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PUBLISHED DAILY, (SUNDAYS EXCEPTED,)

BY JOHN W. FORNEY,

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oct-4f

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The Press.

VOL. I—NO. 99. PHILADELPHIA, TUESDAY, NOVEMBER 24, 1857. TWO CENTS.

Copartnership Notices.

NOTICE.—WHEREAS HENRY WHITE and James Stevens, late copartners, trading as White, Stevens, & Co., did, on the eleventh day of November, A. D. 1857, make and execute a general assignment to the undersigned, in trust, for the benefit of their creditors, which said assignment is duly recorded at Philadelphia, all persons indebted to said assignors will make payment to

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no14 smw-6w* N. W. corner Second & Arch sts.

NOTICE IS HEREBY GIVEN THAT THE firm of REISS BROTHERS & CO., heretofore existing in New York and Philadelphia, is this day DISSOLVED by mutual consent, and that the business of the firm will only be carried on for the purpose of liquidation.

Signed,
ENOCH REISS,
ISAAC REISS,
JAMES REISS,
M. GANS,
JOHN POTTER.

November 16. no16-d3t&tuths-tf

Political.

FOR SHERIFF—
CALEB S. WRIGHT,
FIFTH WARD.
Subject to Democratic rules no17-1m*

FOR SHERIFF—
ALDERMAN GEORGE MOORE,
FOURTH WARD.
Subject to Democratic Rules. no7-3m*

FOR SHERIFF,
JAMES G. GIBSON,
TWENTY-SECOND WARD.
Subject to Democratic Rules. no6-3m*

FOR SHERIFF,
EDWARD T. MOTT,
TWELFTH WARD
SUBJECT TO DEMOCRATIC RULES. oct6-2m*

Legal Notices.

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

Estate of JOHN MILLER, deceased.

The Auditor appointed by the Court to audit and report distribution of the fund arising from the sale of the decedent's real estate, paid into Court, will meet the parties in interest at his office, No. 116 South FIFTH street, on THURSDAY, November 26, 1857, at 4 P. M.

JAMES H. CASTLE,
Auditor.
n13 co5t*

Educational.

TROY FEMALE SEMINARY.—THE School Year, consisting of two TERMS, will commence on the SECOND WEDNESDAY of September, and close the last Wednesday of June following.

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Circulars containing more particular information may be obtained by application to the Principals, John H. Willard and Sarah L. Willard, Troy, N. Y.

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Jas. Van Schoonhoven, Jonathan Edwards,
Hon. E. W. Farren, Thomas Clowes,
John A. Griswold, John Mallary,
Hon. Gilbert ——— se23-2m

HALL OF ST. JAMES THE LESS, PHILADELPHIA:

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Rev. B. R. SWEET, RECTOR.

The Annual Session will begin on TUESDAY, September 1.

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Notice to Consignees.

NOTICE TO CONSIGNEES.

The ship PHILADELPHIA, from Liverpool, is now discharging under general order, at SHIP'PEN STREET WHARF. Consignees will please attend to receipt of their goods.

THOS. RICHARDSON & CO.

NOTICE.—Consignees per Brig PIERRE LACOSTE, PEARCE Master, from Rotterdam, will please send their permits on board at Lombard and Set Wharf, or to the Counting House of the SUBSCRIBERS, as all goods not permitted within five days, will be sent to Public Stores.

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no16

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N. B.—Especial attention given to carriages for repairs, in the shops connected with the Repository. Entrance on Chestnut street. oct7-3m

CLOVER SEED.—NOTICE TO PENNSYLVANIA FARMERS AND STOREKEEPERS.

The undersigned are now prepared to purchase for cash, prime Clover Seed of the new crop. Pennsylvania storekeepers and farmers, by sending samples to our address, can, at all times, ascertain the price at which we are buying. Parties wishing samples, by which to be governed as to quality, can have them sent by mail, by addressing us.

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au1 No 20 North Water street.

THE BOSTON POST ON KANSAS.

From the *Boston Post*, of November 21st, we take the following striking view of the present aspect of affairs in Kansas:

KANSAS AND HER CONSTITUTION.—The spirit and doctrine of the able article we printed yesterday from the Albany *Argus* on the Kansas question, would seem to coincide with the avowed purpose of the national party as to Kansas, which elected President Buchanan. This was, in a word, that the *bona fide* settlers of this Territory should be protected in the exercise of the same rights, as to the making of their State Constitution, which the citizens of other States have enjoyed. The point of the article, to which we desire to call attention, is, *that Congress should not be made an instrument to force a Constitution on: an unwilling people; but should have clear evidence that any Constitution it endows with the validity of law has their sanction.*

This question, as to Kansas, seems likely to be an important one, according to our present knowledge of the doings of the Kansas Convention which was called to frame a Constitution. This body seems to have resolved to submit only the slavery clause to the people of Kansas for their approval, and to present the other portion of the Constitution to Congress without such submission to the people; and hence Congress will be without evidence that such a Constitution reflects the will of the majority. Governor Wise, in a letter just published, has a discriminating view of this great point. He says:

"The true doctrine is, *that the powers not delegated by the people are reserved to them. They may grant such a power to the Convention; but not granted, it is reserved* that a Constitution formed and proposed by a Convention, which is not a representative body, shall be submitted to the people, who alone are sovereign. The Convention is not sovereign. The Constitution is not sovereign or supreme. The act of *making a State* is the highest act of sovereign power, and is the act of humanity's next highest to that of Deity, in making a being of any sort. It is *the basis of all sovereignty and sovereignty itself.* As a Democratic Republican then, I would never delegate conventional power to any body of agents to create a State, without requiring them to submit the act to their principals, the people, who alone are authorized, body of patriots assembled at Williamsburg, constituted themselves a Convention, and formed and proclaimed a Constitution for Virginia, without submitting it to the people. But *representation* began in that way. There was no time and no opportunity to poll votes, in a moment of revolution, under the domination of British arms."

The case of Virginia in 1776, cited by Governor Wise, was a most remarkable one. This was the first Constitution for a State ever framed; and it is not strange that the mode should have been defective. The great founder of the Democratic party, different from the rulers of the Constitution, having an essential element—the sanction and authority of the expressed will of the majority. Here are his words, as to this first of Constitutions, written in 1824:

"To no Convention no special authority had been delegated by the people to form a permanent Constitution, over which their successors in legislation should have no power of alteration. They had been *elected* for the ordinary purposes of legislation only, and at a time when the establishment of a new Government had not been proposed or contemplated. Although, therefore, they gave to it this act the title of a Constitution, yet it could be no more than an act of legislation, subject, with all other acts were, to alteration by their successors. *It has been said, indeed, that the acquiescence of the people has supplied the want of original power.* But this is a dangerous lesson to set to them, 'whenever your functionaries exercise unlawful authority over you, if you did not go into actual resistance, it will be deemed acquiescence and conformation. Besides, no authority has yet decided what the resistance must be, instantaneous; when the right to resist ceases; or whether it has yet ceased. *Of the twenty four States now organized, twenty-three have themselves proved the fallacy of this doctrine, and erected the formal authority of their people a necessary foundation for their Constitution.*"

Virginia has *also twice acted on a Constitution* since 1824, once in 1850, and again in 1851, and in both instances, the Constitution framed by a Convention was submitted to the people; even as Governor Wise says, *"to the new voters created by the new form before itself was adopted."* And Governor Wise well remarks: "That the people shall of right judge for themselves, at the polls, of their own organic law, unless they expressly authorize agents to make and to adopt a Constitution for them, is a principle for which, as a member of the last Convention of Virginia, I myself fought, and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and as the people in the Federal Constitution on a State, in order to be admitted into this Union, except that its Constitution shall be republican; and that the imposition of any other Constitution than that of the people is a violation of the Constitution, but in direct conflict with the principle on which *our political system rests.*"

* * * The submission point is so worded that the Constitution, excepting on the one point of slavery, is not submitted at all to the people. And if Congress gives validity to such a political sovereignty as this will be, according to the schedule, it will impose this Constitution on Kansas until the people there can be so attended except by a two-thirds vote of the Legislature! Is not Governor Wise entirely right in his remark that, if Congress should aid and abet a Convention in doing this, it would be intervening in domestic intervention? Is he not right, too, in the position, that a constitutional form ought not to be imposed on the people of Kansas? And that their sovereign power, *as a State*, ought not to be snatched away from them even for a moment?

CONSTITUTION OF KANSAS.

[From the Milwaukee Daily News, (leading Democratic paper of Wisconsin) of 20th November.]

In this number of the "*News*" we print the "schedule" which has been attached to the Kansas Constitution. It is a remarkable document. By it we are enabled to infer the character of the Constitution itself—which its framers do not consecond to submit to a vote of the people. This schedule, our readers will understand, is necessary, if the Constitution is to be adopted, for without it no government could, in regular form, be organized.

We do not lay this document before our readers, believing that it will ever effect anything, one way or another, but simply to post them in *current events*; for, as the people of Kansas are not by the Convention allowed to say whether they will adopt or reject it, it is not to be for a moment supposed that Congress will accept it, and force upon Kansas a Constitution which her people despise.

It should be observed that this "schedule" declares *slavery to exist in Kansas, and assumes to take away from the people the power to abolish it!* The Constitution also, independently of the clause that it is proposed to submit to the people, would fix slavery perpetually. We will not to-day treat this subject at length. Indeed, our views have already been sufficiently indicated. We will say, however, that *Congress cannot accept this Constitution* without a violation of the principles and pledges of the Democratic party for the last three years—without being the instruments for consummating a great outrage upon the people of Kansas, and upon the men who stand pledged to the fundamental doctrine that "THE PEOPLE SHALL RULE."

On the side of the PEOPLE of Kansas, against the framers of the proposed Constitution, is the President and his Cabinet, the entire Democratic press of the North, and a respectable share of the Southern Democratic press.

HARPER'S MAGAZINE.

Of *Harper* for December, commencing the sixteenth volume, we have received two copies —one from Parry & McMillan and the other from T. B. Peterson, who continues to sell it at fifteen cents a number. It opens admirably, and seasonably, too, with a Christmas Garland of American Poems, consisting of choice extracts beautifully illustrated by the first artists. Among these are sundry established favorites, such as Simms's "Blessings on Children;" O. W. Holmes's "On Lending a Punch-Bowl;" Whittier's "Maud Miller;" Bryant's "Song of Marion's Men," and a fragment on Connecticut, by Halleck. These specimens give a favorable impression of Harper's forthcoming gift-book, "The Poets of the Nineteenth Century." An account of Madras, and some further portion of Abbott's French Revolutionary history, are also illustrated; and, besides the fashions, is a series of sixteen sketches, (comic, yet with a moral,) entitled "Imagination versus Reality." With the exception of an article on "Our Daughters," by the same heavy hand which executes the didactics of this Magazine, almost every page has something good. A great deal better even than this is the commencement of a story, called "Jack of all Trades," written expressly for *Harper*, by Charles Reade, the popular English novelist. It opens well, and promises to exhibit its author's ample knowledge of every day life. Here, also, are the opening chapters of Thackeray's new serial "The Virginians." Precisely as we anticipated, a month ago, the heroes of this story are the two Warringtons, grandchildren of that Esmond, whose quasi-history Thackeray gave five years ago as a romance. When the story opens, Henry, the younger of these, is introduced as having arrived in England, in 1756, with the belief that his brother, George, had been killed by the Indians, in the preceding year, for "he would go out with General Braddock, on that dreadful business to the Belle Rivière," it seems—and this is a defect in the story—the young man will turn up, in due course, alive if not merry. Henry Warrington goes down to the family seat of Castlewood, in Hampshire, where he finds (and we are introduced to) a family party, among whom rather prominently figures the Baroness Bernstein—well known to the readers of "Esmond," as the free-and-easy coquette Beatrix. The narrative is in Thackeray's quietest style, and reads pleasantly, though much of it is devoted to a sort of summary of the leading events in "Esmond." Here, we think, is a great defect. This introducing old figures on the new canvas, (a favorite practice with the author,) necessitates one of two things—either that you have read and remembered "Esmond," or that you *must* read it to learn the family antecedents of the family-party who are to figure in "The Virginians." There is some good writing here, however, and here, as a specimen of word-painting, is a beautiful passage which, no doubt, will speedily be illustrated, in water colors and oils, by a score of artists:

"With a beating heart Harry Warrington walked from the inn toward the house where his grandsire's youth had been passed. The little village-green of Castlewood slopes down toward the river, which is spanned by an old bridge of a single broad arch, and from this the ground rises gradually toward the house, gray with many gables and buttresses, and backed by a darkling wood. An old man sat at the wicket, on a stone bench, in front of the great arched entrance to the house, over which the earl's hatchment was hanging.

"An old dog was crouched at the man's feet. Immediately above the ancient sentry at the gate was an open casement, with some homely flowers in the window, from behind which good-humored girls' faces were peeping. They were watching the young traveller dressed in black, as he walked up gazing toward the castle, and the ebony attendant who followed the gentleman's steps also accoutred in mourning. So was he at the gate in mourning, and the girls, when they came out had black ribbons."

As might have been anticipated, Mr. Thackeray has fallen into sundry local blunders. He speaks of Madam Esmond (who promises, in her way, to be quite a character) as having had words and "even a scuffle or two, as we gather from her notes, at the Governor's assemblies at Jamestown"—but Williamsburg, not Jamestown, was the seat of the Government and of the residence of the Governor for many years before and after the alleged date of these scuffles. Again, Castlewood, Madame Esmond's estate, is mentioned as being "in Westmoreland county, in Virginia." She is represented, about the year 1751, as consulting with "her young friend and neighbor, Mr. Washington, of Mount Vernon"—though, if George Washington be meant, he was only nineteen years old at the time, and Mount Vernon must have been seventy to eighty miles distant from Castlewood, which circumstances make "Mr. Washington" far too young to be consulted on important business by such a self-sufficient woman as Madame Esmond, and far too distant to be considered by her Highness as a neighbor.

MRS. STEPHENS'S ILLUSTRATED NEW MONTHLY.

From Mr. CALLENDER, the agent in this city, we have received the December number of Mrs. STEPHENS's Magazine. The best article herein—a story by WESTLAND MARSTON—appeared months ago in an English magazine, (*the National*,) and was *subsequently reprinted*, in Boston, in *Ballou's Living Age*. Mrs. STEPHENS gives it without acknowledging its original source—which is not fair to author or reader. Her own novel, "The Royal Sisters," so unworthy of her acknowledged talent that we *erroneously looked on it as a very juvenile* production, a little retouched, is ended, and a new American tale, by the same writer, entitled "Barbara Stafford," is promised for the next volume. "Her foot upon her native heath," it is to be hoped that her genius will renew her strength, like JOHN MILTON's eagle. The engravings are better than usual—those which illustrate a sailor's yarn, short and good, called "A Christmas Day on an Iceberg," and "The Highlands of the Hudson," are considerably above par. The running comment on men and events, called "Things We Think About," has a great merit of being readable. Like a true woman, Mrs. Stephens never admits the possibility of her being wrong.

Destructive Conflagration in Baltimore.

[From the Baltimore Sun of Monday.]

At 6½ o'clock on Saturday evening a fire broke out in the third story of the fine warehouse No. 318 and 316½ West Baltimore street, occupied in the first and second stories by Fishor, Boyd, & Bro. importers and wholesale dealers in dry goods, and in the third and fourth by Mr. L. P. D. Newman, wholesale dealer in boots, shoes, and leather. The warehouse was entirely consumed, with the immense stocks of the several firms. The police of the middle and western districts, after some labor, succeeded in forcing the doors, and the work of removing the valuable stocks of Fisher, Boyd, & Bro. from the first floor. Most of the goods on this floor were saved. The books and papers of the firm were also rescued. The stock on the second floor and in the basement fell a prey to the flames. The stock of this firm was unfortunately very heavy, and the loss will not fall far short of $50,000. They are insured in the Associate Firemen's office of this city for $20,000, in the Baltimore for $15,000, and in the Neptune, of Richmond, for $5,000. The insurance, taken out in New York and Philadelphia offices for $20,000, expired only a few days ago.

Of the Messrs. Newman's stock, which was also large, only about $500 was saved. The loss probably will reach $15,000, on which there are policies of insurance in the American Fire Insurance Company of Philadelphia for $5,000; North Pennsylvania Insurance Company, New York, $5,000; Howard Insurance Company, New York, $5,000; Philadelphia Insurance Company, Philadelphia, $5,000—total, $25,000.

Messrs. E. R. Horner & Bro. roughly estimate their loss from both fire and water at $18,000, and are insured in the following offices: Associate Firemen's, National, and Howard offices of this city, and the Atlantic, United, and Commonwealth offices, of Philadelphia. The several amounts will secure the firm against loss.

Messrs. Steiner Bros. & Co. set down their loss at between $15,000 and $18,000. The damage to their stock is mostly by water. They hold policies of insurance on the stock in the Associate Firemen's and National offices, of this city, besides several offices in London and Liverpool—in all $30,000.

T. S. Bantz, wholesale dealer in boots, shoes, and hats, occupied the stores above this firm, and his damage by water is estimated at $2,000. In the rear on Cowpen alley, the bookbindery of Thos. E. Dell was damaged to the amount of $800. The rear portion of the store of Morris, Caldwell, & Co., *wholesale grocers and dealers in wines, &c.*, No. 322, was somewhat charred by the flames, and the stock damaged by water to the extent of $5,000—insured.

News from Texas.

[From the New Orleans Delta.]

Jas. F. Johnston, of Travis, has been chosen Secretary of the Senate. Wm. S. Taylor was elected Speaker of the House, and Hugh H. Haynie, Chief Clerk. John Marshall of the *State Gazette*, was elected State Printer. The two Houses agreed to elect United States Senators on Monday last, (the 9th).

The following is the official vote for Governor and Lieutenant Governor:

For Governor, Runnels 32,552, Houston 23,628; Runnels's majority, 8,924. For Lieutenant Governor, Lubbock 33,379, Grimes 20,318; Lubbock's majority, 13,061.

Indian depredations are reported in the neighborhood of Camp Colorado and Fort Blanco, Coleman county. Near the former place they stole one hundred and seventy head of cattle from a Mr. Mullin, a lot of horses from Captain Connor, on the Upper Colorado, and forty or fifty from Mr. Goen.

A few Indians have also appeared sixteen miles southwest of San Antonio, and also near Camp Verde, and small detachments of troops have been sent in pursuit of them by General Twiggs.

The San Antonio *Herald* says there has recently been a skirmish between a body of soldiers and a party of Indians, near Laredo, on the Rio Grande, in which the *Indians escaped with the* loss of their horses and camp equipage. Two men had been murdered by the Indians before the soldiers came up.

At Huntsville, on the 28th ult; there was a fatal affair between a Mr. Wm. Leach and the two stepsons, Isaac Cox and Taylor Cox. Isaac Cox was killed, and Taylor dangerously wounded. Leach acted in self-defence. He was arrested, tried, and acquitted in one case, but found guilty of an attempt to kill in the other, and fined one hundred dollars.

The Palestine *Advocate* says that great preparations are being made by the people in the wheat-growing region of Texas to sow an immense quantity the coming season. From the best information, at least one-third more wheat will be sown this year than the last.

The *Independent* says that emigrants and immigrants still continue to pass and repass through Belton. The proportion of the latter, however, preponderates over the former. That paper says:

We learn from persons passing through our town from above, that a large number of emigrants are on the way from Missouri, Arkansas, and other States to this State. They represent them as so thick in portions of the road, as to render it almost impossible to pass them.

The Marshall *Flag* says that Colonel L. P. Alford was recently acquitted of the murder of T. C. Burton, by the Panola district court.

Pennsylvania Railroad.—The annexed statement shows the freight business of this road, in *tons, for the month of October, 1857, compared* with the corresponding month in 1856, 1855, 1854, and 1853:

	1857.	1856.	1855.	1854	1853.
Freight East...	27,124	27,672	27,013	10,301	6,149
" West...	13,410	15,916	15,317	13,273	8,037
Total October...	38,534	43,617	42,330	23,574	14,477
" September	41,853	38,861	39,054	17,915	14,174
" August...	45,018	39,469