily were to be separated and described the faculties, propensities, or call them what you will, that make up the mysterious soul. Hypotheses were started, theories framed, systems promulgated and established; but, like the meaner empires of the sword, these dynasties of intellect rose and fell in melancholy succession.—In modern times, the method—the inductive, introduced by Bacon—so successfully employed upon the outer world, has been brought to bear upon the inner; with what result it remains to be seen—for who does not feel that has listened to the disciples of Locke and of Kant, that a satisfactory philosophy of mind has yet to be constructed? The morals of mankind—good and evil, right and wrong, the sanctions of duty, the Godward and the human virtues, the rewards of rectitude, and the penalties of disobedience—this was a branch of knowledge too essential it would seem, to human welfare, to be left to unaided reason; revelation has interposed with its heavenly light, and constituted the ministers of religion the masters of ethical science. Still another great province had to be invaded. Society, with its infinitely varied conditions—births, marriages, and deaths; wealth and poverty; agriculture and commerce; virtue and crime; its periods of repletion and of want of health and disease; its classes of decorous and criminal; its poor laws and police; its vast aggregate and infinite multiplication of individual characteristics and interests—all these had been neglected by the historian, the philosopher, and the statesman, for the projects of ambition, the imagining of ideal governments, and the meeting of extraordinary exigencies. Adam Smith may be deemed the father of that social science which, busying itself at first with the laws which govern the creation of wealth, is now entering on the higher topic of its distribution, and embracing all the interests of man. Statesmen of every rank, politicians of every party, have imbibed the spirit, however they may read the lessons, of this new philosophy. They all admit that the material and moral condition of the people at different periods and at different parts—the ebb and flow of populations, of pauperism, and of crime—have some connexion with each other and with other things, perhaps with the primitive facts of human nature; that their laws, if made and administered in ignorance of this, can only work for mischief; but if the transcript, the wise interpretation, of this, may avert or mitigate calamities which now surprise and desolate—as the mariner, having no control over the storm-cloud which he descries with dismay upon his track, may yet turn aside and see it sweep past, its lightnings a harmless fringe upon "the trailing garments of the night."

Governments have, therefore, aided the philosopher of late by collecting for him facts, accurately taken and tabulated, on which to erect his instruments of observation. The office of the Registrar-General is the Greenwich Observatory of social science; and from it, and similar establishments, valuable reports are continually emanating. Several such have been some time before us—and now that the suspension of law-making gives us time and space to reflect on the principles of legislation we mean occasionally to discuss them—the laws of life, wealth, or morals; and we trust our readers will not suffer this somewhat dry exodium to deter them from pursuing the subject in our company.—*Id.*

From the National Era.

THE LAW IN RELATION TO FUGITIVES FROM SERVICE OF LABOR.

Before the enactment of the present law in relation to fugitives from service of labor, a person claimed as a fugitive might be arrested, and transferred, with or without legal process, to the State under the laws of which he was alleged to owe service or labor. The writ of habeas corpus, however, could be resorted to, for the purpose of releasing him from duress, and bringing him before a legal tribunal, where the validity of the claim might be tried. The person arresting him, too, was liable to an action for false imprisonment, or to the penalties imposed on kidnapping, should his claim be proved to be false or fraudulent.

The act passed by the late Congress is framed in such a way as to bring the whole power of the United States into requisition for the arrest and delivery of fugitives from service of labor, and to exclude any interposition or interference on the part of the State courts or authorities.

Under the act of 1793, any Federal judge is authorised, and, when called upon, required, to issue a warrant for the arrest of an alleged fugitive to pronounce upon the claim to his services, and to deliver him up to the claimant, should the claim be proved to be valid. The act just passed extends the power of issuing process in such cases, and deciding upon them, to the commissioners appointed by the Circuit Courts of the United States, authorised in virtue of such appointment to exercise the functions that justice of the peace may exercise in respect to offences against the United States; and to as many additional commissioners as the Circuit Courts may from

time to time appoint, with a view to afford all reasonable facilities for the arrest and delivery of fugitive slaves. There is no limitation as to the number, except the discretion of the Courts—so that the States may be crowded with these slave-catching tribunals.

When the trial is held before a Commissioner, his fee, where a certificate is rendered to the claimant, is ten dollars; where the proof is insufficient, and no certificates rendered, five dollars; to be paid, in either instance, by the claimant. So that, if he have six cases a week, he will make sixty dollars by finding the proof sufficient, and only thirty when he finds it insufficient. As he has the sole power of determining what shall be considered "satisfactory" evidence, and as there can be no appeal from his decision, the act of Congress in this way considerably proffers him a reward for being lax towards the claimant, and rigorous towards the alleged fugitive.

The Commissioners appointed by the Courts may be destitute of all legal qualifications—incompetent to judge of the nature and value of testimony. Few respectable men will consent to become professional slave-catchers—to undertake the discharge of functions so abhorrent as those imposed by the office of Commissioner. The result will be, that the office will be filled by men of disreputable or irresponsible character, who will not hesitate to speculate in the business of slave-catching.

Upon such men, equally with the Judges of a Supreme Court, and the Circuit Courts of the United States, is devolved the solemn responsibility of deciding the great question of Personal Liberty—of determining whether a man claimed as a fugitive, be a slave or freeman. It is for them alone to say what is satisfactory evidence. They may receive a fraudulent affidavit, or the testimony of a perjured witness, and they cannot be held to an account. No jury is allowed to decide upon the facts. They decide upon the law, the testimony, and the facts; acting under no responsibility—for no appeal lies from their decision—and their certificate, no matter though it be outrageously false, is conclusive, prevents any interference with the claimant, "by any process issued by any court, judge, magistrate, or other person whomsoever," even the Chief Justice of the United States.

This is monstrous. Such a provision would disgrace the veriest despotism in the Old World. It is manifest that it strikes down every bulwark of Personal Liberty erected by the wisdom of our forefathers. The jury trial, the habeas corpus, the right of appeal, responsibility of judges—all these safeguards are swept away by this abominable act.

The marshals and deputy marshals of the United States are bound also by the most stringent penalties, to engage in the work of slave-catching. If any one of them should refuse to receive a warrant issued by any of those Commissioners, or to use all proper means to execute it, he is fined one thousand dollars for the use of the claimant; and, should a fugitive, after having been arrested by him, or while at any time within his custody, escape, whether with or without his assent, he is to be prosecuted for the full value of said fugitive, for the benefit of the claimant.

The Commissioners are also empowered to appoint as many persons or runners as they may see proper, to hunt and arrest alleged fugitives; and such persons are to receive a fee of five dollars for every fugitive they may arrest, at the instance of a claimant, with such other fees as may be deemed reasonable by the Commissioner.

When after a certificate is granted the claimant swears that he has reason to apprehend the intervention of force to deprive him of the fugitive, the officer who arrested him is required to employ as many persons as may be necessary to carry him safely to the State whence he is alleged to have fled—and they are to be compensated for such services out of the Treasury of the United States.

The new law seems to be hailed with pleasure by the South; by the North it is regarded with abhorrence. If the slaveholders had intended to create deep excitement in the free States, to extend agitation on the subject of slavery, to provoke into intense activity every latent feeling of law against their peculiar system, to force the slavery question into every local and general election at the North, they could not have devised a more effectual method of accomplishing these results. The People of that section were wearied to a great extent with the controversy concerning the Territories, and under a prevalent impression that it had been substantially decided in favor of liberty by the action of the inhabitants of those Territories, their excitement was at least suspended. But the passage of a law which violated every guaranty of personal rights, which instituted innumerable tribunals among them, acting without responsibility, in defiance of the ordinary forms of law, with an exclusive regard to the interests of slaveholders, which stripped a large portion of their population of all protection against fraud and brute force, which let loose the kidnapper among them, and compelled them to look upon and tolerate at their very fireside the palpitating, hideous form of Slavery, with its manacles and handcuffs, touched them to the quick, aroused their humanity, their conscience, their State pride, their constitutional

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