"EQUALITY BEFORE THE LAW."

LECTURE

PROF. WILLIAM HOWARD DAY,

Delivered Last Evening, at Concert Hall, Before the "Social, Civil, and Statistical Association of the Colored People of Pennsylvania."

Phonographically Reported for The Evening Telegraph by C. R. Morgan. E Previous to the address, Miss E. T. Greenfield

(the Black Swan) gave "Dear France, I adore Thee," with excellent taste and effect, The President of the Association announced that on Thursday, the 15th inst., the Hon. Wil-Ham D. Kelley would lecture on the subject of the "Duties and Dangers of the Times," Profes-

sor Day was then introduced, and spoke substantially as follows:-Mr. Chairman, Ladies and Gentlemen:-The song which was sung by the sweet singer for us a few moments ago was a fair expression of the feeling of every Frenchman towards his native land, and just as the Frenchman bursts forth with song towards his native land-towards the land of his birth, of his education-just so

would we, this being our native land, declare our love for our country, our home, our native soil; and we can say for the land which bore us, though in which we have been oppressed, so oppressed by the law of the land :--

"Is there a man with a soul so dead, Who never to himself hath said. This is my own, my native land!"

That feeling is not only in us, but is universal and just, because we are a part of the common family-we feel towards our native land, same sentiments of love in which we would revere her, in life as in the wars of the country we served her in death to save. (Ap Mr. Chairman, a triend whom I met in the Old World said in one of his speeche: -The old age of chivalry is gone. Let it go, said he, for a nobler and a better chivalry is begun, and Bacon and Newton began it for science, and Herschell, and Davie, and Watt, and others have succeeded them with the new lists of the knighthood of civilization. Said he, We may be all warring against wrong and for free opinion, hating the moral sycophant of persuasion, dis-playing the courtesy of true tolerants.

Gentlemen of the Association:-The war of skill, I add, is over; the war of ideas will never cease until man shall be regarded for his merit, and not for any accident of clime, color, or con-dition. Peace at such a time as this would be the prelude to war, and silence at such a time as this would be to us the relaxing, persuasive sirocco-death of the Arabian desert. To the nation it would be the siren song, when Cappria should sing so sweetly to the passers-by, and

cause them in ecstasy to forget their country.

I know, sir, some of the difficulties lying in our way in considering the question—"Equality before the law." I know that it is exceedingly difficult for men to say "I have sinned," but far more so for the nation to admit it. But in approaching such a subject I have to ask you to lay aside prejudices, to put behind you preconceived adverse opinions, and place yourself alongside of those to-night who are thrown out by the inequality in the law, and then, as a jury, to give us your decision.

Law, sir, is defined by Noah Webster, in his grand commentary, to be a rule of order, the conduct established by authority, a conduct of the ruler or governor, a fixed regulation, an ex-pressed command, a decree, an order.

Secondly. That the appointed rules of community or state have the control of it, is in obedi-ence to order. Unwritten law is the common law of England. This reference to the unwritten law, as you know, is comprised in the Magna Charta, wrested from the unwilling king in 1215, and by the grant to the people of the habeas

and by the grant to the people of the habeas corpus and a trial by a jury of one's peers. And the people in the early days demanded that taxation should be passed upon by the peoentatives. The whole of this effort thus far has been made to secure one point only, namely, the recognition of the South and political rights to each individual man, and not merely the justification of the assumption of power by classes. Classes existed, and exist there to-day, and classes in some form, practically, will exist when this earth shall have seen another and another six thousand years, until they have crumbled into decay. "The poor," said the poor man's Friend, "ye have always with you," and will, until all classes are alike before the law of the land.

I know that I make a statement which some will be ready to controvert; but I think, in studying the workings of English law, you will be compelled to admit, that between man and man more justice is generally done. I don't mean this as a proof that the law is perfectly right. I don't mean that large masses of people are not unsuited to the exercise of their elective tranchise. I don't believe the relation of landlord and tenant, for instance, to be a steady one, but I know of no individuals of a whole class excluded from the rights and privileges to which that class is admitted. The high inequality in this, the elective tranchise—for if any man pay £10 rental. or \$50, as house hire, be he noble or ignoble, he may vote there, alongside of the proudest peer of the realm.

If wages be denied for honest labor performed, the courts decree that his wages shall be paid. and let there be a law for the hirer and the hired, in il respects alike; and if a man de-prives a poor man of his wages, there lies the remedy in the courts of law. Whether it be from the mines of Cornwall to Newcastle, that poor man can shake his fist in the face of the rich man, and tell him, as I heard a poor man tell a lord in the north of England, "I am no slave, sir, and I dety you." It was his power, because the law rallied around him, and gave him a rampart against class oppression.

Equality before the law implies, therefore, the exclusion of any one class of native-born citizens, and suppresses rights and privileges to which other classes are admitted, except the exclusion for crime, not supposed, but proven; just so we feel that every man in the nation should here be guaranteed equal civil and political privileges before the law; that in a re-public we cannot afford to be behind the age. Sir, we have had too little of the nawritten and too much of the common law; most of the decisions for us have been strangely uncommon, violating, as we think, the fundamental law of the land, the palladium of nations' liberties. So much has this been the case, that Punch, the other side of the water, says, "This is not the land of liberty, but of liberties with persons, property, of our tamily, and with all that man holds dear." All must admit this slur upon the nation. People are speaking of the colored man as a being to be legislated for, instead of a being to be legalated with or against, for it is either for or against.

In a late meeting held in New York, which became national in importance became the Secretary or State of the United States and the Postmaster-General of the Union addressed the nation, an address was presented and adopted, from which the following are a lew sentences:—"The element of disturbance, as we think, the only one is the political condi-tion of the freedmen, the old staves, whom we have emancipated by the great Constitutional amendment. There is no substantial disagree-ment among loyal men respecting their civil rights, their rights to property, to sell, and to testify. In short, they must have equality before the law, and whether they shall have suffrage is a dividing question, showing plainly that in their view equality before the law and suffrages are not included."

Now in the beginning I wish to protest against

Now in the beginning I wish to protest against any such terms—against any such spectous poli-tical philosophy, which I think ought to be called specious political hypocrisy. (Apolause.)

What is the law referred to in this address in

New York, made national by the presence of these distinguished gentlemen? Why, a statute or ordinance of any State may not contravene the professions of the State constitution, and that State constitution must, not may, accord with the Constitution of the United States, which is the supreme law of the land. The statute which violates the Constitution is swept away

legally, although it still hves, and such statutes always do he on the books. (Applause.)

Yhat Constitution obliges Congress—it does not leave it optional—obliges Congress to gnaranice to every State a form of government where the people choose the representative that is not only republican, but thatis what the United States Constitution guarantees. A guarantee, we are told in the books, is an agreement to answer for the payment of some debt or for the performance of some contract, the duty of another, in case of the failure of such other to pay or perform, a warrantee, or a security. Therefore the mass of the people of South Carolina, for instance, are excluded from the suffrage, and a large number of unrepresented men, native born citizens, in any State as Mississippi, Ala bama, Louisiana, or elsewhere, are excluded from suffrage for no crime, except that of color. Congress must, it it be loyal to the law of the land, sweep away the invidious distinction raised by the State, and hung over the citizens, black or white, or the representatives of citizens. (Applause.)

It cannot make decisions, and do you permit them to be citizens before the law until this is done? This is only justice. The United States Constitution, we are told, was framed to see justice and suffrage in this land, and to secure the blessing of liberty. This, then, is its legiti-mate sphere and purpose, now and ever. It re-cognizes that natural birth in a country gives citizenship. Article 2d, Section 1st, Clause 5th, bas the language, no person except a natural born citizen, and so torth, shall be eligible to the office of President, etc. Article 4th, Section 3d, claims that the citizens of each State shall be citizens. be entitled to all the privileges and immunities of citizens in the several States.

First, then, awral birth conters citizenship; and, second, cargenship is to be thus recognized; in every State al ke free suffrage belongs to all natural born citizens at least, except that which is forieited by crime. If we fall back upon the Declaration of Independence, upon which the Constitution is based, the argument is at every

step fortified.
In 1776, in the morning of American republicanism, when it sent forth on the wings of the wind one of the greatest documents the world has ever known, 'raught with respect to the nation, to humanity, and to all coming time, it said, as you know, "We hold these truths to be self-evident," so evident that they need not be proved, "that all men," all men "are created," politically of course, "and endowed by their Creator with certain inalienable rights," rights that may not justly be taken from them; that among these are life, liberty, and the pursuit of happiness.

To secure that this Government was estab-To secure that this Government was estab-lished, and it cerives its powers from the con-sent of the governed. Not that the doctrine of political equality had not been before an-nounced—not that liberty in its largest sense bad not been before proclaimed. It had been announced; it had been believed. The doctrine had been proclaimed amidst the unapproachahad been proclaimed smidst the unapproachable darkness of Mount Sinai, where God with His thunder tipped with flame wrote Himself Anti-Slavery, say ng, "I am the Lord thy God; who brought thee out of the land of Egypt, out of the house of bondage; thou shalt have no other gods before me." (Applause.) And the 16th verse of the following chapter should also be read, "Liberty, permanent and inalienable." And then spanning that Scripture like a rein-And then spanning that Scripture like a rainbow are the words of Jesus, "Whatsoever ye would that men do to you do ye also to them." Peter thundered it forth in the ears of the astonished Jews, "Of a truth I perceive that God is not a respecter of persons;" and Paul also said. "I would to God that not only thou but also all that hear me were both almost and altogether such as I am, except these bonds." (Appliance) such as I am, except these bonds." (Applause.)
And that voice has been going around the
world on a wave of fire, looking up the despotisms of the world, and yet stopping to whisper in the car of the bondman, "Up, thou thyself also art a man and with the car." self also art a man, and with others may stand upon the platform created for thee by thy God."

(Applause.)
The Declaration of Independence was not merely the voice of God thus proclaimed, but the voice of the people (which Democritus says is the voice of God), but the voice of all heroes, of all ages, mingled into one. They speak through General Washington, who led the young nation through tempest and storm, up to the brightest sunlight of prosperity. They spoke through Patrick Henry, the captain, who struck with his trusty blade for political freedom here; and from Patrick Henry, the orator, who echoed from the Virginia House of Burgesses the cry, "Give me Liberty, or give me Death." (Applause.)

That voice thus uttered proclaimed, first, that the business of Government is to equally protect all within its pale, and, second, the Government which fails to accomplish this is not a just Government; and the protest raised at the beginning of the astion's existence is still echoed against injustice, to which they signed and scaled their blood. The nation waged a seven years' war in defense of this.

Remember the blood-red altars of liberty were strewn over the country, and as if there should be no mistake as to the meaning in the conflict of ideas, it was said these are the rights, not of a class, but of all human nature. (Applause.) If these rights had been before that tramiled hard down by the heel of despotism, the heroes of American Liberty exhumed them with their swords, and exhumed them forever to us, because they were made ours through blood, and fire, and suffering, and death. You will ask me, Why, then, did not the States adopt this principle entirely? I answer they did begin to do it, until slavery, which was always a rebel in this Government, revolted against law and constituted authority, by its untiring energy and meanness.

When in 1776, at if it should be an echo of the Declaration of Independence, Virginia aboushed the external slave trade. In 1780 Pennsylvania, New York, and Massachusetts abolished theirs. The emancipation of 1784 by Connecticut, and Rhode Island, who did the same in 1792, and New Hampshire followed their example. In 1864 even New Jersey tollowed the example of the States above-mentioned, and passed measures of emancipation. (Applause.) And when, n 1784, Virginia and other States ceded the Northwest Territory to this country, Thomas Jefferson introduced what is called the Jeffer-sonian proviso, declaring that there should never be slavery or involuntary servitude in that Northwest Territory, except for crime; and though that position was denied, and the report laid away, battle after battle was longat by the slave power, by this rebel in the Government, to sustain itself against freedom, and against the advancing ideas of the Revolution, of which freedom was but the first.

In 1820 they fought another battle, and won the battle against these advancing principles. Still there was enough of liberty left, and enough of entranchise left for us to look back to- and there were trees enough left in the deep wilderness through which we had been brought that we might find our way up to the present day of light and liberty. (Applause.) But Southern slavery won in 1820; it won morder that the colored people, not merely the slave, but the tree, might be kept down, and from 1820 to 1834-5-6, was one great, quiet struggle, if I may so call it, when these two elements-Freedom and its franchises, or Slavery and its proscriptions-were gathering themselves up for the grand conflict which is still going on. But the bloody portion of it, let us hope, has just ended, in sweeping away from the

hope, has just ended, in sweeping away from the land rebellion and slavery together. (Applause.) In 1834-5-6 slavery prepared itself for the desperate strucgle to keep us down, the most effectual means being inequality before the law. So, down to 1846, slavery came up every four years and made a new demand for itself, the essential point slways being that the colored people were to be kept down. The Fugnitive Slave bill of 1850 was horrible in itself, in the attempt to retake the escaping bondman, and it was intended for more than that, namely, to was intended for more than that, namely, to keep the people of the North, whether white or black, from acting in behalf of the fleeing bondman, and to cowe down more effectually than

ever the free colored men scattered through the

North,

They said, "Spring up, ye dogs, both twofcoted and tour-tooted bloodhounds, through the country. Spring up, spring up, my brave blood-hounds. Spring up from every lair—let every law be firmly set; let every eyeball glare, for the lash is come to the culter brake, and the muzzle no longer binds, for the scene of blood we love so well comes down on the northern winds; and brothers, awake, for the time is come to send the bloedhounds after him. They have opened a noble field for us to follow our new game." We will hunt no more in the Dismal Swamp, where the snake and the wild beast hide, but will course on the North, where the fields are fair and wide; but never again shall the prey escape. But even then, when the sun grows cold, for every man in the conquered North to aid in the hunt, is sold. The old, the young, the weak, the strong, are bound alike by law to follow the trail till the negro's throat is licked by the bloodhound's jaw. (Applause).

There is no spot we will not search, There is nothing shall daunt or awe; The right and the wrong are alike with us, For we fear no higher law. We'll follow the scent, though it may lead us BCT688

The graveyard's rugged sward, We'll not stop to leap through the altar's rail In the house of the living God. Then up, spring up, my brave bloodhounds, Spring up from every lair, Let every jaw be firmly set,

Let every eyeball glare. For the men of the North, useless, one in three n the chains of iron are bound, from the Tolden Land to the State of Maine, everywhere is the fierce bloodhound. It was true, then, sir, every word of it, because in every corner of the Union is planted its standard. It proclaimed itself supreme, and the result of it all was that free colored people were driven before it, as before a sirocco's blast, out of our midst into Canada, into the sea, down to death, to the abyse of hunger, by this terrible miscreant in the country which we had nursed so long. (Applause.)

The speaker then reviewed the Dred Scott decision of 1858, which he said was intended to keep the North and colored people down, making a forcible allusion to Bunker Hill as the house and birth-place of liberty, but offering but a poor asylum for the colored man. He spoke in cloquent terms against the despotism of the socalled republicanism. Said he was in favor of suffrage to four classes. First. To every man who paid a tax of \$200. Second. To every colored man who could read the Constitution of the United States and write his own name. Third. To every colored man native born, and

brave colored troops who so gallantly fought for the right of suffrage.

The speaker was often applauded, and spoke two hours and twenty minutes.

perforce a citizen. Fourth. To every one of the

The Late Embassy from Tunis-Acknowledgment of Courtesies.

W. Amos Perry, United States Consul at Tunis, has sent to the Department of State a translation of a letter, which we print below, received by him from the Bey's Prime Minister, expressing his Highness' gratitude for various courtesies shown to his embassy in the United States:-

[Translation.1 Praises to the only God!

To the beloved and Honorable Amos Perry, Consul General of the United States of America, at our Capital (whem may God preserve): His Highness, our august sovereign (God grant that his prosperity may be perpetual!), has learned that many di-tinguished American citizens, corpo-lations, associations, and institutions, aside from the General Government, paid to his ambassador, Generai Otman Hashav, who was accredited to your Gov-ernment, great and notable honors. Assuredly, these parties meric a special, a double expression of grati-tude and thankfulness. His Highne-s regards these

acts of courtesy and goodwill as a proof of elevated character, and their memory is deeply engraved upon his heart. He therefore solicits your friendly aid in interpreting to the parties referred to, his cor-dial salutations and sentiments of enduring grati-May you abide in the faith of God!
Written by the servant of his God, the Prime Minister and Minister of Foreign Affairs.
GENERAL MUSTAPHA.

CHAABA, 80, 1282-(A. D. Jan. 16, 1866.)

THE NAVAL REGISTER FOR 1866 .- The Navy Department is proverbially prompt with its publications, and the Register for 1866 is ready for delivery. It shows that on the 1st of January there were 1 Vice-Admiral, David L. Farragut; 4 Rear-Admirals on the active list, viz., L. M. Goldsborough, commanding European Squad-ron; Chas. H. Davis, superintendent Naval Observatory: John A. Dahlgren, waiting orders: David D. Porter, superintendent Naval Academy; and 7 on the retired list, viz.: Chas. Stewart, Wm. B. Shubrick, Jos. Smith, Francis H. Gregery, Silas H. Stringham, Samuel L. Breese, Hiram Paulding; 10 Commoderes on the active list, and 29 retired; 35 Captains on the active list, 15 retired, and 9 reserved; 71 Commanders on the active list, 28 retired, and 13 reserved; 142 Lieut. Commanders on the active list, and 4 retired; 90 Lieutenants on the active list, 8 re-

tired, and 10 reserved. A SOLDIERS' MONUMENT. -The people of Bristol, Connecticut, emulating the example of other New England towns, are about to erect a monu ment in memory of their townsmen who fell in the war. It was designed by J. G. Batterson, and is to cost \$2000. It is of Portland freestone, twenty-sive feet in height, and consists of a shait, at the lower portion of which are a raised Union shield and the Connecticut State arms combined, with festooned drapery and a wreath. In the centre of the main shaft, in raised work, are regimental colors and a musket crossed, s sword, beit, cartridge box, etc., and above and below this are the inscriptions "Antietam" and "Atlanta." Surmounting the whole is an elegant capital, on which rest a ball and eagle.

THE TAILOR PRESIDENT-EXTRAORDINARY PRE DICTION OF TWENTY YEARS AGO, -In the Cleve land (Ohio) Times of 1847, the following extract is published from the Kinderhook Aimanac of that year, containing a prediction about the United States which is most singular in view of

passing events:—
"Whow the country is ruled by a tailor bold,
A begar shall stitch with a thimble of gold;
And the water shall furnish, maread of the land, Three mithons of men with their first in command."

DENTISTRY.

TSAIAH PRICE, DENTIST, GRADUATE OF Philadelphia Cellege of Dental Surgery, class 1853-4, formerly of West Choster, Pa., having served three years in the Army, has resumed the practice of his profession at No. 241 N. ELEVENTH Street. Philadelphia, where he will endeavor to give satis actory attention to all who may require his professional services.

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LEGAL NOTICES.

IN THE ORPHANS COURT FOR THE CITY
AND COUNTY OF PHILADELPHIA.
Estate of JOHN WILSON MOURE, M. D. deceased.
The Audi or apsointed by the Court to andit, settle,
and adjust the account to RACHEL WILSON MOORE,
WILSON MOORE-JENKINS and JACOS M. ELLIS,
Executors of JOHN WILSON MOORE, M. D. deceased,
and to report distribution of the balance in the hands of
the accountant, will meet the parties interested for the
purposes of his appointment, on TUESDAY, the 20th
day of March, A. D. 186s, at 11 o'c ock A. M., at his
office, No. 402 WALNUT Street, in the city of Philadelphin.
3 9 mwot* 3 9 fm w5t*

IN THE ORPHANS' COURT FOR THE CITY
AND COUNTY OF PHILADELPHIA.

Estate of WILLIAM DENNEY, deceased.
The Audior exponited by the Court to audit, settle, and adjust the account of JOHN MCARTHUR JR., sole Executor of the last will and testament of WILLIAM DENNEY, deceased, and to report distribution of the balance in the hands of the accountant, will meet the parties interested for the purposes of his appointment, on MONDAY, March 12, 1865, at a o'clock F. M. at the office of George Junkin, Esq., S. E., corner of SIXTH and WALNUT Street, in the city of Philadel phila.

THOMAS J. WORRELLL.

31 mw8t* 51 fmwst*

IN THE COURT OF COMMON PLEAS FOR IN THE COURT OF COMMON PLEAS FOR THE CITY AND COURTY OF PHILADELPHIA, SUSAN P. HARBOZIN vs. ISAAC HARBOZIN.

September Term, 1865. No. 22.

To Isaac Harbozin, Respondent.—Sir:—The Court have grazted a rule to show cause why a divorce from the banns of matrimony shall not be decreed. Returnable SATURDAY, March 17, 1886. &t 10 o'dock A. M. Personal notice having falled on account of your absence.

36tul 44* THOMAS J. CLAYTON, for Libellant.

I STATE OF THE HONORABLE OSWALD
Letters of Administration upon the Estate of the
Honorable OSWALD THOMPSON, deceased, having
been granted to the under-ligned by the Register of Wills
for the City and County of Philade pula, all persons
having claims or demands against the Estate of said decedent, are requested to make known the same, without
decay, and those indebted to make payment to
JOHN CLAYTON,
Administrator,

No. 717 WALNUT Street Philadelphia. NOTICE.—LETTERS TESTAMENTARY upon the estate of MARY HANCOCK, deceased, have been granted to the undersigned. All persons having caims or demands against the estate of the said decedent are requested to make the same known to him JAMES B. HANCOCK, No. 236 CATHARINE Street

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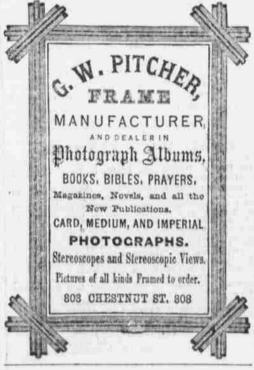
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We effer the finest Havana Cigars at prices from 20 to 30 per cent, below the regular rates.

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Machine Work and Millwrighting promptly attended

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OFFICE S. E. CORNER 1HIRD AND WALNET
STREETS, PHILADELPHIA.
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CARGO TO all parts of the W
FREIGHT INLAND INSURANCES
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FIRE INSURANCES
On Merchandies generally.
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ASSETS OF THE COMPANY

On Stores, Bwa.img Houses, etc.

ASSETS OF THE COMPANY

November 1, 1885.

100 000 United States 5 per cent. loan, 71....\$93,000 00

200,000

Treasury Notes.

100 000 State of 1 chasylvania Five Per Cent.

Lean.

125,000 City of Philadelphia Six Per Cent.

Loan.

20,000 Pennsylvania Railroad First Mortgase Six Per Cent. Bonds.

20,000 Pennsylvania Railroad First Mortgase Six Per Cent. Bonds.

20,000 Pennsylvania Railroad First Mortgase Six Per Cent. Bonds.

25,000 Pennsylvania Railroad Mortgase Six Per Cent. Bonds.

25,000 States Store Germantown Gas Company Principal and interest guaranteed by the City of Philadelphia Railroad First Mortgase Six Per Cent. Bonds.

15,000 Stores Store Germantown Gas Company Principal and interest guaranteed by the City of Philadelphia Railroad First Mortgase Six Per Cent. Bonds.

1,150 143 Sbares Store Pennsylvania Railroad Horts

delphia.

7,156 143 Shares Stock Pennsylvalia Railrold ompany.

5,066 165 Shares Stock North Pennsylvania
Railroad Company.

46,066 Deposit with United States Government, subject to ten days call.

20,066 State of Tennessee Five Per Cent.
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1829-CHARTER PERPETUAL FRANKLIN FIRE INSURANCE COMPANY

PHILADELPHIA. Assets on January 1, 1866.

\$2,506,851'96.

 Capital.
 .8400.000 00

 Accided Surplus.
 .944.543 15

 Premiums.
 .1,162,308-81

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8310 000. LOSSES PAID SINCE 1829 OVER \$5,000,000.

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PHILADELPHIA. Annual Policies issued against General Accidents of all descriptions at exceedingly low rates, Insurance effected for one year, in any sum from \$100 to \$10 000, at a premium of only one-half per cent., secu ring the full amount insured in case of death, and a come pensation each week equal to the whole premium paid. Short time Tickets for 1, 2, 3, 5, 7, or 10 days, or 1, 3, or 6 months, at 16 cents a day, insuring in the sum of \$3000 or giving \$15 per week it disabled, to be had at the General Office, No. 123 S. FOURTH Street. Philadelphia, or at the various Railroad Ticket offices. Be sure to purchase

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1NCORPOBATED 1804—CHARTER PERPETUAL.

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In addition to MARINE and INLAND INSURANCE this Company insures rom less or damage by Fille. On the company insures rom less or damage by Fille. On the company insures and permanently on buildings, by deposit of premium.

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