

## ENGLISH PHOTOGRAPHS BY AN AMERICAN.

### I.—THE ENGLISH STEAMER.

IN an after-dinner speech one of the wittiest of the party with whom I came to England remarked, "We crossed the Atlantic in a yacht, we arrived at Cowes, and we landed on Christmas-day; and we should advise all our fellow-countrymen to cross in the same way, arrive at the same port, and land on the same day." My friend was perfectly right; this programme could not be improved upon in the least.

Landing, then, at Cowes, on Christmas-day, my first impressions of England were most cheerful. Dusk had fallen; the lamps of the little town were all alight; from every house came gleams of Christmas fires and sounds of Christmas merriment; and at the wharf and along the beach were groups of sturdy townsmen and watermen ready to give us a Christmas welcome. To the telegraph office, to send a message across the seas that we had arrived safe and well; then to the club-house of the Royal Yacht Squadron, where a solitary member, passing a lonely Christmas with his little boy, heartily dispensed the hospitalities of the club; and then we were all taken in charge by a genial citizen of Cowes, and driven off to his residence to join a Christmas party.

For all the outside world Dickens has created an imaginary England, in which the happy people dance around May-poles in the summer, and feast upon roast beef and plum-pudding in the winter, and in which, although there may be some poor folk, some wicked folk, and some suffering folk, still the large majority of the population are so rosy, so jovial, and so full of good beer and good-nature, that life is a constant succession of enjoyments. Seen by the light of Christmas fires, and through the aromatic steam of Christmas puddings and Christmas grog, as through a fairy fog, the island seemed to justify all the fine things that had been said of it; but it assumed rather a less romantic phase in the cold gray of a cheerless December morning, when I put off to catch the steamer for Southampton. The sun, having kept the previous holiday too well, sullenly refused to shine; the dull leaden light made every thing look disagreeable; the fairy fog was succeeded by a chilly, damp, morose mist, that soaked through coats and boots remorselessly; and behold! all the pleasing pictures of the night before were blurred in the mind of the shivering voyager, like photographs taken by an operator afflicted with the ague.

No matter; a short pull and we should be aboard the Southampton boat, and find warmth and refreshment in its comfortable saloons. Of course the boat was to be like an American North River steamer, with its separate cabins for ladies and gentlemen, its smoking-room, its bar-room, its refreshment-room, its soft carpets and luxurious furniture, its attentive waiters, and its warm ample breakfast. We neared

her black hull; the unaccustomed cries of "Ease her!" "Stop her!" greeted our astonished ears; we climbed, were pushed, were dragged up her wet slippery sides, and instead of the cozy river steamer of America we found organized discomfort and systematic inconvenience. Groups of passengers, as benumbed and as disconsolate as ourselves, were huddled about the sloppy deck. They looked at us mournfully and pityingly, as if they were saying to themselves, "Another victim!" We looked at them and thought, "What horrors must be below if these experienced natives prefer to suffer on deck!" We anxiously inquired if this were the steamer for Southampton. Yes. The regular steamer? Yes. The only steamer to catch the London train? Yes. These inquiries, uttered in a plaintive tone, to which the cold added an involuntary stutter, were sympathetically answered by a gentleman who had a puddle for a cushion and a drop of rain for a nose-jewel. "Start her!" cried somebody, "Start her!" echoed somebody else, and off we went.

All the arrangements on board this steamer, as on most other English steamers, were admirably designed to give the utmost possible trouble and discomfort to every body. Walking up and down in the mist and watching the wet and moody passengers, I noticed that all orders had to be shouted by the pilot to a boy, and by the boy to the helmsman or the engineer. In America the pilot communicates with the engineer by simply pulling a bell once, twice, or thrice, according to the order he wishes to give. On this boat, as on most other English boats, the pilot or captain stalks about in the cold on a bridge between the paddle-boxes, and the helmsman stands shivering at the wheel, exposed to rain or snow or hail. In America both pilot and steersman are under cover, in a little glass room placed near the bow of the boat and commanding a clear view of the course. Such simple conveniences as a bell and a shelter from the weather have not yet suggested themselves to the managers of English steamers. The whole service is a quarter of a century behind the age. Every effort is made, apparently, to subject the sailors to unnecessary exposure and fatigue, and to render the passengers miserable. The cabins are small, close, uncomfortably furnished, and either insufferably hot or terribly cold. Unless the weather be so fine that pacing the deck is pleasant it is impossible to pass one agreeable moment on any of these craft. What we experienced on the Southampton steamer I have since endured on many other English vessels, and notably upon the line between Dover and Calais. The accommodations on the best of the English passenger-boats are not equal to those of a second-class American tug-boat. The system is a disgrace to a maritime nation.

In America, for a service like that between Cowes and Southampton, instead of these slow, black, dirty vessels, with their exposed decks,

their choky cabins, and their cumbrous machinery of a captain, pilot, helmsman, and intermediate boy, all shuffling about in every sort of weather, and sharing with the poor passengers the discomforts of an open-air voyage, we should have a trim, neat, fast steamer, the decks covered with awnings in summer, the cabins large, handsome, and elegantly furnished, the boys employed to wait upon the passengers instead of serving as human speaking-trumpets or animated bell-pulls, and all the arrangements so contrived as to lighten the labors of the crew, and make the trip a pleasure instead of a purgatory for the passengers. On the line between Folkestone and Boulogne some enterprising genius has discovered that it is not necessary for a pilot to face a hail-storm or a gale in order to direct the boat properly, and has erected a shield of a couple of planks, with a pane of glass in each plank, so that the pilot may shelter himself behind them and yet see his way into port. The erection of these planks is not a very revolutionary proceeding; the enterprising genius has never got beyond the planks, and suggested that, by extending the shield so as to form a room, and then covering it with a roof, the pilot would be more perfectly protected and could see just as well; but, such as it is, the invention is looked upon as a dangerous innovation, no other line has been weak enough to imitate it, and the pilot takes advantage of it clandestinely, if at all, evidently considering that a true British sailor ought to do his work better when he is benumbed with cold, drenched with rain, and blinded with hail-stones. The same wholly unnecessary exposure of the men prevails upon the English locomotives.

## II.—THE ENGLISH RAILWAY.

If in some respects the English railways are inferior to the American, in many others they are unquestionably superior. In America the railway has built up most of the cities, towns, and villages; but, like a rich old curmudgeon who gives his children a fortune but insists upon coming to live with them when they are married and settled, it becomes a nuisance forever afterward. In England, having had nothing whatever to do with the origin of the places through which it passes, the railway conducts itself much more agreeably, ministering to the prosperity but not materially interfering with the comfort of its line of route, except in London, where it bullies every thing and every body, from St. Paul's Cathedral to the driver of a costermonger's cart, who curses as he sees the words "No thoroughfare" and the commencement of a railway viaduct.

This I noticed and pondered upon during my first trip from Southampton to London, and the idea has recurred in many subsequent railway experiences. To begin at the beginning, there are no such stations, or dépôts, as the Americans call them, in the United States as in England. I do not speak of those gorgeous structures, half hotels and one-fourth conservatories

and the other fourth stations, which are erected in the principal cities here to ruin the railway companies and bewilder the admiring traveler, but of the ordinary dépôts throughout the kingdom. The worst of them have comfortable accommodations, a refreshment-saloon, and a news-stand, and are so arranged that the most determined suicide would find it difficult to cast himself under the wheels of the steam-juggernaut. In America the ordinary or average dépôt is as uncomfortable as possible; the refreshment-saloons are only open at hours when food and drink are least required by the travelers; instead of a news-stand they have a news-boy, who passes through the cars with the daily and weekly papers, and a few old novels, just at the time when you don't want to read and do want to sleep; and the facilities for accidents are so ample that the old custom of making your will before you start upon a journey bids fair to be revived.

At none of the American dépôts can you find those underground passages or those safety-bridges by which travelers can pass from one side of the station to the other without the risk of being run over while crossing the track. On the contrary, every body takes his chance, and a favorite amusement with impatient travelers is to walk upon the rails, tight-rope fashion, while awaiting the arrival of the train. On none of the American lines are the rails carried under or over the country roads, nor are gates provided, to be closed so as to stop the traffic upon such roads while trains are in sight. A sign-board, labeled "Look out for the locomotive," is stuck up at the crossing, and the rest is left to Providence, who interferes in such matters much less frequently than railway directors suppose. Country wagons with sleepy drivers crawl upon the tracks and are smashed. People driving for pleasure, with horses which they fondly imagine can beat any locomotive, try to cross the rails, an inch in advance of the approaching train, and are smashed. Cattle, left wandering about to pick up an existence on the road-side by economical owners, get upon the line and are smashed. In some localities the railway accidents supply the newspapers with their only local items, and regulate the price of beef.

It might be, and indeed is, popularly supposed that the American railway system could be adequately described by the words smash and dash; but, in point of fact, the English trains run much faster than the American; and, as the rails are more firmly laid and better ballasted, there is little of that tremendous jolting which, on some roads in America, makes the passengers resemble a troupe of acrobats, flying frantically toward the roof of the car, alighting upon their own seats or those of their neighbors, as it may happen, and shaking so violently that each one wonders how the others manage to keep themselves from falling to pieces. Double tracks, which are the rule in England, are the exception in America, and this, which has been

the cause of countless accidents, obliges the trains to travel more slowly. When you leave the main lines, or trunk lines, as the English call them, the slowness of the American trains is proverbial. There is a story current that a negro, walking along one of these country roads, overtook a train, and was invited by the good-natured conductor to "jump aboard and ride into town." "No, t'ank you, massa," replied the intelligent African; "I'se in a hurry, I is." The conductors, or guards, are of a very different class from the guards of English railways. They wear no uniform; they are universally popular; of course, in a republic, they are as much entitled to be regarded as gentlemen as any of the passengers; they are offered and would accept no bribes, and it is a remarkable circumstance that, although they are not very well paid, they nearly all manage to live well, dress well, and retire with moderate fortunes at the end of a few years of service. Let others explain this fact as they may; my own public belief is, that the conductors get rich by investing their hard-earned savings in judicious speculations!

Such matters occur to me by way of contrast; but to appreciate the English railways justly one must have come from a country where such contrasts are to be found. The substantially-built stations, instead of the flimsy wooden dépôts; the rapid and easy motion, instead of the rough, painful jolting; the care with which life and property are protected along the line, instead of the utter recklessness with which both life and property are imperiled; the precautions against accidents, instead of the certainty of accidents; the civility of the guard, which is none the less pleasant because it costs sixpence, instead of the independence of the conductor, who feels under no obligation to answer a question unless you are a personal acquaintance; the invariable double tracks, instead of the single tracks, which, like the broad road of Scripture, "lead to death;" the magnificent specimens of railway engineering across rivers and under mountains, instead of the frail bridges that crumble with the shock of the cars, or the ill-lighted tunnels where rival trains rush to collisions—these are some of the points of superiority which a newly-arrived American notices during his first journey upon an English railway. In America there are none of those splendid viaducts which enable the trains here to enter the hearts of great cities, the cars passing over the roofs of the houses, train crossing over train, passengers and freight brought to the centres of fashion or of business, and yet no lives endangered, no property destroyed, no time lost, nobody inconvenienced. The American railway either goes blustering through the main streets of the town, like a mechanical rowdy, running over children, frightening horses, and scattering fire and smoke; or else stops in the suburbs, like the same rowdy, overawed by municipal regulations or legal injunctions, and disgorges its cargo into cars drawn by horses, to

be slowly dragged to the central dépôts. This is the case even in New York, where it requires an hour's journey to reach the station at which the locomotive is attached to the train. At Philadelphia, which is on the route between New York and Washington, the nuisance has become so great and the delay so annoying, that special trains are now dispatched to the national capital by a new road which passes around Philadelphia without stopping, and thus in a double sense circumvents the Quaker City.

But when the English have done so well, it is a marvel that they have not done better. An American in England misses the sleeping-cars, the smoking-cars, and one or two more traveling comforts to which he has been accustomed, which might be cheaply and advantageously introduced, and which are only withheld on account of the fine old British prejudice against novelties. In the United States a person who is obliged to travel all night pays a few shillings extra for a berth in a sleeping-car, and takes his seat there during the day, having a little extra room and comfort for his money. At night his berth is made up by the waiter, who takes charge of his ticket; he undresses; he puts out his boots; he goes to sleep; he rests undisturbed. In the morning he has arrived at his destination: his clothes are brushed and his boots are blacked; he makes his toilet at a dressing-table in a corner of the car; the waiter will shave him—few Americans shave themselves—if he choose; he has only to get his breakfast and go at once to his business. The traveler in England, under the same circumstances, pays a few shillings to the guard for the privilege of having two or three seats instead of one; stretches out his legs when night comes; covers himself as well as he can; goes to sleep if possible; is waked up a dozen times during the night; gets up in the morning frowsy, drowsy, and with a cold in his head, and is compelled to go to a hotel and spend a couple of hours in freshening himself up before he is fit even to think of the business which he is in no condition to transact that day. Why in the world can not the English railways have sleeping-cars? Railway corporations have no souls, of course; but in America independent companies seized the idea, built the cars, paid the railway companies for the right to attach them to the regular night-trains, and have realized fortunes from the enterprise. Transporters of furniture are able to secure special cars for their goods in England, and surely any one can obtain the right to run a sleeping-car, if he pay enough for it. That there is money to be made by such a speculation must be evident to those who have journeyed in England and observed the efforts which passengers make to pass the night without actual suffering, and the amount of extra fare which they vainly pay to guards, to refreshment-saloons, and for drinks and cigars, in order to achieve this result.

The smoking-car is another affair. The railway companies themselves should take that in

hand. It is no longer a crime in England to smoke; but to read the railway regulations one would suppose that a smoker was an outcast. Now, to at least five Englishmen out of every ten a cigar or a pipe, though upon other occasions it may be considered a luxury, is an actual necessity after a dinner and during a journey. Theoretically, the railway companies fine you forty shillings if you smoke a cigar; practically, you tip the guard and smoke as many cigars as you please. The companies are placed in this dilemma: they must either connive at the violation of their own rules, or arrest the majority of the male passengers in every train. Such a position is simply ridiculous. I remember that, when the authorities attempted to enforce an odious and unconstitutional excise-law in New York, a very able editor, Mr. George Wilkes, calculated the number of liquor-dealers and the capacity of the city prisons, and then advised the dealers to disobey the law simultaneously, since there were not prisons enough to hold so many thousand offenders. This shrewd advice was followed, and the law remains a dead letter. The British public have done precisely the same thing in regard to smoking in railway trains. There are not prisons enough in Great Britain to confine all the

railway smokers. Some conspicuous transgressor, like Lord Ranelagh, may be arrested now and then, and forced to pay forty shillings; but doubtless, if the truth were known, the judges who enforce the fines have themselves broken the law; just as a certain justice acknowledged from the bench that he had been in the habit of using a railway key, although his duty compelled him to punish another gentleman for having one in his possession. On Spanish railways gentlemen smoke every where; on Italian and German railways they smoke in every car where there are no English ladies; on French and English railways they smoke in every car where there are no ladies; in America they have a car to themselves, more or less elegantly upholstered, and the remainder of the train is left to the non-smokers, with no odor of yesterday's fumigation to offend their nostrils, and no cigar-ashes to soil their dresses. Is not this the most sensible plan? Some American smoking-cars are fitted up with card-tables, chess-tables, and files of newspapers; all are sufficiently comfortable. Is there any reason, except the British reason that it has never been done, why almost every railway company should refuse to extend the convenience of a smoking-car to its patrons?

## CONGRESS AND THE SUPREME COURT.

THE Articles of Confederation committed to the old Congress the duty of establishing Courts of partial Admiralty jurisdiction, and authorized the creation of special tribunals to decide questions between States concerning boundary, jurisdiction, or any other cause, or controversies concerning the private right of soil under different grants of two or more States; but no Court of common-law jurisdiction was authorized. The Judicial department partook of the general weakness of the Confederation, and a desire was manifested to establish it on a wider and firmer basis.

In the Convention for the formation of a new Constitution various plans for the organization of a Court were considered and defeated. Among them was the scheme, supported with earnestness by Madison, to give the new tribunal authority to revise Acts of Congress, before they took effect, to determine whether or not they conformed to the Constitution then about to be adopted; but this was voted down. The Court, subsequently to its organization, although requested by Washington to examine an Act passed by Congress, the constitutionality of which he doubted, returned it to him not having authority to consider the matter otherwise than in some pending litigation.

On the assembling of the first Congress in 1789 no Court was in existence, as it needed the moulding power of Congress to give it form and vitality, and to permit the nomination and appointment of judges. The occasion was one of extraordinary interest as the Constitution

had been adopted by more than the requisite vote, and the Court was to be supplied with the requisite form and machinery and set in motion. A committee, consisting in part of members who had been in the Convention and distinguished for ability, was selected to report a plan for ordaining and establishing a Supreme and inferior Courts.

From a comparison of the Judiciary Act, adopted in September of that year, with the articles in the *Federalist* respecting the Court, and both with the early decisions made by the tribunal, it will be found that there is a remarkable conformity between them, due in great part to the commanding influence of Hamilton, whose Numbers in the *Federalist*, with those of Jay and Madison, are destined to live as long as any published work, the effort of human minds, of which to-day we have knowledge. It is thought by many that the Judiciary Act emanated from Hamilton; certainly its spirit if not its language came from him. To these several sources it is proper to turn for information on the important subject of the power of Congress over the modes of proceeding of that tribunal.

The United States has been most fortunate in the character of the men who have occupied the Judicial Department of the Government. John Jay was nominated by Washington as the first Chief Justice. What Mr. Webster so correctly said of Mr. Jay, "that when the ermine fell upon his shoulders it touched an object not less pure than itself," applied to other members