AFFAIRS OF KANSAS.

Special Message from the President.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Circumstances have occurred to disturb the course of governmental organization in the Territory of Kansas, and produce there a condition of things which renders it incumbent on me to call your attention to the subject, and urgently to recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

A brief exposition of the circumstances referred to, and of their causes, will be necessary to the full understanding of the recommendations which it is proposed to submit.

The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction—one, that the designation of the boundaries of a new Territory, and provision for its political organization and administration as a territory, are measures which of right fall within the powers of the general government; and the other, that the inhabitants of any such Territory considered as an inchoate State, are entitled, in the exercise of self government, to determine for themselves what shall be their own domestic institutions, subject only to the constitution and the laws duly enacted by Congress under it, and to the power of the existing States to decide according to the provisions and principles of the constitution at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act.

Based upon this theory, the act of Congress defined for each Territory the outlines of republican government, distributing public authority among lawfully created agents—executive, judicial and legislative—to be appointed either by the general government or by the Territory. The legislative functions were entrusted to a Council and a House of Representatives duly elected and empowered to enact all the local laws which they might deem essential to their prosperity, happiness, and good government. Acting in the same spirit, Congress also defined the persons who were in the first instance to be considered as the people of each Territory; enacting that every free white male inhabitant of the same above the age of twenty-one years, being an actual resident thereof, and possessing the qualifications hereafter described, should be entitled to vote at the first election, and be eligible to any office within the Territory; but that the qualifications of voters and holding office at all subsequent elections should be such as might be prescribed by the legislative assembly: Provided, however, that the right of suffrage and of holding office should be exercised only by citizens of the United States, and those who should have declared on oath their intention to become such, and have taken an oath to support the constitution of the United States and the provisions of the act: And provided, further, that no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in their service, should be allowed to vote or hold office in either Territory by reason of being on service therein.

Such of the public officers of the Territories as, by the act, were to be appointed by the general government, including the governors, were appointed and commissioned in due season; the law having been enacted on the 30th of May, 1854, and the commission of the Governor of the Territory of Nebraska being dated on the 2d day of August, 1854, and of the Territory of Kansas on the 29th day of June, 1854.

Among the duties imposed by the act on the governors was that of directing and superintending the political organization of the respective Territories. The Governor of Kansas was required to cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as he might designate and appoint; to appoint and direct the time and places of holding the first elections, and the manner of conducting them, both as to the persons to superintend such elections and the returns thereof; to declare the number of the members of the Council and House of Representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly. In substance, the same duties were devolved on the Governor of Nebraska.

While by this act the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were as nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 16th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local maladministration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned, as before stated, on the 29th of June, 1854, did not reach the designated seat of his government until the 7th of the ensuing October; and even then failed to make the first step in its legal organization—that of ordering the census or enumeration of its inhabitants—until so late a day that the election of the members of the legislative assembly did not take place until the 30th of March, 1855, nor its meeting until the second of July, 1855. So that, for a year after the Territory was constituted by the act of Congress, and the officers to be appointed by the federal Executive had been commissioned, it was without a complete government, without any legislative authority, without local law, and of course without the ordinary guarantees of peace and public order.

In other respects, the Governor, instead of exercising constant vigilance and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from official obligations by other objects, and himself set an example of the violation of law in the performance of acts which rendered it my duty, in the sequel, to remove him from the office of chief executive magistrate of the Territory.

Before the requisite preparation was accomplished for election of a Territorial Legislature, an election of Delegate to Congress had been held in the Territory, on the 20th day of November, 1854, and the delegate took his seat in the House of Representatives without challenge. If arrangements had been perfected by the Governor so that the election for members of the legislative assembly might be held in the several precincts at the same time as for Delegate to Congress, any question appertaining to the qualification of the persons voting as people of the Territory would have passed necessarily and at once under the supervision of Congress, as the judge of the validity of the return of the delegate, and would have been determined before conflicting passions had become inflamed by time, and before opportunity could have been afforded for systematic interference of the people of individual States.

This interference, in so far as concerns its primary causes and its immediate commencement, was one of the incidents of that pernicious agitation on the subject of the condition of the colored persons held to service in some of the States which has so long disturbed the repose of our country, and excited individuals, otherwise patriotic and law-abiding, to toil with misdirected zeal in the attempt to propagate their social theories by the perversion and abuse of the powers of Congress. To persons and the parties whom the tenor of the act to organize the Territories of Nebraska and Kansas thwarted in the endeavor to impose, through the agency of Congress, their particular views of social organization on the people of the future new States, now perceiving that the policy of leaving the inhabitants of each State to judge for themselves in this respect was inradically rooted in the convictions of the people of the Union, then had recourse, in the pursuit of their general object, to the extraordinary measure of propagandist colonization of the Territory of Kansas, to prevent the free and natural act on of its inhabitants in its internal organization, and thus to anticipate or to force the determination of that question in its inchoate State.

With such views, associations were organized in some of the States, and their purposes were proclaimed through the press in language extremely irritating and offensive to those of whom the colonists were to become the neighbors. Those designs and acts had the necessary consequence to awaken emotions of intense indignation in States near to the Territory of Kansas, and especially in the adjoining State of Missouri, whose domestic peace was thus the most directly endangered; but they are far from justifying the illegal and reprehensible counter-movements which ensued.

Under these inauspicious circumstances the primary elections for members of the legislative assembly were held in most, if not all, of the precincts at the time and the places, and by the persons designated and appointed by the Governor according to law.

Angry accusations that illegal votes had been polled abounded on all sides, and imputations were made both of fraud and violence. But the Governor, in the exercise of the power and the discharge of the duty conferred and imposed by law on him alone, officially received and considered the returns, declared a large majority of the members of the Council and the House of Representatives "duly elected," withheld certificates from others because of alleged illegality of votes, appointed a new election to supply the place of the persons not certified, and thus at length, in all the forms of statute, and with his own official authentication, complete legality was given to the first Legislative Assembly of the Territory.

Those decisions of the returning officers and of the Governor are final, except that, by the Parliamentary usage of the country applied to the organic law, it may be considered that each house of the Assembly must have been competent to determine, in the last resort, the qualifications and the election of its members. The subject was, by its nature, one appertaining exclusively to the jurisdiction of the local authorities of the Territory. Whatever irregularities may have occurred in the elections, it seems too late now to raise that question. At all events, it is a question as to which, neither now, nor at any previous time, has the least possible legal authority been possessed by the President of the United States. For all the present purposes the legislative body thus constituted and elected, was the legitimate assembly of the Territory.

Accordingly, the Governor, by proclamation, convened the assembly thus elected to meet at a place called Pawnee City; the two houses met and were duly organized in the ordinary parliamentary form; each sent to, and received from, the Governor the official communications usual on such occasions; an elaborate message opening the session was communicated by the Governor; and the general business of legislation was entered upon by the legislative assembly.

But, after a few days, the assembly resolved to adjourn to another place in the Territory. A law was accordingly passed, against the consent of the Governor, but in due form otherwise, to remove the seat of government temporarily to the "Shawnee Manual Labor School," (or Mission,) and thither the assembly proceeded. After this, receiving a bill for the establishment of a ferry at the town of Kickapoo, the Governor refused to sign it, and, by special message, assigned for reason of refusal not anything objectionable in the bill itself, nor any pretence of the illegality or incompetency of the Assembly as such, but only the fact that the Assembly had by its act transferred the seat of government temporarily from Pawnee City to Shawnee Mission. For the same reason he continued to refuse to sign other bills, until, in the course of a few days, he, by official message, communicated to the Assembly the fact that he had received notification of the termination of his functions as Governor, and that the duties of the office were legally devolved on the Secretary of the Territory; thus to the last recognizing the body as a duly elected and constituted Legislative Assembly.

It will be perceived that if any constitutional defect attached to the legislative acts of the Assembly, it is not pretended to consist in irregularity of election, or want of qualification of the members, but only in the change of its place of session. However trivial this objection may seem to be, it requires to be considered, because upon it is founded all that superstructure of acts, plainly against law, which now threatens the peace, not only of the Territory of Kansas, but of the Union.

Such an objection to the proceedings of the Legislative Assembly was of exceptionable origin, for the reason that, by the express terms of the organic law, the seat of government of the Territory was "located temporarily at Fort Leavenworth" and yet the Governor himself remained there less than two months, and of his own discretion transferred the seat of government to the Shawnee Mission, where it in fact was at the time the Assembly were called to meet at Pawnee City. If the Governor had any such right to change temporarily the seat of government, still more had the Legislative Assembly. The objection is of exceptionable origin, for the further reason that the place indicated by the Governor, without having any exclusive claim of preference in itself, was a proposed town site only, which he and others were attempting to locate unlawfully upon land within a military reservation, and for participation in which illegal act the commandant of the post—a superior officer of the army—has been dismissed by sentence of court martial.

Nor is it easy to see why the Legislative Assembly might not with propriety pass the Territorial act transferring its sittings to the Shawnee Mission. If it could not, that must be on account of some prohibitory or incompatible provision of act of Congress. But no such provision exists. The organic act, as already quoted, says "the seat of government is hereby located temporarily at Fort Leavenworth," and it then provides that certain of the public buildings there "may be occupied and used under the direction of the Governor and Legislative Assembly." These expressions might possibly be construed to imply that when in a previous section of the act it was enacted that "the first Legislative Assembly shall meet at such place and on such day as the Governor shall appoint," the word "place" means place at Fort Leavenworth—not place anywhere in the Territory. If so, the Governor would have been the first to err in this matter, not only in himself having removed the seat of government to the Shawnee Mission, but in again removing it to Pawnee City. If there was any departure from the letter of the law, therefore, it was his in both instances.

But, however this may be, it is most unreasonable to suppose that by the terms of the organic act Congress intended to do implicitly what it has not done expressly—that is, to forbid to the Legislative Assembly the power to choose any place it might see fit as the temporary seat of its deliberations. That is proved by the significant language of one of the subsequents acts of Congress on the subject, that of March 3, 1855, which, in making appropriation for public buildings of the Territory, enacts that the same shall not be expended "until the Legislature of said Territory shall have fixed by law the permanent seat of government." Congress, in these expressions, does not profess to be granting the power to fix the permanent seat of government, but recognizes the power as one already granted. But how? Undoubtedly by the comprehensive provision of the organic act itself, which declares that "the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act." If, in view of this act, the Legislative Assembly had the large power to fix the permanent seat of government at any place in its discretion, of course by the same enacument it had the less and the included power to fix it temporarily.

Nevertheless, the allegation that the acts of the Legislative Assembly were illegal by reason of this removal of its place of session, was brought forward to justify the first great movement in disregard of law within the Territory. One of the acts of the Legislative Assembly provided for the election of a delegate to the present Congress, and a delegate was elected under that law. But subsequently to this a portion of the people of the Territory proceeded, without authority of law, to elect another delegate.

Following upon this movement was another and more important one of the same general character. Persons confessedly not consituting the body politic or all the inhabitants, but merely a part of the inhabitants, and without law, have undertaken to summon a convention for the purpose of transforming the Territory into a State, and have framed a constitution, adopted it, and under it elected a Governor and other officers, and a representative to Congress.

In extenuation of these illegal acts it is alleged that the States of California, Michigan and others were self organized, and as such were admitted into the Union without a previous enabling act of Congress. It is true that while in a majority of cases a previous act of Congress has been passed to authorize the Territory to present itself as a State, and that this is deemed the most regular course, yet such an act has not been held to be indispensable, and, in some cases, the Territory has proceeded without it, and has nevertheless been admitted into the Union as a state. It lies with Congress to authorize beforehand, or to confirm afterwards, in its discretion. But in no instance has a State been admitted upon the application of persons acting against authorities duly constituted by act of Congress. In every case it is the people of the Territory, not a party among them, who have the power to form a constitution, and ask for admission as a State. No principle of public law, no practice or precedent under the constitution of the United States, no rule of reason, right, or common sense, confers any such power as that now claimed by a mere party in the Territory. In fact, what has been done is of revolutionary character. It is avowedly so in motive and in aim as respects the local law of the Territory. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other federal law, and to the authority of the general government.

In such an event, the path of duty for the Executive is plain. The constitution requiring him to take care that the laws of the United States be faithfully executed, if they be opposed in the Territory of Kansas he may and should place at the disposal of the marshal any public force of the United States which happens to be within the jurisdiction, to be used as a portion of the *posse comitatus*; and, if that do not suffice to maintain order, then he may call forth the militia of one or more States for that object, or employ for the same object any part of the land or naval force of the United States. So, also, if the obstruction be to the laws of the Territory, and it be duly presented to him as a case of insurrection, he may employ for its suppression the militia of any State, or the land or naval force of the United States. And if the Territory be invaded by citizens of other States, whether for the purpose of deciding elections or for any other, and the local authorities find themselves unable to repel or withstand it, they will be entitled to, and upon the fact being fully ascertained they shall most certainly receive, the aid of the general government.

But it is not the duty of the President of the United States to volunteer interposition by force to preserve the purity of elections either in a State or Territory. To do so would be subversive of public freedom. And whether a law be wise or unwise, just or unjust, is not a question for him to judge. If it be constitutional—that is, if it be the law of the land—it is his duty to cause it to be executed, or to sustain the authorities of any state or Territory in executing it in opposition to all insurrectionary movements.

Our system affords no justification of revolutionary acts, for the constitutional means of relieving the people of unjust administration and laws, by a change of public agents and by repeal, are ample, and more prompt and effective than illegal violence. These constitutional means must be scrupulously guarded—this great prerogative of popular sovereignty sacredly respected.

It is the undoubted right of the peaceable and orderly people of the Territory of Kansas to elect their own legislative body, make their own laws, and regulate their own social institutions, without foreign or domestic molestation. Interference, on the one hand, to procure the abolition or prohibition of slave labor in the Territory, has produced mischievous interference on the other for its maintenance or introduction. One wrong begets another. Statements entirely unfounded, or grossly exaggerated, concerning events within the Territory, are sedulously diffused through remote States to feed the flame of sectional animosity there; and the agitators there exert themselves indefatigably in return to encourage and stimulate strife within the Territory.

The inflammatory agitation, of which the present is but a part, has for twenty years produced nothing save unmitigated evil, North and South. But for it the character of the domestic institutions of the future new State would have been a matter of too little interest to the inhabitants of the contiguous States, personally or collectively, to produce among them any political commotion. Climate, soil, production, hopes of rapid advancement and the pursuit of happiness on the part of the settlers themselves, with good wishes, but with no interference from without, would have quietly determined the question which is at this time of such disturbing character.

But we are constrained to turn our attention to the circumstances of embarrassment as they now exist. It is the duty of the people of Kansas to discountenance every act or purpose of resistance to its laws. Above all, the emergency appeals to the citizens of the States, and especially of those contiguous to the Territory, neither by intervention of non-residents in elections, nor by unauthorized military force, to attempt to encroach upon or usurp the authority of the inhabitants of the Territory.

No citizen of our country should permit himself to forget that he is a part of its government, and entitled to be heard in the determination of its policy and its measures, and that, therefore, the highest considerations of personal honor and patriotism require him to maintain, by whatever of power or influence he may possess, the integrity of the laws of the republic.

Entertaining these views, it will be my imperative duty to exert the whole power of the federal Executive to support public order in the Territory; to vindicate its laws, whether federal or local, against all attempts of organized resistance; and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without, and in the full enjoyment of the rights of self government assured to them by the constitution and the organic act of Congress.

Although serious and threatening disturbances in the Territory of Kansas, announced to me by the Governor in December last, were speedily quieted without the effusion of blood, and in a satisfactory manner, there is, I regret to say, reason to apprehend that disorders will continue to occur there, with increasing tendency to violence, until some decisive measure be taken to dispose of the question itself, which constitutes the inducement or occasion of internal agitation and of external interference.

This, it seems to me, can best be accomplished by providing that, when the inhabitants of Kansas may desire it, and shall be of sufficient numbers to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus to prepare, through regular and lawful means, for its admission into the Union as a State.

I respectfully recommend the enactment of a law to that effect.

I recommend, also, that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas.

FRANKLIN PIERCE.

Washington, January 24, 1856.

Pending the seduction bill of Mr. Nuttall, in the Kentucky Legislature, Mr. Rogers, a gallant and accomplished member from Warren, introduced an amendment, which, if adopted, will create some stir among the ladies. It provides that any female guilty of attempting to seduce a young man, by wearing low neck dresses and other captivating articles of attire, shall be punished with the same penalty affixed in the case of seduction. The gay deceivers will be obliged to correct their habits, should this amendment be adopted.

The National Know Nothing Convention.

OFFICE OF COR. SEC. N. C. U. S. N. A.,
NEW BRUNSWICK, N. J., Dec. 17, 1855.

TO JAMES W. BARKER, Esq., Pres. S. C. of New York:—

DEAR SIR—Enclosed you will find a printed slip containing a proclamation of the President of the National Council, which you will please bring to the attention of your State Council.

A portion of the proclamation being a call for a special meeting of the National, to be held in Philadelphia, on the 18th of February next, I transcribe for your information the following extract from the constitution of the N. C., as amended in June last:—

ART. 3—SEC. 3.

The N. C. shall be composed of delegates elected annually from each State, District and Territorial Council, in such manner as said council may provide. Each State Council shall be entitled to the same number of delegates as it has electoral votes, and each District and Territorial Council shall have two delegates.

In accordance with the requirements of the constitution, thus amended, I am instructed by the President of the Nominating Convention to give notice that all State councils not entitled to seven delegates will proceed to select the number to which they are now entitled from the seven delegates already elected; and that those State councils which are entitled to more than seven delegates, will proceed to elect as many more as will be necessary in order to conform to the above provision.

As soon as they are elected you will please apprise me of the delegates and also of the alternates to the Nominating Convention.

Let your lists be signed officially if you please. Yours, fraternally,

CHAS. D. DESHLER, Cor. Sec. N. C. U. S. N. A.

TO THE AMERICAN ORDER IN THE UNITED STATES.

In accordance with section 3 of article 3 of the constitution of the National Council of the United States of North America, authorising the President to call a special meeting "upon the written request of five delegates representing five State Councils" the provisions of said section having been complied with, by the authority of said constitution, notice is hereby given to the several State Councils and to the delegates to the National Council, that there will be a special meeting of said Council, to be holden in Philadelphia, on Monday, the 18th day of February next, for the transaction of such business as may be brought before it. E. B. BARTLETT,
Pres't National Council, U. S. N. A.

OFFICE OF THE PRESIDENT OF THE STATE COUNCIL, NEW YORK, NO. 3 NASSAU STREET.
NEW YORK, Jan. 1856.

TO DEPUTIES AND PRESIDENTS OF SUBORDINATE COUNCILS:—

In accordance with the instructions of the National President, notice is hereby given, that, in order to complete the New York Delegation to the ensuing National Session, February 18, 1856, there shall be convened as early as practicable, in each Congressional district (except the 5th 10th, 14th, 18th, 21st, 26th, and 32d districts, in which Messrs. Barker, Lyon, Parsons, Sammons, Squires, Mallory and Seymour are the delegates, having been previously elected by the State Council,) a Convention, to elect a National Delegate to the Special Session ordered by the National President.

To complete the full delegation, it is suggested that the Congressional Delegates be empowered to elect two at large from the State.

The returns of the several elections, it is hoped, will be forwarded without delay. JAS. W. BARKER,
President New York State Council.

Navy Board Lyrics,

RESPECTFULLY ADDRESSED TO THE COUNCIL OF FIFTEEN.

TO THE EDITOR OF THE HERALD.

Permit me to request the publication of these few poetic lines, addressed to the people of the United States, but dedicated to that brave veteran and mentor in naval affairs, my first commander, Commodore Charles Stewart. I entered on board the United States line of battle ship Franklin as a boy, and was rated in her book as an ordinary seaman, in which capacity I served on probation two years; at the end of this time, in the harbor of Valparaiso, in sight of the spot where my father, the late Commodore Porter, so long and gallantly defended his ship (the Essex) against a vastly superior force of the enemy, I received from the hands of Commodore Stewart my first appointment as an acting midshipman. To say that my feelings at that early age could be expressed would be impossible—it made an impression on my mind never to be effaced. On the arrival of the ship in New York my appointment was confirmed, and I continued in the navy until the late action of the Navy Board thought proper to place me with this gallant hero out of the line of promotion. These lines are, therefore, dedicated to him by his admiring friend and obedient servant, W. D. PORTER.

Oh! spare that brave man—
Touch not his well earned fame.
For on the deep blue wave
He gained a priceless name.

Look at his noble deeds,
His trim, his brilliant mind;
Do not condemn him yet,
For he has not declined.

The same time-honored man,
When war's fierce blast rang round,
Heading a gallant crew,
At anger's port was found.

And as his ship received
Full many a fearful shot,
If you will think of this
I'm sure you'll harm him not.

When I was quite a boy,
Old England's banner proud
Swept o'er the azure main,
Bidding defiance loud.

His ship equipp'd for sea,
And as his fierce broadside
Pour'd forth upon his foes,
He lower'd their haughty pride.

Should not our heartstrings cling
Around our naval chief,
And proudly point to him
Who ne'er from danger shrank.

Old Stewart, you still can brave
The battle's fiercest roar,
And prove upon the wave
You're Ironsides once more.

Brooklyn City News.

A NEW POLITICAL ORGANIZATION—AMERICANS TO RULE AMERICA.—A large meeting favorable to the organization of a new party on native American principles, slightly modified, took place at Rathbun's Hotel, Fulton street, on Wednesday evening. Mayor Hall was called to the chair and in a few brief remarks disclosed the objects of the assemblage. A committee having been appointed, reported a constitution and platform, which sets forth the following, in which the nature and objects of the association are fully set forth:—

Sec. 1. This body shall be known as the "Young Men's American National Club of Kings County."

2. The object of the club shall be to vindicate, at the ballot box, the following platform of principles:—1. Americans to rule America. 2. The maintenance of the Union, and the compromises of the constitution faithfully fulfilled. 3. The absolute exclusion from the creed of the American party of all sectional doctrines that are against the vested rights of any portion of the American Union, and the disuse of the name, influence or organization of the American party to advance any measure against the constitutional rights of the States, or the intentions or effect of which shall be to endanger the perpetuity of the Union. 4. No sectional interference in our Legislature, and no proscription of persons on account of religious opinions. 5. Hostility to assumptions of supreme control over its members on the part of any and all ecclesiastical bodies, in political matters, as anti-republican in principle, and dangerous to the liberties of the people. 6. Thorough reform in the naturalization laws of the federal government. 7. The enactment of laws for the protection of the purity of the ballot box by the State. 8. Regarding the institution of involuntary servitude, as local, and not national in its character; it must now, as in the time of Washington and his compatriots, be a subject for the toleration of a difference of opinion by the citizens of the Northern and Southern States, and as such, has no rightful place in the platform of the American party. 9. Free and reliable institutions for the education of all classes of the people, with the Bible as the text book in our common schools.

This constitutes the platform of principles of the new organization, which is intended to operate by the next Presidential election. A large number signed their names as members; the permanent officers were elected, and the meeting adjourned.

DESTRUCTION OF HORSES BY FIRE.—A fire occurred in a stable in Carroll street, near Columbia, on Thursday night, which resulted in the destruction of three valuable horses, with the stable and other contents. The animals were owned by Thomas Early, Thomas McGinn and Wm. Brown. Their combined loss amounts to about $350. The building was owned by Anson Blake, also damaged to the extent of about $200. Some time previous, a fire broke out in a range of sheds in Flatbush, occupied as a slaughter-house, stable, &c., by Mr. B. S. Morris, of Brooklyn. The fire originated by the upsetting of a lamp in the straw. A horse valued at about $150, two carts, three sets of harness and implements belonging to the slaughter house were consumed with the buildings. Loss on contents $800—no insurance. On buildings about $200; owned by Mrs. Cortelyou.

The Cherokee Chief John Ross.

TO THE EDITOR OF THE HERALD.

In to-day's HERALD I notice some account of the Cherokee Chief, and should like to know if he is the Indian youth who married a white wife at Cornwall, Ct., many years ago. The account of him says:—"Many years ago he went into one of the Northern States, and married a white woman, a Quakeress."

I am under the impression that John Ross was educated at the Foreign Mission School, at Cornwall, Ct., but may be mistaken, as I have no record or authority at hand to refer to, and depend wholly on my memory or recollection.

Nearly or quite thirty five years ago, when I was a boy, I spent some time within a few miles of the then celebrated Foreign Mission School at Cornwall, Ct., and used to attend their annual exhibitions, and I am under the impression that John Ross was one of the young Indian students there. Many of the Indian youth received the English names of the patrons of the school, as I believe there was a Guy Chew, Elias Boudinot, &c., among them.

Henry Obikiah and his friend, Thomas Hoopoo, from Owyhee, were at that school.

The marriage of the Indian student with the white girl of the village produced a great excitement, and was said to have been one of the principal causes of breaking up the school. Was John Ross the man?

BROOKLYN, Jan. 24, 1856.

On the 19th inst., the Southern Brewery of Mr. Best, at Chicago, occupied by Conrad Seipp, who owned the stock, took fire and was totally destroyed. About 1 500 barrels of beer was burnt, also 2,000 bushels of barley, besides hops, &c. The loss in beer and barley alone is about $12 500. The entire loss cannot fall far short of $20,000. We have not heard that there was insurance on the premises.

OFFICIAL CORRUPTION.

Trial of Joseph E. Ebling, Commissioner of Streets and Lamps, for Bribery.

COURT OF GENERAL SESSIONS.
Before City Judge Capron.
FIRST DAY.

The court room was crowded to overflowing yesterday morning, it being publicly understood that Joseph E. Ebling, the Commissioner of Streets and Lamps, would be put upon his trial upon the charge of bribery. Mr. Ebling was present at the opening of the court, attended with his counsel, James T. Brady, Marvin R. Brewer and Richard R. Busteed. The District Attorney appeared in person to conduct the prosecution.

The following gentlemen were, after the usual forms and difficulties, selected as jurymen:—

Nelson Hopkins, foreman.	John Hiller,
Thomas Edmonds,	Albert Habin,
James C. Andrews,	Milton L. Western,
Benjamin Ellison,	E. H. Conway,
William J. Leward,	Robert H. Hegeman,
Peter A. Valentine,	William J. Lewis.

In empannelling the jury, Mr. Brady said the unpleasant duty would devolve upon him of challenging.

When Mr. Nelson Hopkins was called to the stand, Mr. Hall said he should challenge for favor, on the ground that this gentleman belonged to a political society called Know Nothings, to which Mr. Ebling also was supposed to belong. Mr. Hopkins, being sworn, said he was not a member of any such political organization, and was sworn as a juror.

The question as to whether they belonged to the Know Nothings was put to the other jurors, and when answered in the negative the juror was accepted. No one was found who had expressed an opinion in the case.

Mr. Hall opened the case for the prosecution in a very brief speech. He said—Gentlemen, you have been empannelled to try a case of public importance, it being against a public officer, and this made it the more necessary that you should be selected with the caution which has been used by the prosecution. The indictment is for bribery, which formerly was a legal term, only applying to corruptions of this kind upon the bench, but now, by a law of this State, this can apply to any public officer. (The District Attorney here read to the jury the statute on bribery.) On the 9th of Jan., 1855, according to the finding of the Grand Jury, Joseph E. Ebling, Commissioner of Streets and Lamps, entered into an agreement with Smith, Sickles & Co. to use his influence, personally and officially, to award to this firm a contract for cleaning the streets of the city of New York, upon consideration of his receiving from this firm, for such services, all of a certain amount of money which they received over $140,000 for their work. The prosecution would further prove that Mr. Ebling was a public officer, and in his official capacity made a bargain to give the firm Smith, Sickles & Co. a certain contract for a thing of value, and he should endeavor to show that this indictment came under the statute he had just read.

The first witness called was

Reves E. Selms—I am Clerk to the Board of Aldermen; these documents are the original documents of the Commissioner on Streets of this city.

Mr. Brady—We will admit the originality of these papers.

Mr. Morgan A. Mott was next called—I am engaged in the office of Commissioner of Streets and Lamps; I know Mr. Smith, of the firm of Smith, Sickles & Co.

Q. Whose handwriting is this paper in that I now show you?

Witness—I decline answering.

Mr. Hall—Upon what grounds?

Witness—It may tend to criminate myself.

Mr. Hall—Did you ever see this paper before?

Witness—I decline answering.

Q. Do you know the handwriting of Mr. Ebling? A. Yes, sir.

Q. Is this paper in his handwriting? A. I should think not.

Mr. Hall—This is all.

Mr. Brady—I have nothing to ask.

Mr. Robert A. Smith called—I reside in Brooklyn; I am a contractor; I am acquainted with Mr. Ebling; one year ago I was one of the firm of Smith, Sickle & Co., and had the contract for cleaning streets; I then resided in Philadelphia; I went to live in Brooklyn about two months ago; I first knew Mr. Ebling in November, 1854; I met him at his own house, in the Bowery; there were others present at the time; he was then Commissioner of Streets elect; he and I then had no conversation in regard to cleaning streets; my object was to call his attention to it, and he said he would like to have a private conversation in regard to the matter; I next had an interview with him on the same day, in the Metropolitan Hotel; I had rooms there; we then had some conversation in regard to our machines, and the probable cost of cleaning the city; none were present but Mr. Ebling and myself; my next meeting with him was in Philadelphia, about three weeks after; at that time Mr. Sickle, Mr. Hartman, Mr. Brandon and myself were present; Mr. Ebling was satisfied with the capabilities of the machine, and he ratified the agreement. This agreement was, that he would use his influence to get me the contract, provided he would agree to give him all he received over $140,000; I was a stranger, myself, in the city and was not aware of the illegality of the contract; the understanding was that the agreement was not binding if Mr. Ebbling was not satisfied that the machine could do its work; and if, after he saw them in Philadelphia, they did not work satisfactorily to him, the matter was to drop; he was at that time Commissioner of Streets elect, and not yet confirmed or sworn; I think Mr. Ebling remained in Philadelphia two days, and expressed his satisfaction with the machine; I next saw him at his house, about the 6th or 7th of January.

Witness—Gentlemen, I dislike very much to give this evidence—I am brought here against my will.

Mr. Hall—Oh, that is nothing.

Mr. Brady—Oh, you need have no more reluctance than you had before the Grand Jury.

Witness—I did not go there with my will.

Mr. Hall—Well, go on, and say what took place with Mr. Ebling in the January interview.

Witness—He said he could not ratify the contract unless we took his partner, Mr. Mott, into the arrangement; we then all met, my partners, Mr. Ebling and Mr. Mott, at the Smithsonian House, and we stayed there till 12 o'clock at night; we all there agreed to go into an agreement which was written and given to Mr. Ebling, and I took the receipt; I have never seen that agreement given to Mr. Ebling since; the purport of this agreement was that Mr. Ebling and Mr. Mott were to be special partners in cleaning the streets; we were to furnish the money and stock and do the work; that Mr. Ebling and Mr. Mott were to use their influence to obtain for us the contract; we were to do the work for $140 000; all over and above this was to be divided between Mr. Ebling and Mr. Mott; it was then understood that we should leave this matter in Mr. Ebling's hands; this is all I recollect of the agreement; I do not recollect that anything was said in it of bids; this paper shown me is the paper given me by Mr. Ebling.

Mr. Hall—This paper is the one I showed Mr. Mott; I will read it; it is as follows:—

We, the undersigned, hereby bind ourselves to use all our influence, both personally and officially, to obtain for Messrs. Smith, Sickles & Co. a contract for the cleaning the streets of the city of New York, and conform to the terms of agreement signed by the above named firm.

JOSEPH E. EBLING,
New York, Jan. 9, 1855. M. L. MOTT.

Witness—The other agreement was signed by Smith, Sickles & Co.; there was an understanding that Mr. Ebling was to attend to the bids; I questioned the propriety of putting in more than one bid; he said he would attend to that; he said he would arrange the figures; it was understood that we were to come on as soon as possible, and a portion of the work would be ready for us to work upon; we were to come on as soon as possible; I went home to Philadelphia, and my partners invested a large amount of money for the work; we purchased horses and got machines, and in July we made a bid for the work; after the interview at the Smithsonian House, I met Mr. Ebling several times in New York; during one interview I asked Mr. Ebling the propriety of seeing Mayor Wood; he said no; he could do no good and might injure us; in May my attention was called to the illegality of this contract, arising from some difficulty between Mr. Ebling and the firm; I called on Mr. Mott in regard to this.

Mr. Hall.—Do not state anything of this interview.

Witness.—In July the bids were put in by us, and then I saw Mr. Ebling again; the first bids were rejected and we put in others; the first were declared informal, and this was why we put in the second set; the informality was in regard to the evidence; we had an interview with Mr Ebling in his private office; he appeared to be very much dissatisfied with our bid, and he said now the agreement was at an end, and the papers had better be destroyed.

Q. What paper did he refer to?

Witness—He referred to the receipt in our possession; Mr. Sickles had the paper, and I wanted him to destroy it; he said it had better be out of the way; we did not get the work, and so the matter ended.

Cross-examined by Mr. Brady—You say you testify reluctantly, and you want the jury to believe this?

Witness—I want them to believe it.

Mr. Brady—You went before the Grand Jury reluctantly?

Witness—I did go before them reluctantly.

Mr. Brady—You don't want the jury to believe that you had any desire to see Mr. Ebling imprisoned?

Witness—I have never had any desire to hurt Mr. Ebling in any way.

Mr. Brady—Who produced this receipt before the Grand Jury?

Witness—I did, and I refused to give it up to any one; I did not tell Mr. Hall of this affair; he called me to his office and said he knew all about the affair; he said I was in the hands of the Philistines, and had better come out (laughter); parties had made efforts to get this paper from me; Mr. Sickles tried to get it from me; I never showed it to any one; I can't tell how Mr. Hall found out all about it; he must tell you that; I thought this contract was legal; I do distinctly say, that being a stranger in the city, I did not know that the contract was illegal.

Mr. Brady—Did you not think it immoral?

Witness—That is another thing; Mr. Ebling said it was a common thing; he said he knew one of the heads of the departments who had made $10 000 out of a contract, and done justice to the city, and he said he saw no harm in making an honest offer, if at the same time he did his duty to the city.

Mr. Brady—But was it immoral?

Witness—Oh, I can't analyze my feelings; I would not have done as he did in his place.

Mr. Brady—Did you not consider it a dishonest transaction?

Witness—If I had thought so I should not have had anything to do with it; as soon as I found out it was wrong I did what I could to remedy it; I first proposed to see Mr. Ebling about the contract; when I came on from Philadelphia, my partners knew it was to try to get the contract for cleaning the streets from the authorities; they did not know I was to approach Mr. Ebling; I supposed, when I saw Mr. Ebling, that he had a right to make a contract; he said he had himself; I have never studied the city charter; I spoke very highly of my machines to Mr. Ebling; my partnership with Sickles & Co. was formed in November, 1854; I was before that in other business; the firm, since that time, has been broken up, and the partners are at variance; when I first saw Mr. Ebling I held out no temptation to him, nor he to me; all he asked was a private interview with me about the machines; in that interview it was agreed he should come to Philadelphia and see the machines work.

Mr. Brady—Do you know this handwriting?

Witness—I do; it is from our firm.

Mr. Brady—I will read this. The counsel then read a letter from Smith, Sickles & Co., from Philadelphia, inviting Mr. Ebling to come on to see the machines work.

Mr. Brady—Did not Mr. Ebling come on to Philadelphia in response to this invitation?

Witness—He did; this invitation was sent by my suggestion; I had no counsel at that time; there was no understanding at any time that a machine should be brought on here for experiment; the contract was broken off, I think after Mr. Ebling had sent in his report to the Common Council; I think this was in last April; the contract was rescinded between Mr. Mott and myself; as early as April Mr. Mott said he was very sorry he had anything to do with this matter, and thought he would resign his office; I told him I would try and get the papers and have them all destroyed, and this would end the matter; I never succeeded in getting the papers so as to destroy them; the beginning of the difficulty with us was a quarrel between Mr. Ebling and Mr. Hinneman, one of our partners; he thought Mr. Ebling appeared opposed to us, and wanted to get rid of the contract.

Mr. Brady—Did Mr. Ebling not tell you as early as March that our machines did not do the work?

Witness—No. He said it was very foolish to try our machines in such a time, when the ice and snow were on the ground. I thought Mr. Ebeling unfair in his contract, and when I told him so he said I was a fool, and that it was for our interest for him to appear opposed to us.

Mr. Brady—What I want to know is whether Mr. Ebling ever condemned your machines, and said they were humbugs, and no contract with you could be made.

Witness—O, you can condemn anything.

Mr. Brady—Well, did your machines do the work of cleaning the streets?

Witness—I say they did. Mr. Ebling can answer for himself.

Mr. Brady—I will now put in this letter written by Mr. Ebling, written to Smith, Sickles & Co., on January 22, 1854. This letter was a request to Smith,