The Press.

THURSDAY, FEBRUARY 2, 1860.

FIRST PAGE.—What Constitutes Delivery; Letter from New York; Letter from Harrisburg; Theatrical and Musical; Appointments by the Governor. FOURTH PAGE—Personal and Political; Marine Intelligence.

THE WEEKLY PRESS.

For Saturday the 4th, is now out. The contents of this number are of a varied character. Besides its usual attractions, it contains the LATEST FOREIGN NEWS; Editorials on the popular topics of the day; choice Literary reading, original and selected; Domestic and Foreign Markets, &c. Read the list of

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THE WEEKLY PRESS is furnished to subscribers at $2 per year, in advance, for the single copy, and to Clubs of Twenty, when sent to one address, $20, in advance. Single copies for sale at the counter of THE PRESS Office, in wrappers, ready for mailing.

The Election of a Speaker.

The contest in regard to the Speakership of the American House of Representatives has at last terminated; and those who, in their anxiety at the protracted struggle, and grief at the angry and exciting passages which marked some stages of it, were almost led to fear that it would never find a constitutional termination, and that it might even lead to a dissolution of the Union, will be gratified to know that all these forebodings have been completely dissipated, and that a Speaker has been conducted to the chair in the most quiet and orderly manner. Stormy as some of the debates which preceded the election have been, we incline to think that, in some respects at least, they have not been unproductive of good results; for, however boisterous our political demonstrations are, there is still a species of conservatism in the wide range of freedom of speech tolerated and enjoyed in our country. Though the expression of radical, and even of treasonable sentiments, which is permitted, may vex and grieve the hearts of patriots, their utterance acts as a sort of safety-valve for the escape of dangerous thoughts, which, if they had no such expression in words, might find vent in treasonable actions. The American Congress, representing as it does all shades of political opinion, and all the varied interests of the Confederacy, is composed of men who, upon the floor of Congress have given utterance, in a frank and fearless tone, to the sentiments of their constituents. However ridiculous some of these opinions may be, their announcement has been a source of gratification to those who entertain them, and they have exercised an amount of influence approximating to their intrinsic value and importance, in forming the great volume of American sentiment which will dictate the character of the future legislation of the country.

The struggle for the Speakership was so protracted, that a very general desire was created for its termination in some way or other, and even the most decided partisans had become impressed with the conviction that an organization adverse to their own political wishes was preferable to continued disorganization. The angry elements of discord have, to a great extent, been exhausted by the conflict; and the asperities of feeling cherished in extreme sections has been softened by the tenor of the events which have transpired upon the floor of Congress, and by the conviction that the highest interests of the nation demanded a speedy organization, that the public business might be properly considered.

The gentleman upon whom the choice of the House has fallen, Mr. PENNINGTON, of New Jersey, is personally well qualified for the Speakership, as he has filled heretofore, with dignity and success, many important positions, among which are those of Governor, Chancellor, and presiding officer of the Senate of New Jersey. He is supposed to be somewhat conservative in his views, and in regard to the question of the tariff, he fully shares the predominant sentiment of our State. This is a consideration of deep importance to all Pennsylvanians, and, when viewed in connection with the fact that the members from our State cherish an ardent hope of securing at the present session, a modification of the tariff advantageous to our industrial interests, will be highly gratifying to the great body of our citizens, irrespective of mere partisan considerations.

There is no doubt that an overwhelming majority of the American people are opposed to the policy of the present National Administration. This feeling of antagonism found ample expression in the election of the members of the present House of Representatives, and it was but proper that full force and effect should be given to it in the organization of the House. The number of members who might strictly be termed Administration men do not form one-third of the present Congress. In the contests for Speaker no semblance of success or of unity was obtained by those opposed to the Republican members, except by uniting their votes upon Mr. SMITH, the candidate of the South Americans, or upon Mr. MCCLERNAND, a DOUGLAS Representative from Illinois. Inasmuch as the Administration was thus emphatically ignored in the House, it was but right that due weight should be given to the strong popular anti-Administration feeling existing throughout the whole country, and that the intense desire which prevails among the American people to unveil its corruptions, to place before the country a full history of its infamies, and to maintain in future a strict guard over its measures, should have been gratified.

Frank Smith's New Story.

It is announced that a new story, entitled "Lilian, the Wanderer, or The Perils of Beauty," written by Francis S. Smith, will be commenced in the next number of the *New York Weekly*. Mr. Smith, formerly associate-editor of the leading Sunday paper of New York, purchased an interest some months ago, in the *New York Weekly*, which has rapidly risen in circulation and merit, and is now one of the best weeklies in the country. He writes prose fiction with marked ability, and his new romance of real life will be as good and as popular, we are sure, as any of those, from the same pen, which have preceded it.

Mount Vernon.

[For The Press.]

SIR: With reference to a statement in the letter of "Occasional," in to-day's *Press*, let me say that the fault of "sectionalizing the grave of Washington" rests not with Miss Cunningham nor the Mount Vernon Ladies' Association. A small portion of the purchase-money remaining unpaid, Mount Vernon still remains in possession of Mr. J. A. Washington. The Ladies' Association desire to *nationalize*, as far as possible, the Home and Grave of Washington. A SUBSCRIBER.

FEBRUARY 1, 1860.

ARCTIC TRAVELS BY AN AMERICAN.—"An Arctic Boat Journey in the Autumn of 1854." The new volume of Arctic life and experiences, by Dr. Isaac I. Hayes, the surgeon of the Kane expedition, is announced in our advertising columns to be ready February 15th. We have been assured by those who have read the proof-sheets that it is the most exciting and intensely interesting work which has been published for a long time. Its appearance will be welcomed by numerous readers, who never tire of reading all that is wonderful and strange connected with Arctic navigation. Brown, Taggard, & Chase are the publishers of the work.

SALE OF PAINTINGS, ENGRAVINGS, PHOTOGRAPHS, &c., this morning, at 10 o'clock, at Birch & Son's auction store, No. 914 Chestnut street.

WASHINGTON CORRESPONDENCE.

Letter from "Ezek Richards."

[Correspondence of The Press.]

WASHINGTON, February 1, 1860.

Governor Pennington came within one on the ballot yesterday; it being understood that Briggs, of New York, having the power in his hands to make a Speaker, desired to carry that responsibility about with him for at least one night. By this means he secured the attention of the whole city, and to be, even for a day, the observed of all the observers in this city of celebrities, is almost glory enough for the ambition of any moderate man.

Mr. Briggs has distinctly, and more than on one occasion, declared that, when his vote could elect he would vote for Mr. Pennington—so, *as I write, the clerk calls "George Briggs,"* and George answers, "John A. McClernand." Some consternation follows, and an evident feeling that the big and burly gentleman from the Seventh district of *New York is coquetting*. He will probably change his vote when he sees that, as Sherrard Clemens has just admitted, Mr. Pennington will be elected; but I anticipate.

The business was opened in the House to-day with a prayer in the Jewish persuasion, delivered by Rabbi Raphael, of New York, dressed in full canonicals, characteristic of the priests of the Old Testament. The body of the prayer or service was in English and a small portion in the Hebrew tongue.

An hour and more was occupied in calling the roll, and other means swallowing time. During the ballot several gentlemen re-defined their positions.

Mr. Lawrence M. Keitt took the opportunity of this being probably the last ballot to put an interrogatory which he would not dream of doing but that certain actors of the other side, on Friday last, invited it. He alluded to E. Joy Morris, who gave as a reason for changing his vote from Smith, of North Carolina, that he could get no satisfactory promise from Mr. Smith as to how he would construct the Committee of Ways and Means, having in view the interests of Pennsylvania. That gentleman now voting for Gov. Pennington, it was to be inferred that he *had* received some pledge or promise from him on the subject. He wished to know if this were so. The position was not to be trafficked for. Mr. Keitt dwelt forcibly on this.

Mr. E. Joy Morris had an impulse to make some explanations, but he was restrained by his friends. Mr. Keitt referred to Mr. Sherman's "valedictory," which had represented the Democracy as demoralised. The gentleman from South Carolina desired to turn the tables on the late Republican candidate. It was the Republican party that was demoralised. The Republicans had to take down the name of their straight-out candidate, and adopt that of a gentleman who was in favor of the fugitive-slave law; a man who, as Governor of New Jersey, had endorsed it, and who now will not oppose it. The successor of Joshua R. Giddings had to vote for him. Yes, they had to give up their ultra candidate, and accept an old-line Whig, who was in favor of the fugitive-slave law. Which party, then, was the most demoralized? The gentleman from South Carolina made a telling little speech, and delivered it with more than usual grace and power. I think it was decidedly the most telling effort on Mr. Keitt's side made this whole session.

Mr. Barksdale, of Mississippi, disclaimed being a popular or even a squatter sovereign, and his vote for McClernand should not convict him of being one. He voted for the gentleman from Illinois because the latter had been in caucus with the Democrats, and had given his support faithfully to them to defeat the Republicans. At this point Keitt prompted Barksdale, and the latter made an appeal to the South Americans, informing them most *emphatically* that Mr. McClernand would yet be elected over Mr. Pennington *if* they would vote for him. Mr. Leach, one of those so touchingly abjured, was willing to vote with his party. John A. Gilmer showed that no combination could defeat Pennington. Then Barksdale thought that if the South Americans voted with the Democrats they would *defeat* Pennington, but, added, Mallory they *cannot elect* McClernand. Barksdale desired to stave off Pennington's election, as Mr. Stallworth would be here—in a few days—[laughter]—may be to-morrow.

Mr. Roger A. Pryor, perceiving the Chevalier Wykoff, recently returned from the Celestial Empire, glass on eye, occupying a place on the floor, and indulging in his favorite occupation of graceful observation, drew the attention of the doorkeeper to him, and had him ejected in the most peremptory manner. The same fate awaits several other *Herald* attachés. The moment they poke their noses inside of the doors they will be suddenly tweaked.

Seven minutes to three.—Briggs has changed, and the most intense anxiety is betrayed on all sides. The galleries are all crowded to suffocation; and the doors, upstairs and downstairs, are barricaded by dense crowds of excited people.

Pennington will be elected and declared in a few moments. EZEK RICHARDS.

Public Amusements.

Philadelphia has a variety of public amusements at present, all of them satisfactory to the public, and remunerative to the proprietors.

AT THE WALNUT-STREET THEATRE, Mr. Roberts is playing a successful star engagement. Mrs. Duffield's benefit, we notice, takes place on Monday, and Mrs. Thayer's on Wednesday.

AT ARCH-STREET THEATRE, Miss Coombs commenced a star engagement this week, and has been found attractive. She has a great many good points—such as youth, good looks, a fine figure, graceful action, evident intelligence, and knowledge of stage business. But her intonation is unfortunate. She has a sweet voice, but mars its effect by constant gasping—Macready's defect pushed to a head. If she be as intelligent as she looks, Miss Coombs will study Mrs. John Drew's excellent, because natural, manner of speaking, and be a better actress on leaving Arch-street Theatre than when she entered it. There is no better school for young performers any where.

We *are* to have Italian Opera at the Academy of Music, it seems—*minus* Gazzaniga, who has quarrelled with Ullman and Strakosch, it appears, because, not thinking her worth $2,000 a month, they shelved and declined paying her at Boston. But the *miffs* between singers and managers resemble lovers' quarrels, and are soon made up.

MR. AND MRS. H. DRAYTON, who commenced the representation of Parlor Operas and Lyric Proverbs, at Concert Hall, on Monday, have already obtained a great deal of public favor. They act, sing, and dress well, and really present performances of merit, variety, and unusual novelty. Mr. Drayton (a Philadelphian, by the way) is a better performer and singer than his wife. Both, however, *are good, and exhibit great natural* powers, much dramatic talent, and a good style of singing. The violinist, Signor Oliveira, who plays between the dramatic parts of the entertainment, is a skilful and accomplished musician. The Draytons have hit the white.

AT SANDERSON'S EXHIBITION ROOMS, Jayne's Building, Thiodon's Theatre of Arts, which has attracted numerous visitors for some time, will not remain beyond the present week. The pictorial effects are very good, and the mechanical working of the other parts of the performances is almost wonderful in their completeness.

We notice McDonough's Gaieties to say that the Greek Rhigas, who is now performing there, is one of the most astonishing wonder-workers of the age. He accomplishes some very singular feats, particularly with a tree and birds, which appear more like magic than mere feats of ingenuity and practice.

SIGNOR BLITZ is in his Temple of Wonders (N. E. corner of Tenth and Chestnut) every evening, and also on the afternoons of Wednesday and Saturday.

THE GERMANIA ORCHESTRA have excellent performances, which they call "public rehearsals," at Musical Fund Hall, every Saturday afternoon, and have large audiences, no matter what the weather may be.

THE ACADEMY OF FINE ARTS is open every day, from nine to six o'clock. Mr. Church's picture "The Heart of the Andes," will be on exhibition there *in a day or two*.

Mrs. EMILY J. REED's first Concert, to-morrow evening, at Musical Fund Hall, the other vocalists being Miss Shaw, Mr. Frazer, Mr. Evans, and Mr. Heisler, with the clarionet by Mr. Stool, and Mr. Cross at the piano.

On next Tuesday evening, the Mænnerchor Fancy Dress Ball (their thirteenth year,) will come off at Musical Fund Hall. It will be preceded by the performance, under the direction of Mr. Carl Sentz, of Julius Otto's comic opera "The Mænnerchor in China." This is one of the very best and most popular of all the first-class public balls in this city, and always does credit, *in its success*, to the extremely effective and respectable management which superintends the whole arrangement. On the present occasion, Messrs. Martin and Hlasko are the principal floor managers.

Important to Commission Merchants.

On Saturday last, the following case was tried before Justice Alexander, in Baltimore.

State vs. John W. Fraley, charged with violating the license law of 1846, which prohibits a non-resident from selling goods, &c., or offering to sell by sample card or otherwise.

This was a case in which Mr. Fraley, representative of Joseph Lea, of this city, who consigns goods to O. Brehme & Co., importers of dry goods in Baltimore, was arrested by a warrant on the oath of Francis Raymo, charging defendant with selling goods without license, and he was confirmed in his testimony by Charles McCoy, Esq., of the firm of Alexander Murdock & Co.

The proof elicited on the part of the State was, that Mr. Fraley, in company with the consignees visited several stores for the purpose of disposing of goods consigned to O. Brehme & Co.

The defendant proved that the firm to whom the goods were consigned were duly licensed to sell the same.

Mr. Leakin, for the State, abandoned the case, and the magistrate ordered it to be dismissed.

PASSING COUNTERFEIT MONEY.—On Tuesday afternoon a man named John Cooper, alias Ferguson, was arrested in the Seventeenth ward, and taken before Alderman Clark, on the charge of passing counterfeit dollars on Mr. John S. Buryenstock, at the corner of Sixth street and Franklin avenue. He was committed to answer.

THE LATEST NEWS BY TELEGRAPH.

XXXVITH CONGRESS.—FIRST SESSION.

U. S. CAPITOL, WASHINGTON, Feb. 1.

SENATE.

Mr. CLAY, of Alabama, offered a resolution calling on the President for information in regard to the proposals for heating the Capitol, &c.

A message was received from the President, enclosing a statement of the fees paid the consular officers.

Mr. HALE, of New Hampshire, introduced a resolution that the Committee on Military Affairs be instructed to inquire into the expediency of paying the officers of the army a gross sum per annum, instead of allowances.

Mr. GRIMES, of Iowa, moved an amendment to include the pay of the marines. Adopted.

Mr. Pugh's resolutions relative to repealing a certain portion of the laws of New Mexico and Utah, were laid on the table for the present.

Mr. GWIN, of California, introduced a bill granting the right of way to certain parties for a line of telegraph to the Pacific.

Mr. RICE, of Minnesota, introduced resolutions that the Committee on Territories be instructed to report a bill for the organization of the Territory of Dacotah.

Mr. GRIMES moved an amendment that so much of Minnesota as is not included in the boundaries of that State be annexed to Nebraska Territory. Laid over.

Mr. Brown's resolution was laid over till to-morrow.

The Senate then went into executive session, and subsequently adjourned.

Hon. William Pennington, of New Jersey, Elected Speaker.

HOUSE OF REPRESENTATIVES.

The proceedings were opened with prayer by Rabbi Raphael. It abounded with fervently expressed patriotic and religious sentiment. He implored the Divine blessing to direct the House in the election of a Speaker, who may preside without favor or fear, and the members might speak and act for the glory and happiness of our common country. The prayer was listened to with marked attention.

The Clerk having stated that the question pending was the motion of Mr. Sherman that the House proceed to a vote for Speaker,

On motion of Mr. PHELPS, there was a call of the House.

Before the proceedings under the call of the House were completed,

Mr. BOCOCK moved that Mr. Clark, of New York, be excused for non-attendance. He stated that a number of gentlemen were absent, and that his motive in making the motion was to give them time to arrive.

The question was decided in the negative by the yeas and nays.

Mr. BOCOCK moved that all further proceedings under the call of the House be dispensed with, and demanded the yeas and nays.

Mr. SHERMAN said *these dilatory motions* were not in accordance with the agreement last night.

Mr SMITH, of Virginia, wished to ask a question or two of Mr. Morris, of Pennsylvania.

Mr. GROW, of Pennsylvania, rose to a point of order. Mr. Burnett, of Kentucky, undertaking to speak for his side of the House yesterday, had said that the Democrats would, without debate, consent to proceed this morning to vote. With this understanding the Republicans had consented to adjourn.

Mr. BURNETT remarked that when he made the suggestion he understood that there was a general acquiescence in it, with the understanding that before the vote for Speaker there should a call of the House.

Mr. STANTON understood that there should be no discussion when they met here to-day. Was it strictly on the square that the gentleman from Virginia should open a debate by propounding a question?

Mr. SMITH, of Virginia, replied that it was because the gentlemen on the Republican side were not exactly on the square that he wanted to ask a question.

Mr. HOUSTON, of Alabama, said he yesterday expressly objected to any such arrangements as Mr Stanton had alluded to.

[A voice from the Republican side—"Nobody here heard you."]

Mr. HOUSTON. That was not my fault.

Mr. MORRIS, of Illinois, wished to know whether these remarks were in order, the previous question having been demanded.

Mr. JOHN COCHRANE, of New York, said if that was not the general understanding, it was at least the understanding on the Republican side for consenting to an adjournment, and ought to be respected.

The House then decided to proceed to vote.

Mr. SMITH, of Virginia, wanted to know whether he was in order or not.

The Clerk replied that he thought the gentleman had abandoned the floor.

Mr. SMITH said he had not.

Mr. SHERMAN rose to a point of order. The House having decided to proceed to a vote, no one can interfere with that order.

Mr. SMITH said these proceedings were all founded in a mistake. He meant to go on with his remarks.

Mr. SHERMAN wished to know whether the House intended to execute its orders?

Mr. SMITH again attempted to address the House.

Mr. MORRIS, of Illinois, earnestly called him to order.

There was much *confusion during these proceedings*, and the House proceeded to a vote.

When the name of Mr. CLARK, of Missouri, was reached he rose to make an explanation.

Mr. HUTCHINS, of Ohio, called him to order on the ground, first that he could not proceed without general consent, and secondly, the discussion would be in violation of the spirit of the agreement *entered into yesterday*.

Mr. CLARK then said, though disagreeing with Mr. McClernand on the question of slavery in the *Territories*, he voted for him *as a national man*.

Mr. COBB, of Alabama, also said he opposed the doctrine of squatter sovereignty, but respected Mr. McClernand for having, in former years voted against the Wilmot proviso. He was for the country first, and Mr. McClernand next. He was satisfied this would be the last vote to-day for Speaker. The result was a foregone conclusion.

The roll was then proceeded with.

Mr. HAMILTON, of Texas, referred to the remark made the other day by Mr. Morris, of Pennsylvania, that as Mr. Smith, of North Carolina, had refused to tell him how, if elected, he would constitute the Committee on Ways and Means, he withdrew his vote from that gentleman. As Mr. Morris *now voted for Mr. Pennington, he* (Mr. Hamilton) presumed that Mr. Pennington had informed Mr. Morris how he would form that committee.

Mr. KEITT, of South Carolina, made a speech, in which he alluded to Mr. Sherman's remarks accompanying the withdrawal of his name as a candidate, as a mournful valedictory to his deserting troops. That gentleman had said that the Democracy was demoralized by seeking affiliation with the elements of the Opposition to the Republican party. Pray, gentlemen, how do you stand? For eight weeks you made an effort to elect your nominee, and you failed. You failed in your effort to adopt the plurality rule; you were obliged to take down your man, whose name was connected with the "Helper pamphlet," and adopt as your candidate a man who is in favor of the fugitive-slave law as it now stands. Let me ask these same gentlemen, whether they think that by going for a man who favors that law, and who is an Old-line Whig, as he calls himself, they do not demoralize themselves by the affiliation? The successor of Mr. Giddings supports him! Mr. Keitt wanted to know whether Mr. Pennington had given Mr. Morris, of Pennsylvania, any pledge of how he would constitute the Committee on Ways and Means? It was due to the House that this question be answered. The Chair was not to be won by traffic. The gentleman from North Carolina said that if he should go into the chair it would be with his hands untied. The power of the House should not be wielded for the benefit of any particular interest. Had that pledge been given by Mr. Pennington?

Mr. CLEMENS, of Virginia, objected to interrogating the candidate of the Republicans. He had taken a similar position when the gentleman on the Republican side had sought to interrogate the candidate on his own.

Mr. FLORENCE, of Pennsylvania. But the gentleman from South Carolina has not asked the Republican candidate the question.

Mr. CLEMENS. Pending a vote, no one has a right to submit interrogatories to anybody.

Mr. KEITT. I have not asked a question of any candidate.

Mr. CLEMENS. As I did not understand the question, I withdraw my objection.

Mr. PETTIT, of Indiana, renewed the objection.

Mr. KEITT. It is the most remarkable thing in the world—[Laughter]—that it is out order to ask whether there has been a pledge or not—[Cries from the Republican side to Mr. Keitt—"Go on!" Increased confusion.]

Mr. PETTIT. I object to any person taking the floor for the purpose of replying.

Mr. FLORENCE. My colleague (Mr. Morris) can reply when his name is called.

Mr. KEITT. If I had not been invited by Mr. Morris to make the inquiry I should never have thought of it. I ask him whether Mr. Pennington has given him a pledge how he will constitute the Committee on Ways and Means. The gentleman from Ohio (Mr. Corwin) said the other day that when slavery was profitable in warm climates he would protect it. But if, according to the Republican theory, slavery is wrong in morals, it can go nowhere. I understand Mr. Pennington to take exactly that ground. Any man can get my vote to beat the Republicans, no matter who he is. *I vote for Mr. Miles. [Laughter.]*

Mr. LEACH, of North Carolina, said that when the Democrats *en masse* vote for Mr. McClernand he would do so, but not before.

Mr. SMITH, of Virginia, before voting, wanted to put a question to Mr. Morris, of Pennsylvania, and to Mr. Gilmer. He wanted to know whether the interrogatory to Mr. Smith of North Carolina, as to how he would constitute the Committee on Ways and Means, propounded by Mr. Morris, was not made until after that gentleman had received a sufficient number of votes to elect him? And he wished to know whether the gentleman from North Carolina (Mr. Gilmer) had not said, as reported, that he would rather have a conservative Republican Speaker than vote for a Democrat?

Mr. GILMER. I answer with pleasure. I never said any such thing.

Mr. SMITH. I vote for Mr. McClernand.

Mr. BARKSDALE, of Mississippi, said he voted for that gentleman with the assurance that if the whole Democratic vote was given for him he might be elected; but he desired to say that, in so casting his vote, he had no intention to endorse Mr. McClernand's squatter sovereignty views, for he believed it was the duty of this Government to throw around all species of property its broad shield of protection. He asked Mr. Leach whether, if all the Democrats vote for Mr. McClernand, all the votes of the gentleman's party would be given to him?

Mr. LEACH said he was sincerely desirous of defeating the Republican candidate. He could not say whether his political friends would all vote for Mr. McClernand or not. It was the duty of the Democrats themselves first to unite on that gentleman. In that event he would vote for him.

Mr. GILMER said it was utterly impossible, by such a combination, to elect Mr. McClernand, and made the calculation to prove the truth of his assertion.

Mr. BARKSDALE replied that by a concentration of votes Mr. Pennington could be defeated. Besides, Mr. Stallworth will be here in a few days, and it may be to-day. Under these circumstances, would not the gentleman from North Carolina vote for Mr. McClernand?

Mr. GILMER replied that he would, but it would do no good.

Mr. BARKSDALE. I understand the gentleman to say distinctly that he would not change his vote, even if by so doing he could defeat the election of Mr. Pennington.

Mr. GILMER. I said no such thing.

Mr. BARKSDALE. If Mr. Pennington should be elected on this ballot, the gentleman and those who refuse to vote for Mr. McClernand will be responsible for Mr. Pennington's election.

Mr. SPINNER, of New York, objected to the gentleman proceeding.

Mr. HILL, of Georgia, said that the result for Mr. Pennington would be the same, no matter for whom the votes not given him were cast. The result would be the same as if all the scattering votes were cast for Mr. McClernand.

Mr. COLFAX, of Indiana, read from the official report of the proceedings, to show the solemn contract laid down by Mr. Burnett, to the effect that if yesterday the House would adjourn, his friends would to-day vote for Speaker without any other delay than a call of the House, to ascertain whether all the Democrats were present, and in this the Democratic side acquiesced.

Mr. BARKSDALE said he was not violating any agreement in speaking. The vote had already been taken.

The Clerk remarked that Mr. Barksdale had obtained the floor by unanimous consent, to make his explanation. He suggested to Mr. Colfax that it was hardly in order to deprive Mr. Barksdale of the floor under these circumstances.

Mr. BARKSDALE concluded his remarks by saying that unless Mr. McClernand's vote was now increased in the manner suggested, Mr. Pennington would be elected, as one gentleman (Mr. Briggs) had declared that he should, in a certain contingency, vote for him.

Mr. MALLORY, of Kentucky, asked whether he understood Mr. Barksdale to say that Mr. McClernand could be elected by a combination of the Democrats' and South Americans' votes?

Mr. BARKSDALE. I say, by such a union Mr. Pennington can be defeated.

Mr. MALLORY. You state your opinion. Do you say you know it?

Mr. BARKSDALE. I say it is so, as the vote stands now.

Mr. MALLORY. Can the Democrats place Mr. McClernand in a position that he can be elected by the South American votes?

Mr. BARKSDALE. He can be placed in a position to defeat Mr. Pennington.

Mr. SHERMAN made a point, that all this discussion was out of order.

Mr. HILL said that Mr. Keitt had made a favorable show for Mr. Pennington.

Mr. BARKSDALE. Is he acceptable?

Mr. HILL. No!

Mr. BARKSDALE. If Mr. Pennington is elected, a representative of a slaveholding constituency will be responsible: for, but for the vote of Mr. Davis, of Maryland, Mr. Pennington could not be elected. That gentleman, too, was a member of the American party.

Mr. SHERMAN again called for order. If there was any power in the House, he should insist on enforcing it.

[There was much confusion during these proceedings.]

Mr. MOORE, of Alabama, began to speak.

Mr. SHERMAN. Does the gentleman propose to change his vote?

Mr. MOORE. You have no right to ask that question.

Mr. SHERMAN. I enter my solemn protest against the gentleman making a speech.

The Clerk to Mr. Moore. Personal explanations cannot be indulged in, except by general consent.

Mr. MOORE. I don't acknowledge the right of the gentleman from Ohio to interrupt me.

Mr. SHERMAN. I insist upon my point. I will not withdraw my objection.

Mr. MOORE. The gentleman has no right to be snarling here.

The Clerk said Mr. Sherman had a right to object.

Mr. COX, of Ohio. I ask my colleague to withdraw his objection. It will facilitate the ballot.

Mr. MOORE. I ask no favor. I'll not be indebted to him.

The Clerk said Mr. Moore could assign his reasons for a change of his vote.

Mr. SHERMAN, with that understanding, withdrew his objection.

Mr. MOORE denied that those who had acted with him had, in any degree, contributed to the election of a Republican. If the others would agree, he would sit here until the 4th of March, 1861, before he would let a Republican fill that chair. But he *was sure that could not be accomplished*. He had the highest personal respect for Mr. McClernand, but differed with him on an important question. From the balloting, as shown here, he denied that his vote, with all the scattering ones, could in any contingency elect Mr. McClernand. He voted for Mr. Boyce.

Mr. DAVIS, of Mississippi, had not voted for the man, McClernand, but for the country.

Mr. FLORENCE said he had been governed by patriotic motives in voting for Mr. McClernand.

Mr. BRIGGS, of New York, (who was one of the *tellers*,) said, just before the result of the vote was announced: I rise for the purpose of changing my vote. It will be recollected that a day or two since I made a statement as to what I might do in a certain contingency. That contingency has now arrived, and it becomes me to state my reasons for the vote I am about to give. *The time has come* when my vote will elect a Speaker. I have said on several occasions that I could cast my vote for any conservative gentleman like Mr. Pennington. I voted for Mr Smith, the nominee of my party, and whom I should have been pleased to see placed in the Speaker's chair, until he was no longer a candidate. When Mr. Smith was presented as a candidate for Speaker of this House, the Democrats came forward with a magnanimity and generosity hardly, if ever equalled, and voted for him in justice to myself, and to that party, I felt myself bound to return that act of generosity by voting for their candidate, Mr. McClernand. I have done so twice; but it is now evident, and proved beyond a doubt, that if all the votes of his own and my party were thrown for him, he could not be elected. I have now discharged every obligation upon me with faithfulness and consistency, and am now free to act for myself and the country, and to fulfil the other statements which I have made, that I would vote for any sound conservative man of any party when my vote would elect, in order that the Government might be relieved. The time has now come when I can do so. Governor Pennington now has 116 votes, and 117 will elect him. I have said, as I stated before, that I could vote for him. For general reasons I could not vote for the other candidate, [Mr. Sherman;] and had I done so, he would not have been elected. In the vote I am about to give, I desire it shall be distinctly understood that I do not give up my own party preferences any more than did the gentlemen of the Democratic party when they voted for a member of my party, [Mr. Smith, of North Carolina,] and I do not endorse all the principles of the gentleman for whom I am about to vote. I am, as I have been from the first, an American, and a *member of the National American Union party*; but I give my vote to a gentleman whom I am assured will act fairly and impartially to all sections of the country, that those who are suffering for the want of their pay may be relieved, that the *wheels of Government* may not stop, and to restore peace and quiet to the country. For three days I have held the organization of this House in my hands. I can no longer, if I would, take that responsibility, but I was determined to do so until I had discharged every honorable obligation I had made. Aware of the responsibility which I assume in so doing, I now withdraw my vote from Mr. McClernand, of Illinois, and *cast it* for William Pennington, *of New Jersey*. [Prolonged applause, mingled with hisses.]

[Senator Douglas stood at the desk, watching Mr. Briggs during the whole of his remarks.]

There were impatient cries of "Announce the vote!"

Mr. MORRIS, of Pennsylvania, wished to say, in justice to Mr. Smith, of North Carolina, that that gentleman, in declining to give him a pledge as to how he would constitute the Committee on Ways and Means, said, that he would give no pledge on any side. [Cries from the Democratic side—"That's right; nobody on this side asked it."] He merely wished to say that he did not impugn the gentleman's principles, so far as connected with the protective policy. He understood him to be for incidental protection; but, at the *time*, the gentleman did not answer in the *positive manner he expected*.

THE FINAL BALLOT FOR SPEAKER.

The vote was then announced:

Whole number of votes	233
Necessary to a choice	117
Mr. Pennington, of New Jersey	117
Mr. McClernand, of Illinois	85
Mr. Gilmer, of North Carolina	16
Scattering	15

The result was received with manifestations of applause.

THE VOTE IN DETAIL.

The following is the last ballot in detail:

For Mr. PENNINGTON—Messrs. Adams of Mass., Adrain, Aldrich, Alley, Ashley, Babbitt, Beale, Bingham, Blair, Blake, Brayton, Briggs, Buffinton, Burlingame, Burnham, Burroughs, Butterfield, Campbell, Carey, Carter, Case, Colfax, Conklin, Corwin, Covode, Curtis, Davis of Maryland, Dawes, Delano, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Farnsworth, Fenton, Ferry, Foster, Frank, French, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hickman, Hoard, Humphrey, Hutchins, Irvine, Junkin, Kellogg of Mich., Kellogg of Illinois, Kenyon, Kilgore, Killinger, Leach of Mich., Lee, Longnecker, Loomis, Lovejoy, Marston, Millward, McKean, McKnight, McPherson, Moorhead, Morrill, Morris of Pennsylvania, Morse, Nixon, Olin, Palmer, Perry, Pettit, Porter, Potter, Pottle, Reynolds, Rice, Robinson of Rhode Island, Royce, Schwartz, Scranton, Sedgwick, Sherman, Somes, Spaulding, Spinner, Stanton, Stevens, Stewart of Pennsylvania, Stratton, Tappan, Thayer, Theaker, Tompkins, Train, Trimble, Vandever, Van Wyck, Verree, Wade, Waldron, Walton, Washburn of Wisconsin, Washburne of Illinois, Washburn of Maine, Wells, Wilson, Windom, Wood, and Woodruff.

For Mr. McCLERNAND—Messrs. Allen, Anderson of Ky., Ashmore, Avery, Barksdale, Barr, Barrett, Bocock, Bouligny, Branch, Burch, Burnett, Horace F. Clark, Clark of Mo., Clemens, Cobb, John Cochrane, Cooper, Cox, Craige of N. C., Craig of Missouri, Crawford, Davis of Indiana, Davidson, Davis of Mississippi, Dejarnette, Dimmick, Edmundson, English, Florence, Fouke, Garnett, Gartrell, Hamilton, Harris of Virginia, Hawkins, Hindman, Houston, Howard, Holman, Hughes, Jackson, Jenkins, Jones, Kunkel, Lamar, Landrum, Larrabee, Leake, Logan, Love, Maclay, Martin of Ohio, Martin of Virginia, McRae, Millson, Montgomery, Morris of Illinois, Niblack, Noell, Pendleton, Peyton, Phelps, Pryor, Reagan, Riggs, Robinson of Illinois, Ruffin, Rust, Sims, Scott, Sickles, Singleton, Smith of Virginia, Stevenson, Stewart of Maryland, Stout, Taylor, Thomas, Underwood, Vallandigham, Whiteley, Winslow, Woodson, and Wright.

For Mr. GILMER—Messrs. Adams of Kentucky, Anderson of Kentucky, Brabson, Bristow, Etheridge, Harris of Maryland, Hatton, Hill, Leach of North Carolina, Mallory, Moore of Kentucky, Nelson, Quarles, Smith of North Carolina, Stokes, and Webster—16.

For Mr. SMITH, of North Carolina—Messrs. Boteler, Hardeman, Maynard, and Vance—4.

For Mr. CRAWFORD—Messrs. Clopton, Curry, Moore, and Pugh—4.

For Mr. MCQUEEN—Messrs. Bonham and Miles—2.

For Mr. STEVENSON—Mr. Boyce.

For Mr. ETHERIDGE—Mr. Gilmer.

For Mr. MILES—Mr. Keitt.

For Mr. HOUSTON—Mr. McClernand.

For Mr. BOYCE—Mr. Moore, of Alabama.

The Clerk declared Mr. PENNINGTON elected Speaker of the House.

Mr. HINDMAN, of Arkansas, rose to call the attention of the country to some facts connected with the election, but was met by loud and prolonged cries of "order." He insisted that he was in order. The Republicans renewed their shouts of "order." He said he desired to be heard, and was again called to order in as loud and deafening tones as before. He wanted to know what the point of order they raised was, but the only response was "Order—order!"

Mr. GROW, of Pennsylvania, elevating his voice to the highest pitch, said the Speaker having been elected, there is nothing in order till he has been conducted to the chair.

Cries of "That's so"—"Let him take his place."

The Clerk sustained Mr. Grow's suggestion, and appointed Mr. Bocock and Mr. Sherman to conduct Mr. Pennington to the chair. These gentlemen at once entered upon the performance of that duty and escorted Mr. Pennington to the chair.

The Speaker, amid a quiet that strongly and delightfully contrasted with the excited and disorderly proceedings which previously prevailed, spoke as follows:

Gentlemen of the House of Representatives: I return to you my grateful acknowledgments for the distinguished honor you have been pleased to confer upon me in electing me the Speaker of this House. Coming here for the first time at the present session to be associated with you as a member, no event could have been more unlooked for than that I should be called upon to preside over your deliberations; and my friends will do me the justice to say that I have not sought the position, as I certainly never desired it. I am, nevertheless, as conscious of the dignity and importance of this high office as any gentleman can be, but should have been far better pleased had its duties been entrusted to abler and more experienced hands. After witnessing the almost insurmountable obstacles in the way of the organization of this House, I came to the conclusion that any gentleman, of any party, who could command a majority of the votes for Speaker, was bound, in deference to the public exigencies, to accept the responsibility as an act of patriotic duty, whether agreeable to his personal feelings or not. As that choice has unexpectedly fallen on me, I have not hesitated to accept it. In the execution of this high trust, my object will be to do my duty with impartiality and justice to all. I shall have great necessity, gentlemen, for your indulgence in the new position in which I am placed, and I feel entire confidence that I shall receive it at your hands. As a Representative from the State of New Jersey, upon whose soil so many distinguished achievements were accomplished in the Revolutionary War, and whose people have ever been distinguished for their devotion to the Constitution and the Union, I pray the great Arbiter of our destinies that I may do no act to impair the integrity of either, but that by wise and prudent counsels peace and order may yet reign in our midst, and our free institutions be perpetuated to our descendants. I feel that I have a national heart, embracing all parts of our blessed Union.

Again thanking you for your kindness, I now enter upon the discharge of the arduous and complicated duties of my station. [Applause.]

Mr. PHELPS, of Missouri, being the oldest consecutive member, administered the oath of office to the Speaker, by request of the Clerk.

The members were then sworn in by delegations.

Mr. WASHBURNE, of Maine, offered a resolution that the rules of the House of Representatives of the Thirty-Fifth Congress be adopted for the government of this House, and that a committee of five, consisting of the Speaker and four others, report from time to time such amendments as they may think proper.

After a running debate, the resolution was adopted.

Mr. PHELPS here asked leave to introduce a bill making appropriations to supply the deficiencies in the Post Office Department.

Mr. STEVENS, of Pennsylvania, objected.

The SPEAKER said no legislative business could be transacted until a clerk was elected.

Mr. FENTON, of New York, offered a resolution that a committee be appointed to inform the Senate of the election of a Speaker, and that the House was ready to proceed to business.

Mr. WINSLOW, of North Carolina, said before that could be done they must elect a clerk.

Mr. SMITH, of Virginia, moved that John C. Allen, the late clerk, be declared clerk of the present Congress, and moved the previous question.

The SPEAKER said that as Mr. Fenton's resolution was pending he could not entertain the question.

Mr. GROW, of Pennsylvania, remarked that under the rules adopted to-day Mr. Allen would continue to act as clerk till the regular official is elected.

Mr. HOUSTON, of Alabama. The law says what we shall do.

Mr. SHERMAN moved that when the House adjourn it be till Friday next.

Mr. BURNETT, of Kentucky. Let us pass the *Post Office appropriation bill* before we adjourn.

The SPEAKER announced that Mr. Fenton's resolution was in order.

Various gentlemen on the Democratic side had something to say, and the proceedings generally were disorderly.

Mr. BARKSDALE said Mr. Fenton's resolution ought to be passed. He appealed to his Democratic friends to withdraw their objections.

Mr. FARNSWORTH, of Illinois, moved that the House adjourn till Friday.

Mr. KEITT (in a tone that could not fail to be heard). What's your reason for that motion?

Mr. FARNSWORTH. I'll not give my reason.

Mr. HILL. I want to get gentlemen out of the difficulty. [What else he said was mingled with cries of "Order."]

Mr. FARNSWORTH withdrew his motion, and order was partially restored.

Mr. HILL moved that Mr. Allen act until a clerk is elected.

Mr. GROW interposed a point of order.

Mr. CLEMENS hoped that gentlemen would take their seats, and that, failing to do so, the Chair would exercise his authority, and designate the gentlemen by name.

The SPEAKER rapped repeatedly and called to order.

Mr. MORRIS, of Pennsylvania, moved that the House adjourn.

Mr CLEMENS protested against something, but what it was was lost in stentorian cries of "Order." Subsequently he said he was endeavoring to call the House back to a sense of its own dignity. It was a question of gentlemanly courtesy.

Mr BURNETT called Mr. Clemens to order, as a motion was pending to adjourn. Therefore, it was not in order to debate or call back the House to its dignity.

[A voice. Dignity! Ha! ha!]

Mr. STEVENS rose to move that when the House adjourn it be to Friday.

He was called to order from the Democratic side.

The SPEAKER stated the question. [Cries of Call the roll.]

The motion to adjourn till Friday was carried by 18 majority, and Mr. Kellogg, of Illinois, wanted the Post Office deficiency bill passed.

The House then adjourned till Friday.

PENNSYLVANIA LEGISLATURE.

HARRISBURG, Feb. 1.

SENATE.

After some unimportant business the standing committees were called for reports, when the following bills were reported with a favorable recommendation:

A supplement to the act to encourage the manufacture of iron with coke and mineral coal.

An act to extend the charter of the Pennsylvania Coal Company.

An act to authorize the enlargement of the centenary fund of the Erie and Pittsburg Conference of the M. E. Church.

A further supplement to the act regulating the sale of intoxicating liquors.

A bill prescribing the mode of authenticating judgments by aldermen and justices of the peace in other States.

A bill to regulate the practice and fees of sheriffs in cases of attachment.

An act to incorporate the Republic Life Insurance Company of Philadelphia.

An act to incorporate the Farmers' and People's Market Company.

An act to secure to the people of Philadelphia the right to travel over certain highways.

The following were reported with a negative recommendation:

An act to incorporate the American and India Commercial Company.

An act to enlarge and equalize the equity jurisdiction of the courts of this Commonwealth.

BILLS IN PLACE.—Mr. IMBRIE read in place a supplement to the act to enable joint tenants, tenants in common, and adjoining owners of mineral lands, to develop the same.

Mr. CONNELL, a supplement to the act incorporating the Locust Gap Improvement Company.

Mr. THOMPSON, a supplement to the act incorporating the Belmont-avenue Plank-road Company.

The bill to authorize the sheriff of Philadelphia to publish his sales of real estate in one German newspaper was discussed at length. The bill was so amended as to restrict the cost for publication of such sale to one dollar, and was passed finally—yeas 19, nays 9.

The bill relative to the challenging of jurors in certain civil cases was taken up and passed. The bill allows four challenges instead of two, as the law now stands.

The supplement to the act incorporating the Turner's Association, of Pittsburg, passed finally.

The bill to change the name of the Lehigh Zinc Company, to reduce the capital stock and to authorize the company to borrow money, passed first reading, and was then postponed. Adjourned.

HOUSE.

Several matters upon the Speaker's table were presented and referred.

Mr. WILEY moved that hereafter the House shall meet at ten A. M. daily, which was decided in the negative.

Mr. DAVIS moved that 3,000 diagrams of the House be printed. Lost—ayes 30, noes 59.

The reports of committees were then called for, when, among other bills reported, was one requiring the commissioner of highways of Philadelphia to pave sidewalks upon the petition of citizens, and the resolution relative to the payment of certain moneys by the Manufacturers' and Mechanics' Bank of Philadelphia; also, a resolution for the purchase of railroad maps for members.

The bill to authorize a registration of births, marriages, and deaths was reported with a negative recommendation.

BILLS IN PLACE.—Mr. TURNER read in place a supplement to the act incorporating the Southwark and Delaware Railroad Company, prohibiting the running of locomotives on Washington street, Philadelphia.

Mr. BALL, a bill for the incorporation of a Model Farm Association.

Mr. MORRISON, a bill to prohibit the running of locomotives in the Twentieth ward, Philadelphia; also, a bill regulating the weighing of coal in Philadelphia.

Mr. DUNLAP, a bill to incorporate the Northern Liberties and Wire Bridge Philadelphia Passenger Railway.

Mr. RIDGWAY, a bill for the more efficient collection of collateral inheritance taxes in Philadelphia.

Mr. O'NEILL, a bill to vacate part of old Harrison street, Kensington.

Mr. ABBOTT, a bill to vacate part of new Germantown road, in Philadelphia; also, a bill relative to the Belmont-avenue Plank-road Company, in the Twenty-fourth ward of Philadelphia.

Mr. TURNER, a bill to provide for education at the public expense, in the First School district of Philadelphia.

Mr. WILDEY, a bill to incorporate the Northern Coal Company of Philadelphia; also, a bill to incorporate the Olney Railroad Company.

Mr. STRONG, a bill for the incorporation of the "Conservatory of Arts."

Mr. RIDGWAY, a supplement to the act incorporating the Fairmount Railroad Company.

The resolutions relative to the distribution of the report of Prof. Henry D. Rogers, on the Geological Survey of the State, were taken up, and after considerable discussion passed. Adjourned.

Washington Affairs.

WASHINGTON Feb. 1.—The resident Democratic National Committee several days ago instructed their chairman to call on Senator Mason to inquire into the authenticity of the newspaper despatches in relation to the proceedings before the Harper's Ferry Committee. Now it is assured that no information had been furnished by any member of the committee or clerk, for publication, and that the statements sent abroad were no part of the testimony, but may have been furnished by witnesses not under oath.

All the members of the House who voted for Mr. Pennington have been notified to meet at the Capitol at noon to-morrow, the object being to make nominations for all the other elective officers of that body.

The Senate, to-day, decided to act in executive session to-morrow, on the motion to reconsider the vote by which Francis J. Grund was rejected as consul to Havre.

Mr Smith of North Carolina, in justice to the Democrats who voted for him, has reassured them orally, and by proof, that he was never a "Know-Nothing."

Accident on the Baltimore Railroad.

BALTIMORE, Feb. 1.—This morning, about half past two o'clock, as the night train from Philadelphia reached the Susquehanna river, the express, mail, and sleeping-car passed on to the boat as usual, but, from some cause, probably having too much headway, the express car went overboard into deep water. The truck fell on the deck of the boat without causing any damage.

The passengers in the sleeping car knew nothing of their danger until some minutes after. It is supposed that the ice on the brakes prevented them from acting properly. The mail car was very near going over, and the mail agent leaped from the window, but the brakesman promptly disconnected the coupling, and thus saved any further damage.

The accident, together with the storm, detained the train, and it did not reach the city till six o'clock.

State Politics.

POTTSVILLE, Feb 1.—The delegates elected to the People's State Convention, from this county, are Hon. Chas. Frailey, W. K. Jones, Dr. Yocum, and William A. Hammer. They are the friends of Hon. David Taggart for Governor.

Boiler Explosion at Wilmington, N. C.

LOSS OF LIFE.

WILMINGTON, N. C., Feb. 1.—This morning the boiler in Ellis & Mitchell's grain mill exploded, killing one negro, and injuring another. A large portion of the building was completely demolished. The amount of the loss is not known.

THE CITY OF MANCHESTER AT ST. JOHNS.

ONE DAY LATER FROM EUROPE.

RUMORED MEETING OF THE CONGRESS.

CARDINAL ANTONELLI RESIGNED.

Commercial Treaty between France and England.

ST. JOHNS, N. F., Feb. 1.—The steamship City of Manchester, from Glasgow, has put in here for coals. She brings London advices by telegraph to the 13th ult.

The Manchester will be detained here about thirty-six hours, and will be due in New York about Wednesday of next week. She stopped at Queenstown, and left there at 4 o'clock P. M. on the 13th ult. The following are the latest telegrams from Paris and London:

PARIS, Jan. 12.—A rumor is current that the Congress will meet on the 15th of February, and that Cardinal Antonelli has resigned his post in the Pontifical Government.

It is also reported that a treaty of commerce has been concluded between France and England.

On the Bourse to-day rentes advanced to 68f. 75c.

LONDON, January 13.—The court held by the directors of the Bank of England to-day broke up without deciding upon the expected advance in the rate of interest.

The London *News* distinctly states that Lord Cowley did not come to London on any mission, and that he brought no proposition whatever from the French Government.

The telegraph between the Channel Islands and France has been successfully laid.

Exaggerated accounts of the stringency in the New York money market had slightly influenced the funds.

The Harper's Ferry Investigation Committee.

DISCHARGE OF REALFF—TESTIMONY OF SENATOR WILSON.

WASHINGTON, Feb. 2.—The Harper's Ferry Investigation Committee to-day discharged Realff from further attendance, and he will immediately leave for New York. Thaddeus Hyatt arrived here to-day, and will appear before the committee to-morrow morning.

Senator Wilson was before the committee to-day. He stated that early in May, 1858, Colonel Forbes came to his seat in the Senate chamber and introduced himself, and informed him that he (Forbes) had been employed by Brown to go to Kansas to drill some force there in 1857, and that Brown had not paid him; that his family were starving in Europe, and that the men in the East, who contributed money for the defence of Kansas ought to pay him.

He was much excited and denounced Brown and others. He said that some of the arms sent to Kansas had passed into Brown's hands and were stored in Iowa, and that he was not a safe man, and that these arms ought to be taken out of his control. Supposing that he referred to the border difficulties between Missouri and Kansas, and that Brown might retaliate any attacks upon Kansas by going into Missouri, he (Mr. Wilson) wrote to Dr. Howe, suggesting him to see some of the men who had contributed arms for defence in Kansas, to get those arms out of Brown's hands and place them in the control of reliable men in that Territory, who would see that they were only used for purposes of defence. He said that if those arms should be used for illegal purposes it would involve the men who had contributed them in trouble. Dr. Howe immediately wrote back that an order had been sent to Brown to deliver up those arms. The matter passed out of his (Mr. Wilson's) mind, and he supposed all was right. He never heard a word about the organization of forces for invasion at Harper's Ferry in 1858, or afterwards, and did not know that Dr. Howe had sent his letter to Brown.

Further News by the California Overland Mail.

ST. LOUIS, Feb. 1.—The overland mail from San Francisco on the 9th inst. arrived here to-night. The following additional items of news are furnished:

New gold mines had been discovered in the Utah mountains, twenty miles from Carson City. The discovery produced much excitement in Carson and Yuba counties.

A silver mine had also been discovered in the St. Helena mountain, which attracted much attention. Some four hundred persons had gone there to prospect.

Another silver mine had been discovered in Calaveras county.

SANDWICH ISLANDS.

The dates from Honolulu are to the 19th of December. Whalers and merchantmen had been departing rapidly, leaving only eight vessels in port.

U. S. Consul Pratt was to leave for home on the first of February, on leave of absence.

The review of the whaling season notes a falling off of 200 bbls per ship.

Arrived at Honolulu on December 15, Sea Nymph, from London; sailed on the 10th, Syldia, from New Bedford; Aspasia, from McKean Island. The Black Sea was the only American vessel in port.

Railroad Accident.

MONTREAL, Feb. 1.—An accident occurred yesterday on the Portland road, near the boundary line. A baggage car was run off the track, and fell down an embankment of eighty feet. The express and mail conductors went down with the car, but fortunately both escaped serious injury.

The weather this morning was the coldest of the season. The thermometer was 22 degrees below zero.

One Hundred and Seventeen Guns for Pennington.

PITTSBURG, Feb 1.—One hundred and seventeen guns will be fired to-morrow, under the auspices of the Executive Committee of the Allegheny County Republican Club, in honor of the election of Mr. Pennington as Speaker of the House.

Maine Politics.

SACO, Maine, Feb. 1.—The First Congressional District Democratic Convention has elected one Administration and one Douglas delegate to the Charleston Convention.

Resolutions endorsing Mr. Douglas were voted down.

Arrest at Baltimore.

BALTIMORE, February 1.—James Miller, who is charged with the murder of Henry Gouker at Philadelphia, on the 22d ultimo, was arrested here this morning by officers from Philadelphia, who started in the afternoon train with their prisoner in custody.

The Cosmopolitan Art Association.

AWARD OF PREMIUMS.

NEW YORK, Feb. 1.—The sixth annual award of the Cosmopolitan Art Association was promptly made last evening. The list of awards will be published to-morrow.

The Mississippi River.

ST. LOUIS, Feb. 1.—The river is falling here and is full of floating ice. The weather is very cold, the thermometer indicating zero daily. There are no prospects of an immediate change.

Non Arrival of the America.

HALIFAX, Feb. 1—10 o'clock.—The steamship America has not yet arrived. A severe gale is now raging, and there is no prospect of her arrival to-night.

A Captured Slaver at Charleston.

CHARLESTON, Feb. 1.—The brig Delicia arrived at quarantine to-day, in charge of Lieut. Moragne, of the United States frigate Constellation, having been captured as a slaver by that vessel on the coast of Africa. There are no negroes on board.

Charleston Races.

CHARLESTON, Feb. 1.—The first race was won today by Planet; time of the first heat, 7m. 58 sec. Arrow and Mason were both distanced.

Congress won the second race. Time, 1m. 59¾ sec; 1m. 49¾.

Non-Arrival of the Steamship America.

HALIFAX, Feb. 1.—There are no signs of the steamship America, eighteen days out from Liverpool. It is blowing a gale.

The State of Georgia.

SAVANNAH, Jan. 31.—The steamship State of Georgia, from Philadelphia, arrived here about noon to-day. All well.

Markets by Telegraph.

BALTIMORE, Feb. 1.—Flour is steady at $5 50 for Howard street. Wheat firm at $1 30@1 45 for white. Corn is in better demand; white 70a73c; yellow 70a72c by bu. and 74c by weight. Provisions quiet; Mess Pork $17.50. Bacon sides 9¾c. Whiskey dull at 25c. Exchange on New York ¼ per cent premium.

CINCINNATI, Feb. 1.—Pork is quiet at $17 50. Bulk Meats are active at 6¾c for shoulders and 8¾c for sides. Bacon is active at 7¼a9¾c. Lard 10¾c. Flour has an advancing tendency; sales at $5 80a6. Wheat firm. Corn quiet.

SAVANNAH, Feb. 1.—The turn in the Cotton market is in favor of the buyer; 2,400 bales sold.

AUGUSTA, Feb. 1.—Cotton quiet; 600 bales sold.

MOBILE, Jan. 31.—Cotton is quoted at 10¾a10¾c, with sales of 1,150 bales. Sales for the past three days 6,500 bales; receipts 18,000 bales.

Frank Leslie's Illustrated Paper.

This pictorial, which has now reached the enormous circulation of 162,000 per week—as many as 220,000 copies were sold during the Harper's Ferry excitement—certainly exhibits a vast degree of energy. Mr. Henry O. Watson, a musical composer, a poet, and an excellent prose-writer, is the Editor *en chef*. He writes musical critiques better than almost any other editor in New York. Mr Charles G. Leland, we believe, is the art-critic, and no writer in New York is better qualified for such a position, with his elegant taste, extended knowledge, fine scholarship, and great familiarity with the galleries and studios of foreign countries. Mr. Thomas Powell, who can write more upon any given subject than any other man, within a limit of time, and who is a humorist as well as a poet, is also one of the editorial corps. The leading artists are Messrs. Samuel Wallan, Stephens, and Elbert Berghaus.

Dr. Augustus Rawlings, the special correspondent of Frank Leslie's paper—the active gentleman who took a corps of artists with him to Harper's Ferry, and succeeded in making good his ground there, for their pencils and his own pen, when the other newspaper men were turned away—is now in this city making arrangements for connecting it with New York, in a peculiar and novel manner. He has commenced a tour, which will carry him through the United States and Cuba, for the purpose of securing photographic artists and original designers in each city, so that when any event of public interest takes place, accurate representations and full descriptions of it may immediately appear in Frank Leslie's paper. This is a gigantic plan, but, when properly organized, as it will be, it will *pay*. Dr. Rawlings is so good a conservative that he may be very sure of a favorable reception in the South.

MR. PENNINGTON.—Hon. William Pennington, who succeeds Mr Sherman as the Republican candidate for Speaker of the House, was formerly Governor of New Jersey, chosen by the Whigs. He represents the Fifth district of New Jersey, and was chosen over Wortendyke, a Lecompton Democrat, by a general union of the opposition elements. Though the Republican party has not been formally established in New Jersey, Governor Pennington has always been considered one of the most reliable Republican members in the House, although a man of moderate views and disposition. Like Mr Dayton and other prominent New Jersey opponents of Democracy, Governor Pennington is understood to assign much prominence to the question of a protective tariff among the issues of the day. We believe he has made but a single speech during the present session, and that was a concise and able appeal in behalf of the adoption of the plurality rule. No man in the House is more respected for purity of character and soundness of judgment than Governor Pennington; and should he be chosen to the Speaker's chair, although it may be hard for many to give up Mr. Sherman after supporting him so long and so well, we have no doubt that the interests of the country and of the Republican party will be furthered by the event.—*Boston Journal.*

EUGENIA AND CRINOLINE.—The Paris correspondent of the London *Court Journal* sets at rest the question of the Empress renouncing hoops. He says:

"We can therefore affirm, upon our conscience and honor, that whatever may have been said with regard to the abandonment of crinoline by that august and gracious lady, the absence of whatever portion may have been cast aside was not perceived; indeed, we should almost say that it must have added to the expansion of the petticoat by the facility thus afforded for the more easy expansion of that which remained. Nothing could be more graceful and more dignified than the flow and fall of her Majesty's garments; but, at the same time, who can say that any falling off is there?

"As the beautiful and gracious lady took her seat upon the throne she fills so well, the uniform, the sword, nay, one-half of the very person of the Emperor became lost to view—imbedded, as it were, in the beautiful and glittering mass beneath which it disappeared, leaving not even the thin and indistinct outline under the velvet of the Imperial robe to show that it still existed."

☞ The Vermont *Freeman* is informed that a German pedler, named Stearns, was killed by a bear in Stowe week before last. It is said that the bear met him as he was crossing a field, and a woman at a farm house at some distance saw the combat and gave the alarm, but help came too late to save the man's life.

THE CITY.

AMUSEMENTS THIS EVENING.

CONCERT HALL, Chestnut street, above Twelfth.—Drayton's Parlor Operas.

WALNUT-STREET THEATRE, corner Walnut and Ninth.—"Othello"—"Betsy Baker."

NATIONAL THEATRE, Walnut street, between Eighth and Ninth.—Dan Rice's Great Show.—"The Magic Ring."

WHEATLEY & CLARKE'S ARCH-STREET THEATRE, Arch street, above Sixth.—"Love"—"Double-Bedded Room."

SANDERSON'S EXHIBITION ROOM, Jayne's Commonwealth Building, Chestnut street, above Sixth.—Thiodon's Museum of Art.

MCDONOUGH'S GAIETIES, Race street, below Third.—Entertainments nightly.

TEMPLE OF WONDERS, northeast corner Tenth and Chestnut streets.—Signor Blitz.

TRIAL OF ROBERT THOMPSON FOR THE MURDER OF JOHN CAPIE—YESTERDAY'S PROCEEDINGS IN THE COURT OF OYER AND TERMINER—THE EVIDENCE FOR THE DEFENCE.—The trial of Robert Thompson was continued yesterday in the Court of Oyer and Terminer, Judges Allison and Thompson, the court room being crowded to its utmost capacity. Subjoined is the evidence for the defence as to the character of the defendant and his position on the night of the homicide. The first witness called was Mr. Kay, gunsmith, who testified as follows:

Mr. Kay recalled.—I have drawn the contents of the other barrels (contents produced;) they are balls; there was a ball in each of the other three barrels, the piece with groove marks must have been a larger substance, or there were several of these together; these loads, by the appearance of the powder, have been in a long while.

DEFENCE OPENED BY MR. CASSIDY.

Robert England sworn.—I live at the corner of Tenth and Catharine; I am an apothecary; lived there ten years; I know Robert Thompson; have known him for ten years; his character for peace and quiet is good; he is a carpenter; I know his family.

Cross examined.—In almost daily intercourse with him and business dealings; I have had opportunities of hearing of him; know nothing of the company he kept at night.

Francis Zermann sworn.—I live at Ninth and Catharine streets; have lived there fifteen years; I know Robert Thompson; know others that know him. I know his character for peace and quiet; it is good; never heard anything against him; I understood he did belong to the Moyamensing Hose; I never heard of his keeping bad company; can't say that I ever saw him in front of the hose house.

John Kelly sworn.—I live in Ninth, above Catharine street; I know Robert Thompson; know his family; know others that know him; his reputation for peace and quiet is good.

Michael Walsh sworn.—I live at 814 Catharine street; lived there some fifteen years; I know Robert Thompson; know others who know him; know his character for peace and quiet is good.

Wm. J. Loran sworn.—I reside No. 1136 South Eleventh street; I am a printer; I know Robert Thompson; known him for fifteen years; I was a schoolmate of his; I have always considered him quiet and peaceful; never heard his character questioned.

Edward Rementer sworn.—I live 813 Fitzwater street; have lived there seventeen years; known Robert Thompson for seven or eight years; know others who know him; his character for peace and quiet is good.

Arthur Hughes sworn.—I reside at 1014 South Ninth street; I know Robert Thompson; have known him since his school-boy days; I know others who know him; never heard any one assail his character for peace and quiet.

James Campbell sworn.—I live at 719 South Ninth street; known Robert Thompson for fifteen years; know his reputation for peace and quiet; it is good; never heard it assailed.

Wm. L. Davis sworn.—I live at 813 South Tenth street; known Robert Thompson eight or nine years; he is a carpenter; his reputation for peace and quiet has always been remarkably good.

John Devinney sworn.—I live at 713 South Eighth street; I know Robert Thompson; his reputation for peace and quiet is good; never heard it assailed.

Dr. W. K. Gilbert sworn.—I reside at 807 South Ninth street; I know Robert Thompson for about six years; always his physician; his reputation for peace and quiet I never heard anything against.

John McFall sworn.—I know Robert Thompson; he has been in my employ; his reputation for peace and quiet is good.

Thomas Robinson sworn.—I live in Swanson street above Christian; used to live near Tenth and Christian; I am a carpenter; I worked with Thompson; I know others who know him; never heard anything against his reputation for peace and quiet.

N. C. Quinn sworn.—I know Robert Thompson; know his family; he is a carpenter; his reputation for peace and quiet is very good.

Wm. Dunn sworn.—I know Robert Thompson; have for a long while; his reputation for peace and quiet has always been remarkably good.

George Howard sworn.—I live at northeast corner of Ninth and Catharine; know Thompson; known him for nearly all his life; his reputation for peace and quiet is good.

Samuel Wallington sworn.—I live at 813 Fitzwater; have for 14 years; known Thompson for 8 or 9 years; his reputation for peace and quiet is good.

James Matthews sworn.—I live 709 South Eighth street; known Thompson since he was a boy; his character for peace and quiet is good.

P. A. Fagan sworn.—I am a grocer at Eighth and Bedford; know Thompson since he was a boy; his character was always good; never heard anything against it.

James W. Fletcher sworn.—I reside in Ninth, above Catharine; know Thompson's family; known him since childhood; his reputation for peace and quiet I always understood to be good; I was alderman in that neighborhood for nine years.

William Byerly sworn.—I live in Fourth street, above German; remember the night when Capie was shot; started to go to the fire; it was on Saturday night; the company I belonged to had started for the fire; I walked up Shippen to Eleventh, then near to Twelfth; *I met Robert Thompson just above Eleventh*, on the south side, in Shippen street; I walked with Thompson about fifty yards towards Twelfth street; we came in contact with the Moyamensing Hose, standing in Shippen street east of Twelfth; we made a kind of a stop; heard some reports of pistols; there were twenty or more around there and all ran towards Twelfth street; I did not go any further; I was east of Twelfth street; as far as from here to Sansom street; there was running every way; I think there was five or six shots altogether; I heard the first two shots fired; I did not go to Twelfth street at all; I think Thompson was within my sight at the time; I heard the first two shots; I am positive of that; I did not again see Thompson; I did not feel disposed to go to Twelfth street; I turned back; I am connected with the Franklin Engine; have been for twenty-three years; I did not go to the fire until I shut up my house; Robert Thompson was never connected with my company; have known him since 1851 or 1852; never heard his character questioned.

Cross examined.—He might have been drinking; he had dark clothes on; either low-crowned hat or cap on; I met Rinaldo Scantlin on the way up; the alarm was about 12 o'clock; I don't recollect who else I saw; I never mentioned this until yesterday.

John J. Gallagher sworn.—I live at the N. W. corner Erie and Catharine streets; I am a drayman; I was at the fire at Twelfth and Shippen streets; I saw Thompson that night; I first saw him coming up Shippen street with Mr. Byerly; I was in Shippen street, 10 or 15 feet west of the Moyamensing hose carriage about 125 or 130 feet from Twelfth street, east; I heard the first two shots that were fired; Thompson was on the pavement in my company; we all ran towards Twelfth street together; I am confident, at this time, Thompson was east of Twelfth street; the sound of the shots was coming from Twelfth street; he got separated from me as soon as we got to Twelfth street; there was shooting on both sides of the way; one ran one way and some another; I did not see him again that night; I was alongside of Thompson when he was talking to Rudolph M. Kolone; I am not a member of the Moyamensing; am of the Hope Engine, and have been for ten years; I went to school with Thompson; his general character for peace and quiet is good.

Cross examined.—I told this to Mr. Mann; I don't know if he was there that night; saw him early that evening; saw Mr. Byerly yesterday; did not tell him; did not mention this until Thompson gave himself up; knew he was charged with this murder.

Nicholas Stafford sworn.—I live at 817 South Tenth street; have for eleven years; I remember the fire in April at Twelfth and Shippen; I was there; I saw Thompson that night; I saw him in Shippen street, *with Mr. Byerly; I was in Shippen street*, east of Twelfth, in company with two or three others, when I saw them come up. I heard the first two shots that were fired; Thompson at that time was in my company still east of Twelfth street. I am sure of that; after the second, Thompson, I, and the rest ran towards Twelfth street; when we got there four or five more shots were fired; the crowd scattered in every direction; I ran back Shippen street, some two or three with me; I saw no more of Thompson after we reached Twelfth street; *I did not see him again that night; I have known him* about thirteen years; I am past twenty-three; his general character for peace and quiet, I never heard it questioned before this.

Cross-examined.—The prisoner has two brothers, Matthew and William; saw Matthew in Shippen street that evening; I have not been talking about the brother *instead of the prisoner*.

Rudolph Kalone sworn.—I live at 745 Erie street; I was in business in April last; kept a coal yard; I know Thompson; I remember the night Capie was shot; I was *a little this side of Twelfth street*, in Shippen; I saw Thompson; I was standing three or four yards west of the Moyamensing Hose carriage; the carriage, I think, was on the south side of Shippen street, nearer Twelfth than Eleventh; I heard the first two shots fired that night; we were all standing together; Thompson and Byerly came along from Eleventh street; I think I was talking to Thompson; said a few words to him; after the shots the party made a start towards Twelfth street; I did not get quite to Twelfth street; I heard five or six shots; the crowd coming from Twelfth street prevented me; I lost sight of Thompson there; we got separated; I am certain that, at the firing of the first two shots, I was east of Twelfth street, and saw Thompson there; I next saw him at the Hospital.

Cross examined.—I saw him in the afternoon at the hospital; did not see him at the time he left there; he had been drinking at the time he was with me; there were some five or six in the party talking; I heard on Sunday, at dinner time, that Capie was shot; I heard the evidence before the inquest, then I first heard Thompson was charged with it; I was not present at the inquest; I gave no information to the *coroner* that I saw Thompson that night; I first told this some time last week.

George H. Haws sworn.—I live at 722 South Ninth street; I know Thompson; *I remember the night Capie* was said to have been shot; I was in Shippen street, between *Eleventh and Twelfth*; I saw Thompson with Mr. Byerly; I was standing in Shippen street with three or four friends near the little street; I was west of the *Moyamensing Hose carriage*; I heard the first two shots fired that night, distinctly; Thompson was alongside of me then; *still east of Twelfth street*—I am positive of that; after the shots were fired we went towards Twelfth street; I did not get all the way up; I heard some shots, and got pushed back in the crowd; I went back down Shippen street; Stafford was with me part of the way.

Cross examined.—Five or six of us were standing and talking; their names were Stafford, Gallagher—I don't recollect the names of the others; Kalone was there; I did not take notice; I can swear he was there; I know Byerly; he was above five or six yards; the prisoner was with Mr. Byerly; I saw him, when I ran towards Twelfth street; did not see him afterwards; I turned around and did not see him when the pistol was fired; I was not talking to him, or any one; Stafford was nearest me; I run up to see what was the matter; I saw Gallagher when I ran up the street; did not see Byerly; don't recollect if I had to pass him; I passed the prisoner on the pavement.

Chas. H. Darnell sworn.—I am a grain-measurer; I reside at 125 Catharine; know Thompson; have, for eight or ten years, seen him very often; I never heard his character for peace and quiet questioned.

Patrick Maher sworn.—I live at 715 Fallon street; I am a hatter; I know Thompson; remember his being at the hospital; *remember meeting him after he left there*; met in Lisle street, above Fitzwater, between *two and three o'clock at night, on the night he* escaped from the hospital; I saw his brother about *twelve o'clock that night; I took him to my house*; he was so weak he was hardly able to walk; he was leaning on his brother when I met him; he was at my house until the night he gave himself up; I think that was on the 17th of November; he was confined to his room the *greater part of that time*; he surrendered himself; he was pretty well for about two weeks; he told me when he came he would surrender as soon as he was able—as soon as he was well; he was severely *wounded in the left side; he was very low* at times, not able to get out of bed, while he was there; I suppose he came there because he thought he would get better treatment there than in a prison; no other purpose that I know of.

Cross-examined.—I met him with his brother William; I didn't know he was going to be there until about 12 o'clock that night; his brother told me then; he asked me if I would take him; I said I would, provided he would give himself up as soon as he was able; he slept in the third story attic; he was down stairs occasionally; the visitors at my house did not generally see him; his brother came there; he used to see him; his uncle seen him there; his mother saw him; Mr. Mobure seen him there; I think Mr. Beam was there one night to see him; I don't recollect of any one else; there may have been others; no physician attended him; some came to see him; he used to go in the yard; I have seen him there in daytime; I suppose the neighbors could have recognised him if they had seen and *known him*; he went once out from my premises; I think it was on the last election night; he was out about two or three minutes; his brother paid his board; the same one I met him with; he was two weeks in bed at one time; could not get out unless lifted out; the first two weeks he was not so bad, but afterwards got very low; my mother was the mistress of the house; I did not want to get a doctor there, to know where he was; it was because he was concealed at my house and I did not want it known; I had read that Capie had been shot; I knew Thompson had been charged with killing Capie, I did not know he had been indicted by the Grand Jury; I read of the coroner's inquest; read the verdict of the coroner's jury; I gave no information to the authorities that this man was at my house.

Re-examined.—He was very low at one time—not able to get out; I thought his life was in danger; this continued for some time; the ball was not extracted at my house; no officer ever inquired for him there.

John Mobure sworn.—I live at 225 Marriott street; *know Thompson*; I was sent for to come and see him at the house of Mr. Maher; I went with him to give himself up; it was about the 17th of November; went to the office of Alderman McMullin; I accompanied him to prison; he looked very pale when *I saw him*.

Cross examined.—He did not appear sun burned at all.

Peter Boemer sworn.—I am a police officer of Second division; I was subpoenaed last evening; I was in the neighborhood of Twelfth and Shippen the night Capie was shot; I was on the corner of *Twelfth and Shippen at the time of the fire*; it was after twelve, I was on the southwest corner; I don't recollect seeing Officer Adams; he might have been there; I know him; I saw him that evening; I made an arrest that night; I arrested Gheazan on the east side of Twelfth, nearly opposite Brinton street; he and some others were beating a man; it was Thompson; I had been standing on the southwest corner of Twelfth and Shippen, and just moved towards Fitzwater street; I got about half way between Brinton and Shippen, on the west side of Twelfth street; I heard the report of firearms; as soon as I heard it I turned back towards Shippen street again, and the people ran from Shippen down Twelfth; I noticed some four or five young men; they came from around Shippen, and went down Twelfth past me; came from above Twelfth; as they passed me I noticed something in their hands, which appeared to be firearms; [illegible] I took them to be; I said, "there's one of the s—s of b—s," pointing to a man on the east side of Twelfth street; they all ran over and knocked him down; it was Thompson they knocked down; I went over as soon as I could get there; I caught one of the men beating him; he got away; I then caught Gheazan; I took him to the Moyamensing Hall, and locked him up; [illegible] it was Thompson; [illegible] there about the same time I did. Thompson was on the ground when Adams got there; Officer Murray was there too; that was the first time I saw Thompson that night, and was on the east side of Twelfth street; I don't remember the flash of a pistol as I was crossing; I saw two flashes of pistols while the crowd had Thompson down, and were beating him.

Cross examined.—The crowd did not say what they were attacking Thompson for, all I heard was one of them say "there's one of the s—s of b—s"; Adams had hold of Thompson; don't recollect seeing a pistol in Thompson's hand; I must have seen his arms before I saw Adams have him; don't recollect seeing anything in his hands; I did not see Adams before he arrested the prisoner; he came there and arrested the prisoner while the prisoner was on his back; he came up about the time I did; I did not see him come up until he had hold of the prisoner; when I first saw the prisoner he was alone; seemed to be standing; I did not see him run down the street; there were plenty of people about there; nobody at all was helping Thompson; I had as much to do as I could with the prisoner I had; I was been a member of a fire company; the Moyamensing Hose; not for the last eight years; I still be one; I don't think I walked more than the space of three buildings after I heard the first two shots before I saw Thompson; I made a halt; did not see Thompson before I halted; as soon as they came around the corner I heard the remark; looked over and saw Thompson on the other side of the street; he was there when I halted.

RECESS.

Recalled.—The first I saw of Thompson was when that remark was made; as soon as I heard the report I immediately turned; no one that I saw came around the corner, pursued by those four men; I thought they ran as if to get out of the way of the shooting; I did not see Thompson come around the corner of Twelfth and Shippen; I could not say whether he came around or not; I did not notice any one ahead of those four men.

John P. Sharkey sworn.—I live in Shippen street, above Twelfth; I am a United States deputy marshal; I know Robert Thompson; his general reputation for peace and quiet I never heard questioned.

Francis Kilhou sworn.—I live 711 South Eighth street; I am in the post office; I know Thompson; have for fourteen years; I know his reputation for peace and quiet; he was always quietly disposed.

Mr. Lare sworn.—I live corner of Tenth and Lark streets; formerly a police officer; I know Robert Thompson; know others that know him; his character is good.

Mr. W. H. Fagan sworn.—I live at 809 South Eighth street; I know Thompson; his general reputation for peace and quiet is good.

Joshua Taggert sworn.—I live in Austin street, below Federal; I am connected with the Detective force; I know Thompson; his reputation I never heard it questioned.

Jacob Nass sworn.—I know Thompson; have for twenty years; I never heard anything against his character.

Mr. Curley sworn.—I live corner of Fourth and Monroe streets; I know Thompson; his general reputation for peace and quiet is good.

Officer Pettyman sworn, called in rebuttal by the Commonwealth.—I am an officer; I was at that fire; I had been standing with Officer Adams on the northwest corner of Twelfth and Shippen, less than a minute before the firing; I left and went down Shippen street; I had got about twenty-five or thirty yards when I heard the two shots; going east on the lower side of Shippen street when I heard the first shot; I had just stopped before; I heard the second shot and saw the flash; I turned as soon as I heard the first shot; I was about thirty yards below Twelfth; I saw no persons up Shippen street but myself; I saw persons running down on the pavement; in going up I saw no persons following me up; I saw no persons going before me towards the place where the pistols were fired; I went up within five or six yards of the corner in Shippen; I ran up in the middle of the street; I stood there about half a minute; I went down Shippen street again; while standing there no one came up Shippen and down Twelfth street; I am certain no one went from the lower side so as to go round the corner; I did not know Thompson; I saw some five or six persons come into Twelfth street from Shippen, west of Twelfth; I did not see the Moyamensing there that I know of; from the time the shot was fired until I left there I am sure no person ran round the corner; I saw no one on the north side running up Shippen and turning down Twelfth; [illegible] while I stood there, that was the time that the drummer says four or five men crowded over and attacked the prisoner.

Cross-examined.—I ran towards Twelfth street; I was looking in every direction successively, as shooting was going on; my attention was attracted by a pistol-shot; I saw the flash of the second shot; it looked right at the corner, on the line of the houses; to me it seemed the southwest corner; I did not see the man who fired; it was at the curb, on a line of the Twelfth street houses; I saw the flash; it wasn't more than a yard west of the line of the houses on Twelfth street; it was right on a line with the two first street houses; it appeared to be in the street; [illegible] I did not keep my eye fixed in the direction of the flash; I ran up, as an officer, to see what was going on; I did not see Officer Adams until I got near to Twelfth street; I did not see him when I halted; I am sure of it; I halted about half a minute; I looked in all directions; up Shippen, not up Twelfth, because I was a little below; I did not look down Twelfth, that is, I did not stand and look; I did not take in the east side of Twelfth; there was no crowd in Shippen street below Twelfth; there were a few persons, not enough to make a crowd; I did not know the fire was extinguished; there was four or five persons; at the time of the first two reports there were hundreds there; some moved up Shippen street that I saw; I am the only one that went towards Twelfth street to my knowledge; I was examined before the coroner; I was subpoenaed to attend court; I think I was here when the case opened; the notes of my evidence were never read to, or by me; I did not see Thompson that night before the transaction; I live in Greenwich street; never belonged to the Shiffler; have run with hose with other companies; I live two squares from the hose house; I saw some one fire towards the Shiffler hose that night and arrested him; it was not Thompson; the one I arrested had on dark clothes and a dark cap; his name was Anderson.

To the Court.—When I heard the first shot I was between the carriage and Twelfth street; I was six or eight, or ten yards from the carriage; I only noticed one carriage on the south side.

Re-examined.—I saw Anderson shoot and arrested him; this was after I ran up, and the two shots had been fired; I did not get his pistol; he ran down Shippen street; that was what caused me to go down Shippen street again.

The evidence on both sides was concluded, and addresses were made to the jury by Messrs. Mann and Cassidy, after which the court adjourned until this morning at ten o'clock, when F. C. Brewster, Esq., will make his argument on behalf of the defence.

SUPREME COURT—Chief Justice Lowrie, Justices Woodward, Thompson and Read.—*Miller vs. Evenger.* Argued by J. N. Brown, Esq. for plaintiff in error.

Berryville vs. Hauptman. Certiorari to the Court of Common Pleas.

Irwin's Appeal. Argued by A. Phillips for appellant, and by C. Gilpin and A. Miller for appellee.

SIXTH ANNIVERSARY OF THE MERCHANTS' FUND.—A very large audience assembled in the Musical Fund Hall, last evening, to celebrate the sixth anniversary of the Merchants' Fund. J. N. Atwood, Esq., was in the chair. On the platform was noticed several of our most distinguished citizens, from nearly all the pursuits and professions of life. The Germania Orchestra were upon the platform, and diversified the oratorical part of the proceedings.

The annual report of the board of managers, a very lengthy and interesting document, was read. The important facts of this document have been already published.

George L. Busby, Esq., made the opening address, in which he thought that a more interesting report than that of the association could not be presented to an audience. Our sympathies are irresistibly drawn towards charities like this. We had assembled here that we might be favorably impressed with what it has done. He hoped that many would be induced to unite with those already engaged in this noble work. Charity was the characteristic spirit of the nineteenth century. The gigantic enterprises of the day made this a necessity. Science has already, in this later day, done much to aid the merchant. It has enabled man to accomplish things never before dreamed of. He elaborately referred to the great improvements that had been made—steam, electricity, and machinery—and compared the present generation with the slow paced improvements of the century just passed. An allusion to the movement now being made for the purpose of introducing a line of steamships into the port of Philadelphia was received with loud and long applause.

The speaker claimed that it was necessary to take a still wider view of the subject in order to appreciate the character and career of the merchant. He traced the manifestations of his activity back to the dawn of civilization. He showed him planting his warehouses from the earliest times upon the banks of every navigable stream and around the margins of every sea. He passed in brief review some of the great commercial states, which have in all ages been studded around the classic shores of the Mediterranean, thence sent their influences to mould the civilization, religion, literature, language, and arts of mankind. He traced the connection between commerce and art, and showed that cities which are the depots of the merchant are the nurseries of art. The most munificent patrons of art have been found in the ranks of merchants. The merchant indeed, never expands to his full stature until he has blended the finest culture with his strong utilitarian sense.

The merchant founds empires. His cities are nuclei, around which empires grow. He stimulates the producer to tax his fields to the utmost, because he ever stands by him ready to purchase and distribute his surplus. He is the executive agent of the producer, without whom the latter would be shorn of more than half his strength.

The merchant lends stability to the empires which he founds. A firm governmental administration, a fixed social order, an established recognition of the rights of property, are indispensable requisites in any community in which he lives for the successful prosecution of his operations. He neither plots sedition nor [illegible]. It is his beneficent mission to build up, not to pull down and destroy.

But whilst conservative, the merchant loves freedom. The vexatious exactions and interferences of grinding tyrannies embarrass and impoverish him. The speaker would not dwell upon this point before an American *audience, in whose memories the names of John Hancock and Robert Morris find a welcome resting place.*

The speaker then alluded to the office of the merchant as a pioneer of Christianity. In this he ascribed the praise not to man, but to God, who has made the merchant the herald of salvation.

A career so comprehensive, embracing the whole earth as the theatre of its operations, and involving every form of human effort, is peculiarly exposed to the vicissitudes of fortune. Hence arise associations like this of the Merchants' Fund. Is it not a touching feature of this institution, that it especially applies its means to the *relief of aged indigent merchants?* It is sad to see a man stricken down in his prime by the blows of misfortune, while his energies are still unimpaired, and success may yet await him in the future. But when those blows fall upon the bare and defenceless head of age, blessed indeed is the charity which wards them off or lessens their violence. No man can withhold his sympathies from those employed in such a work as this. *No merchant should hesitate to ally himself with them.* It should be his pleasure and his pride to be a coworker in so sacred a cause.

Hon. J. R. Ingersoll was then introduced to the audience. He read a long, well-written, and eloquent address. He commenced by alluding to the position occupied by the merchant in the sphere of life. His merits and demerits as the representative of a class of our fellow-citizens; his speculations and misfortunes; *his successes and reverses*; his generosities and his charities, were all alluded to by the speaker in a beautiful manner. The business of a merchant was necessarily honorable, and, therefore, the merchant must be, for the time, a man of integrity. In commerce, it was very remarkable that there were theories and practices so peculiar and yet bearing with such force upon the relations and necessities of life. The laws of trade govern themselves, and have no other criterions than good sense and discretion.

It is painful to reflect, and the best observation leads to the belief, that more than one half of those who enter upon a mercantile course have at some period failed. An eminent practical observer placed the number at seventy-five in a hundred. Success may excite too much; failure even when partial may create despondency, and indifference may produce sloth. Too *much excitement drives boldness to excess and excess* is made up of hazard, exposure, rashness, and folly. Despair is wretchedness; and yet it reluctantly, it is all, acknowledges error and fault as the cause of loss and avoids self condemnation by an idle sophistry, which, ingeniously disguising the truth, would saddle fortune with its own guilt; but it disavows and disqualifies for exertion, ties the strong hand, unnerves the manly arm, prostrates every faculty of body and of mind, and extinguishes the whole man, who becomes unable to exert himself by the false self-persuasion that he is so already. To the indifferent nothing scarcely of good can come. Success, by whatever name, is apt to be a coy and often a reluctant mistress, and not to be won unsought and unsolicited. We are to *dread* the laboring effects of idleness. It is at all times more irksome than work, and far less estimable. Active and constant exercise is necessary for the mind as well as the body. A wise physician never prescribes sloth. It is talents and activity that are crowned with prosperity. Industry and integrity have their reward. Difficulties may, for the most part, by energy be overcome.

If from any merit the merchant's labor meets with a successful end, and wealth unites with other rewards to crown his exertions, it may at least be doubtful whether riches are a certain good. If not themselves exactly the reverse, they surround the possessor of them with many dangers; and he should not regret if the wings with which they are said to be provided were to fly with half of them away. A great genius of the old classic world compared gold and virtue to two weights in a balance, one of which cannot rise unless the other sinks. He was one of the citizens of Athens, *where the greater part of them, we are told upon the* best authority, employed their money in trade. The laws, while protecting them carefully in their pursuits, visited, with a severity that was extreme, departures *from it*. They inflicted a heavy fine, and sometimes a punishment of imprisonment, on him who should accuse a merchant of a crime, and not be able to prove his charge. Every citizen was prohibited, under pain of death, from buying more than a certain quantity of corn, in order that corn might not rise above its ordinary price.

Their great orator declared that he had seen put to death the son of an Athenian, who had commanded armies, *punished with death*, because, having borrowed [illegible] sums, he had not given sufficient securities. These heavy penalties were occasioned in part by the [illegible] their industry and activity, together with honesty and [illegible] increased the [illegible] local wealth, the circulation of which was [illegible] there, and is everywhere, by commerce. Their [illegible] to guard against the too great acquisition [illegible]. The saying of the wise Athenian was not stronger than the cautions of holy writ. Let us not forget the lesson that "a rich man shall hardly enter into the kingdom of Heaven," or the striking figurative phrase that "it is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of God." Wisdom points out a middle course as the best in this, as in all human things. "In the middle path you go most safely," was the advice to the daring driver of the chariot *of the Sun*.

"[illegible] that commerce was the creature of [illegible] wild and uncertain enterprises. There is no such [illegible] among human creatures as accident, and the remark that such a thing was a fact was [illegible] not the result of chance. Her guidance is a thing of reason and not of accident. [illegible] to the merchant, and the great merchant of [illegible] guiding-star of trade. His enterprise and [illegible]. He calculated his voyages and his speculations with the nicety of the astronomer—he bought ships, manned them with good men, loaded them with care, conducted his affairs with integrity, and thus succeeded.

"Experience and boldness of mind will always avail the merchant. Accident and chance had nothing in common with a grand mind. [illegible]"

Rev. Thomas Brainerd, D. D., succeeded Mr. Ingersoll. He had come here to show his profound respect for the mercantile community, and his deep regard for the noble and skilful institution of charity. He had always [illegible] from practical men. It is said of Mr. Webster that with all his genius, that he was embarrassed when before the Duke of Wellington. Scott was a man of words, and Wellington a man of deeds. If he [illegible]