

SPIRIT OF THE PRESS.

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

The President and Public Opinion.

Public opinion is only private opinion in the aggregate. Our many readers, now arrogantly rejoicing in minds of their own, will be interested in knowing what is about to happen to them in the matter of their intellectualities. The Presidential instrument, the National Intelligencer is amiable enough to let us into the secret beforehand. Public opinion, heretofore showing itself obtuse, yawning, and insufferably independent, is to be taken in hand by Dr. Andrew Johnson. "It must be started," says the official journal, "into the spirit of the right, and not coaxed." His Excellency, then, is about to discard the suaver in modo, and to resort to the fortiter in re. This announcement fills us with the greater apprehension because we have never remarked any peculiar amiability in the President's demeanor, anything particularly persuasive in his speeches, any preponderance of eminent sapience in his policy.

If, heretofore, we have been "coaxed," we are now to be "started," without our knowing it. We were rather than else laboring under the impression that we had been bullied; but now that we know how tenderly we have been treated, and how deaf we have been to the voice of the charmer, we hasten to record our gratitude, the rather because we have a constitutional objection to being startled, which is the euphonic phrase, we suppose, for being scared. The President, it appears, is to lay down the serene torch of policy and take up the pumpkin-lantern of intimidation. He is to cry "Boo!" with such a sudden sonorance that a majority of those Americans whose auditory nerves are delicate will presently be in fits. He is to exhibit himself in all his terrors, as a village loafer wraps himself in a sheet, and plays ghost up and down a cemetery. In short, we, the people, are to be "started," not out of our own propriety, and we might as well begin to take little prophylactic doses of valerian at once.

We have great faith in the President's power of "startling," but we believe that he will need it all. The truth is, we have been "startled" so often that we are getting to be like the peppery gentleman in "Dombey & Son"—"tough, sir, devilish tough." We have lived a long time in a chronic condition of astonishment, and if the Executive has any "fantastic tricks" in reserve for the demonstration of his "brief authority," all we have to say is that the angels had better be getting out their pocket-handkerchiefs. Forwarned, however, we shall be forearmed. There is only one way which occurs to us, in which the President can astonish the people. If he would but show the same morsel of modesty, the mildest diminution of self-confidence, the faintest memory of his old professions, the least symptom of emerging from the political muddle in which he is floundering, the simplest symptom of returning regard for the people's representatives, we promise for ourselves and for our readers to be startled in his heart's content. The least token of such a regeneration would fill us with awe like a miracle. We suppose that it would be of small use for us, in the name of our fellow-citizens, to ask for mercy. "Suffer and be strong," "grin and bear it"—these are reasonable proverbs. The advantage of preserving a certain stiffness in the apparition longer to spring in the human breast, she must be touched up artificially. We shall know what the President intends when he comes to what his mouthpiece calls "prompt, decided action." 'Tis an old-womanly weakness, but we confess to a curiosity to know what is to happen next. Except in cases of actual execution, anything is more tolerable than suspense.

Maryland and Michigan—The Irrepressible Conflict.

The Maryland Constitutional Convention was composed chiefly of returned Rebel soldiers or of Democrats of the Copperhead class. Its proceedings attracted very little attention, compared with the Republican Convention in Michigan. While the latter dealt with fresh, living questions, and while many of its decisions were reported over the whole country, the Democratic pro-Rebel Convention at Annapolis was hardly noticed beyond the boundaries of its own State. Maryland, clinging to the dead body of slavery, is almost hidden from the public gaze by Michigan advancing into the mid-day light of perfect liberty.

The Maryland Convention performed its work as if its members felt that they were still fighting for "the lost cause." They attacked the Union office-holders of the State with as much reckless impetuosity as Lee's veterans in their last desperate assault upon the Union lines before Petersburg. They framed their constitution apparently for no other purpose than to obtain the State and local offices now held by Union men. They have admitted all the returned Rebels to the suffrage, and excluded from it all colored men. They established no test of loyalty. On the contrary, they have made disloyalty the test of suffrage, by excluding colored Union soldiers from the use of the ballot-box. While white Rebels, who fought under Lee, or who stood on the picket line around Andersonville, or guarded Libby, are admitted to vote, and colored men who fought under Grant, and aided in the defense of Washington, and Baltimore, are denied that right. They are denied even the right of admission to the witness-box, except as a temporary and special favor. The Convention has placed all the colored people of Maryland at the mercy of a white, pro-Rebel Legislature. No security of the least value is

given in the new Constitution to negroes for either life, liberty, or property. Even the present laws of the State in regard to negro apprentices may remain unchanged. Negro children may be wrested from their parents and hired out to their late owners. Thousands of cases of this kind have recently occurred. In Calvert, Anne Arundel, and other counties. The Civil Rights bill passed by Congress stopped this practice to some extent; but Maryland judges and juries refuse in many cases to enforce that law. Many local laws of a similar character to the State Apprenticeship law exist and are enforced. For instance, in several counties negroes are not permitted to deal in merchandise unless recommended by a certain number of white freeholders; and if a white man, in some places, employs a colored clerk, he is liable to a fine of \$50. In one county negroes are not permitted to hold public meetings, except on days fixed by their late masters. Negroes convicted of crime may be sold into slavery for a term of years. These and other laws of like character disgrace the statute-book of Maryland, and the new Constitution does not hold out, so far as we have seen, any prospect of improvement. The fact that it leaves the Legislature at liberty to take away at any time from the negroes the right to the witness-box, and that it authorizes an appeal to Congress for compensation for slaves, is very strong evidence in support of the charge that the Democratic party in Maryland would re-establish slavery in its worst form to-morrow, if it had the power and courage.

But the Maryland Democrats hold on to the shadow of slavery, and grasp after its substance with an eagerness and a nervousness which are the sure signs of weakness and final failure. The Convention has given the people only until September 18th to examine the new constitution. They have ordered an election in Baltimore on October 23, with the design, it is said, of getting immediate possession of the local government. This gain would aid in carrying out the proposed revolution in other departments. The short duration of the canvass, lasting only thirty days (from August 17 to September 18); the fact that the Democrats are certain to carry the State, and the haste to complete the subsequent changes among officeholders, show that the ruling party is afraid of Congress coming to the rescue of the Union men of the State. The returned Rebels of Maryland are hurrying to the capture of the local government of their native State with the same speed that Lee's army rushed towards Lynchburg. Will Congress intercept this attempt to take up a new defective constitution, as Grant intercepted Lee? That is the leading question at present before the people of Maryland.

The Michigan Constitutional Convention has not shown any sign of being afraid either of its own people or of the general Government. They closed their labors on August 22, and they have given the public until the first Monday in April, 1868, to examine their work. This is a political campaign of seven months to one month in Maryland. The new Michigan Constitution will be adopted at leisure, and will be permanent, while Maryland will adopt its new Constitution in haste, and will repent at leisure.

The new Michigan Constitution establishes impartial manhood suffrage. It makes no allusion to color. It admits to the ballot-box all the males in the State over twenty-one, who are citizens of the United States, who have been residents in this country two years and a half, and have declared their intentions, and who have resided in the State three months, and in the ward or district ten days preceding the election. It excludes only women and idiots and insane persons. It admits paupers, prisoners, and all colored men, whether negroes or Indians or any other nationality, possessing the qualifications already stated; and this section takes effect with the Constitution on July 1, 1868. The same impartiality and liberality which are exhibited in the article regarding the elective franchise pervades the whole document. The Bill of Rights begins with the declaration that all political power is inherent in the people, and this spirit runs through every section. The interests of the people—the whole people—are the first and last subjects of consideration. The article which forms the termination of the body of the Constitution is on exemptions from taxation. It secures to every resident in the State personal property to the amount of \$500, and a homestead not exceeding forty acres and worth not more than \$2500, free from sale for debt. Even the poor man who does not own a farm is protected in the possession of the house in which he lives. Widows are guaranteed their husbands' homesteads during the minority of their children. All women are protected in the exclusive possession and use of their own property. The whole framework of State and local governments is constructed so that the people have full and immediate control over their servants. The Constitution is, in short, an expansion of the declaration that all men are created equal and have inalienable rights, "among which are life, liberty, and the pursuit of happiness." It contains no clauses, like that of Maryland, calculated to repel immigrants, or to prevent the increase of wealth, or to diminish the sum of public happiness. Even the prohibitory liquor clause may be regarded as a voluntary State temperance pledge, which is submitted to the people as a separate question, and which, if taken, is to be kept only so long as it is considered to be for the general welfare. It is, at least, an earnest if not wise attempt to banish, as far as practicable, poverty and crime from the State. And however objectionable prohibition may be in itself, or however unsuitable it may be for many States, it is certainly less questionable than the downward path of Maryland towards slavery, rebellion, and all other crimes.

Judging from the new Constitutions now before the people of Michigan and of Maryland, "the irrepressible conflict" between liberty and slavery still continues. It is not possible for two States, with Constitutions conflicting in so many important points, to remain permanently connected together under one general Government. One of the two must change its Constitution within a few years, either voluntarily or under duress. If the past be any guide to the future, we may safely predict a change in the new Constitution of Maryland at no distant day. No State in the Union has so frequently amended its fundamental law, and yet in no State is that law more defective. Another change will probably be a comparatively easy matter. After amending their Constitution at least fourteen times since 1776, the people of Maryland are not likely to be very stubborn in resisting other modifications, even though they come from outside, in the shape of a Federal amendment, and be forced upon the State with the design of making its fundamental law harmonize with the amended Constitutions of other States and of the United States.

Governor Orr Sees a Light.

The Hon. James L. Orr is a very fair specimen of a Southern politician of the old school—better than the average, decidedly. In the bad, old times, he was not a No. 1 fire-eater.

He was not a Nullifier, we believe, in the days of Jackson, Calhoun, and McDuffie. He was for "cooperation"—that is, really against secession in 1861. He went out with South Carolina in 1861, but was not among those who forced the act. And, though a "Conservative," he has not chosen to take his place among those who utterly refuse to be recon-structed since 1865.

Governor Orr, we observe, has been making a speech at Belton, South Carolina, wherein he advises his conservative brethren to register and vote. So far, so good. And we are neither offended nor alarmed at his reported suggestion, as an argument for so doing, that "the attitude (?) of the negro in the Convention and the Legislature will produce a wonderful reaction in favor of the South throughout the North."

The telegraph is too saving of its words. We wish it had been more lucid at the expense of being a trifle more copious. Whether it be the admirable or the scandalous behavior of our friend Pompey from which the Governor anticipates such good results, doth not certainly appear; but we apprehend that he hopes for good—from the black's behavior in office being so bad. In other words, Pompey, who was a model of deportment while kept in his place behind Massa's chair, will play "fantastic tricks before high Heaven" when exalted to a seat in convention or Senate, and thus turn the republican positions now held by him thereon be ordered to resume his old and its position in the cabin, the cotton-field, and behind Massa's chair, and "the King shall come by his own again."

Such, we believe, is the latest born hope of the unconstructed, which is impelling them to say quietly to each other, "Let us give the North a surfeit of niggers. Let us serve them up stewed, broiled, fried, roasted, and fricasseed, until her gorge rises at them. Since we cannot ourselves gain access to Convention or Congress, because of the registry and the iron-clad oath, let us elect a big buck nigger to every seat we can fill, and see how the radicals will relish their company."

We have already said that the idea was a good one, and we hope to see it generally adopted. The cards of the very few Southern blacks who have announced themselves candidates for responsible positions are replete with modesty, patriotism, and good sense. They are firm in the assertion of equal human rights, but they are kindly, appealing, and (in the true sense) conservative. If thirty negroes shall be sent to Congress from the South, we shall confidently count on the votes of at least twenty-five of them for universal amnesty, thorough pacification, and the restoration to political rights of all who have conducted as became good citizens since the collapse of the Rebellion. We have seen representatives of the South in Congress (not all, but some) whose manners and bearing reflected little credit on their constituents. If John T. Harris, Robert Small, and other gentlemen of color, shall now be sent instead of those, we confidently anticipate a decided improvement on their predecessors of 1848-60. We beg the unconstructed to send us as many of these as possible.

Napoleon's Circular and Speeches—Do They Mean Peace?

The Marquis de Monstier, French Minister of Foreign Affairs, has addressed a circular to the representatives of the empire at foreign courts on the subject of the relations of Napoleon's Government towards the other continental powers. The official document, dated September 1, is reassuring, the Minister asserting that the "auspicious meeting" at Salzburg should be regarded as "a fresh pledge of the maintenance of peace."

The Emperor of the French, it must be admitted, is noidler. The exhausting labors inseparable from the Exhibition and the entertainment of illustrious potentates and princes being virtually ended, he does not court repose. In place of setting out at once for Biarritz, to rest and drink in health from the invigorating sea breezes, he goes forth to meet his imperial brother of Austria on the twofold mission of condolence and diplomacy. The Salzburg conference ended, whether to his entire satisfaction or not we cannot tell, he proceeds to the camp at Chalons, where he amuses himself, and all the world besides, in the double exercise of reviewing his troops and making soup for his officers. This done, he is in no hurry to get home. Halting at different stations by the way, particularly at Arras, at Lille, and Amiens, he busies himself feeling the pulse of the manufacturing population, receives loyal addresses, and delivers speeches in reply, full to the brim of pacific assurances. The question which naturally arises to every thinking man's lips is, what does all this mean? To answer this question directly most men find it difficult. Of all men living the man Napoleon is the least easily read. The "Sphinx of the Tuileries" is a name by no means inaptly applied. The oracle seldom opens his mouth, and when he does speak we seem to be as far from a knowledge of his thoughts as ever. Talleyrand was never more successful than in making speech the means, not of expressing, but of concealing thought. The Salzburg conference was certainly ominous of danger, and there are many who persist in thinking that the fruit of it cannot be other than bitter. The visit to the camp at Chalons was not more reassuring. The disposition manifested to feel the public pulse at Arras is, to say the least of it, equally suspicious. But what are we to make of these repeated assurances of peace? At the close of the Salzburg meeting it was announced, evidently with imperial sanction, that the peace of Europe was now secured. The speech at Arras was of doubtful significance, and might mean either peace or war. The speeches at Lille and Amiens have both of them been eminently pacific, and the Foreign Office circular is in the same vein. What, then, is the conclusion to be arrived at?

The conclusion to which we feel ourselves driven by a review of the entire situation is, that Napoleon is desirous of peace; that he has convinced himself that the French people are desirous of peace; that, therefore, we shall have no war unless war becomes such a necessity as shall compel the public assent of France. There is nothing of which Napoleon, in later years particularly, has shown himself so ambitious as to be the exponent of the public mind of France. France, it is now manifest, does not wish war. Our conviction, therefore, is that we shall have none.

In arriving at this conclusion we are not forgetful that the empire has not always meant peace when it said in did; that the Minister has often cried peace when it meant war; and that experience has taught that, as a rule, it is safest to interpret the Emperor's language in the opposite sense. We are as little forgetful that circumstances have materially changed within the last ten years. In the early years of his reign he had a name to make, and make it he must, by fair means or by foul. He has made his name, and his anxiety now is to found a house. In order to do this he knows he must consult the welfare of France,

and, to a large extent, be obedient to her will. It is as impossible for him to be indifferent to the public sentiment of the world, and the world can see no just cause of war in the growth of Prussia and the consolidation of the great German nationality. Money, too, is scarce, and the necessity is daily becoming more imperative on the part of governments to consult the will of the great money holders, who are the "kings that are to be." A Franco-German war would be disastrous to trade, and cannot have the approbation of those kings of gold. Prussia, we know, will not attack France; and from the feeling which has been elicited, France, it may now be inferred, will not attack Prussia. The Salzburg conference, in our opinion, left matters in doubt. At Chalons and at Arras the Emperor felt the national pulse, which was not to be mistaken. At Lille and at Amiens he responded. The result is peace. In the interests of trade and commerce, and for other higher reasons than even these, let us rejoice, and let us hope, that Napoleon at last sees and deprecates the evil of keeping Europe in a perpetual war excitement—an evil for which he himself is mainly responsible.

Secretary McCulloch and the Importers.

Our recent article upon the unjust and illegal administration of the revenue laws by the Secretary of the Treasury, has had the effect of eliciting from Whashington an attempted vindication of the course of Mr. McCulloch towards our merchants who are engaged in importing merchandise from foreign ports. It only confirms all we have said concerning the inconsistent and oppressive action of McCulloch in regard to our importers, who have paid duties to the Government which have been decided by the courts to have been illegally exacted. It is admitted that an immense sum of money has been paid back to some particular persons who had not complied with the law, by protesting or bringing suit. Now we ask where does Mr. McCulloch find his authority to make an arbitrary rule for one importer and a different rule for another—paying to him who has waived all his rights by neglecting to protect himself by conforming to the laws the full amount of his claims, and refusing to pay to the other, who has taken all the necessary steps to protect his legal rights, and has secured a decision of the courts in his favor? The fact is that Mr. McCulloch permits his subordinates to make decisions that receive authority from the sanction of his signature, which are daily embarrassing the Government by their antagonism to the spirit of our revenue laws and the decisions of judicial tribunals, at the same time doing immense mischief to our great importing interests. When we compare the days of Corwin, Robert J. Walker, Guthrie, and others, who administered the revenue laws in the spirit they were enacted by Congress, with the present time, when they are turned into an engine of oppression and favoritism—the will of Congress and the decisions of the courts being set at defiance—we may well view with alarm the damaging effect upon our national credit of the inauguration of a system which encourages corrupt officials to fill the pockets of themselves and their friends out of the Treasury, and to drive importers who have paid duties illegally away from the courts, and compel them either to abandon the prosecution of their claims or to corrupt Treasury subordinates to obtain their just dues.

The facts in regard to the recent decision of Mr. McCulloch, whereby several hundred thousand dollars in gold has been taken out of the Treasury, are that in the fall of the year 1866 a person holding an official position in the Custom House at this port discovered that, by an error or omission of the law of June 30, 1864, the Collector had been charging too much duty upon certain importations of merchandise. This official resigned his position in the Custom House, and entered into an arrangement with the parties interested to get back from the Government such duties as had been paid in excess, he receiving a fee of fifty per cent. of the amount recovered for his services. As no one knew of the error or omission in the law until it was discovered in the fall of 1866, no protests were filed against the payment of the duties that had been paid from the time of the passage of the act, in 1864, down to the time of the discovery of the error in the law in 1866.

Our revenue laws require, in all cases, that the importer shall file a written protest with the Collector within ten days from the payment of the duties; otherwise it is deemed a voluntary and legal payment, and cannot be recovered. No recovery could, therefore, have been had in the courts in these cases, as it is absolutely necessary, in order to obtain a judgment of the courts, to prove that all the requirements of the statute have been complied with. As before stated, however, a decision was obtained from the Secretary of the Treasury directing the Collector to pay back to the parties the excess of duties paid by them, although it is admitted that the law requiring the protest had not been complied with.

It is stated that these were exceptional cases, manifestly just and equitable in their character, and meriting the special treatment extended to them." We should like to know wherein, and in what particular, these cases are exceptional cases, and wherein they merited the special favor extended to them by Mr. McCulloch. It would seem that they come clearly within the category of speculations upon the Treasury, which the Secretary so much condemns, and still he authorizes them to be paid, notwithstanding the fact that the claimants had not complied with the law, and could not have sustained their claims in the law courts.

This "special treatment" by Mr. McCulloch of certain claims has aroused a storm of indignation among our mercantile community, and a determination is manifested to sift the whole matter to the bottom. Ever since the formation of our Government, Congress has deemed the judicial tribunals to be the proper ones to settle and determine the many delicate and important questions arising under the Revenue laws, and no previous Secretary has arrogated to himself the power of setting at defiance the will of Congress, as expressed by the decisions of the Courts; and if Mr. McCulloch persists in his present course the community will be edified by the knowledge that our Judiciary, which is supposed to be the guardian of the rights of the people, is under the control of Mr. McCulloch.

Necessity for Industrial Education in the United States.

The inventive genius of Americans has given birth to many extraordinary novelties. It is frequently claimed that we are the most original people in the world. We point to those improvements in the arts of peace and war which are especially and saliently our own, and complacently say to ourselves, because we have accomplished these things, therefore we are ahead of Europe. This is a mere popular delusion. Intell-

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