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WEDNESDAY, AUGUST 28, 1867.

The Senate and its Duty in Regard to the Cabinet.

The Constitution of the United States declares (Art. II, Sect. 2) that the President shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointment is not herein otherwise provided for, and which shall be established by law.

The appointment of Cabinet officers stands upon precisely the same footing as that of all other officers. It requires "the advice and consent of the Senate." In the days when this instrument was framed nothing was known of the modern idea, that the heads of departments, those great officers who stand next to the Government itself, were to be the mere creatures of the President, appointed to suit his convenience and carry out his ideas, and bound to abdicate their own individuality and independence.

Indeed, the Constitution knows nothing of a "Cabinet"—nothing of these "constitutional advisers" of the President, as they are sometimes called. It assumes that there may be "heads of departments," but it contains no provisions for the creating of such officers even, except in the general authority of Congress to establish offices "by law."

This whole modern idea of a "Cabinet," as the peculiar property of the President, to be constituted solely according to his will, to hold office merely at his pleasure, to reflect his ideas, and support his policy, and to lay down their portfolios at his bidding, is utterly unknown to the Constitution, is unwarranted by either the letter or spirit of that instrument, and is anti-republican and dangerous in its tendencies.

The heads of the departments are officers of the Government, not the mere creatures and conveniences of the President; their positions are "established by law," not the gratuity of the Executive; their functions are to aid in carrying out the laws, not to be mere looking-glasses, in which the President may see himself reflected in all his changing moods.

In accordance with this false and unconstitutional idea of the Cabinet, which makes it a Presidential convenience instead of the servant of the people, it is assumed that the Senate must practically abdicate its functions under the Constitution, and must, as a matter of course, give its advice and consent to the appointment of such persons for the heads of departments as the President may select.

They are not to exercise a sound discretion in the matter, and to regard the great interests of the country, which may be involved, but are to grind out the Cabinet from just such a grist as the President may choose to bring to the mill. We think it high time that this notion were entirely abandoned, and that the Senate should resume its constitutional prerogative in the matter of these appointments, to the fullest extent.

These officers should be looked upon in their true light as creatures of the law, not as appendages of the President, and they should be appointed to honestly and capably fulfill their duties under the law. There is no more reason why a Postmaster-General should be confirmed by the Senate, as a matter of course, upon his nomination by the President, than there is why a justice of the Supreme Court should.

But we shall be told that the Cabinet officers are the "constitutional advisers" of the President. The Constitution does not make them so. There is no reason why they should be so. The proper duties of a Postmaster-General have no more to do with his giving "constitutional advice" to the President than have those of the Chief Justice. Both are executive officers in the sense that they must assist in carrying out the laws. Neither has properly anything to do with giving constitutional advice to the President. Under this expression of the "Great Commoner" is no worse of than most of the citizens of the United States.

We profess ourselves to be completely at a loss to know what a "Conservative" is. But whatever it means, he very justly lays great blame on the "half-a-dozen Senators" to whom we owe the present difficulty. The timidity or the indifference of those Senators to the dangers to which the country was subjected by their action, can hardly be excused even on the plea of stupidity. This false spirit of "Conservatism" has now brought us to the very border of the greatest national danger, and if we are to interpret the meaning of the word from its result, we would define a "Conservative" as "one who, through cowardice or for personal ends, seeks to aid the subdued Rebels by opposing the loyal representatives of the people." This is as complete a definition as we can give.

DEATH OF FARRADAY.—In the death of Professor Michael Faraday the scientific world has sustained a loss second only to that occurring when Humboldt and Cuvier died. Michael Faraday was born in 1794, and for thirty years has been ranked among the foremost chemists of Europe. His researches in electricity tended to give us the correct theory of the phenomena, and in all the varied departments of the science he excelled.

hitherto unprecedented in the history of our Government, the Senate should not hesitate to wield its constitutional power to the utmost. No man, for any office, high or low, should be confirmed who does not stand by the policy of the people as opposed to that of the President—and that simply because the President has no right to a policy, and his assuming to have one is a direct attack upon the vital principle of the Government.

If the present heads of departments shall resign, the Senate should utterly refuse to confirm their successors unless they are men acceptable to the country, and ready to carry out the will of the people as expressed by Congress. The Secretary of War, Mr. Stanton, will of course remain at the head of his department. The others should be men of like stamp. If we must have harmony in the Cabinet, let it be harmony with the Constitution and with the people, and not with a faithless President who is attempting to override the Constitution and to defeat the expressed will of the people.

We can conceive of no greater dereliction of duty on the part of the Senate than the confirmation of a Cabinet devoted to the unconstitutional, weak, and wicked policy of Andrew Johnson.

The Rupture Between the General and the President.

There can be little doubt that a rupture, open and probably violent, has taken place between the President and General Grant. Of course, direct information is unobtainable, but the evidence is sufficient to convince us that at last Grant has thrown himself into the breach, and is seeking to defy and deter the President, having failed to convince him by argument.

Looking at the proceedings since the removal of Mr. Stanton, such a conclusion seems inevitable. The President commands Grant to remove Sheridan, to which he replies with a letter so urgent as to almost approach resistance in opposition to the order. Overruled in his objections, he issues the order, with a proviso endorsing all that Sheridan had done, commanding Thomas to enforce all his predecessor's orders, and calling Sheridan to Washington. The sickness of Thomas prevents the order being carried into effect, and commanding Thomas to enforce all his predecessor's orders, and calling Sheridan to Washington.

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Now that it has occurred, the country can breathe more freely. The President is the most unpopular man in America; Grant is the most popular; and when a conflict occurs between the two, who can doubt the result? If the General persists in his refusal to assent to any removal, and declines to issue the necessary directions, there remains but one thing for Mr. Johnson to do to get his orders executed, and that is to relieve Grant of his Secretaryship. It may have been with this determination that Grant accepted the office, for now he stands a bulwark which can only be surmounted by removal.

After disgracing Stanton, Sheridan, and Sickles, the President will have to do likewise with Grant. The General will have to be removed and some tool put in his place. But whether he can be removed is a doubtful question, as even his loss of the Secretaryship does not affect his supervising power over the District Commanders, and he properly interprets the law to mean that no one can remove them but himself. In his course, therefore, the Executive is confronted by an obstacle so imposing, backed by so powerful a popularity, and noted for an indomitable will, that we should not be surprised if, after all, Sheridan and Sickles should remain, despite the efforts of the recreant Executive at the White House.

WHAT IS CONSERVATISM?—Mr. Thaddeus Stevens has written a powerful letter, in which he confesses his own ignorance of the meaning of the word "Conservatism." In this respect the "Great Commoner" is no worse of than most of the citizens of the United States. We profess ourselves to be completely at a loss to know what a "Conservative" is. But whatever it means, he very justly lays great blame on the "half-a-dozen Senators" to whom we owe the present difficulty.

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COMMENCEMENT AT OBERLIN COLLEGE. Oberlin, Ohio, August 27.—The annual commencement exercises of the Oberlin College began to-day. The address before the College literary societies was delivered last evening by President Haven, of the Michigan University, upon "Dreaming and Dreaming." The oration was pronounced this morning by Rev. S. C. Leonard. Twenty-two young ladies graduated from the ladies' department this afternoon. This evening the address before the alumni was delivered by Professor H. E. Whipple, of Hillsdale College. To-morrow occur the commencement exercises of the College and theological departments.

Brown University. Brown University has had five presidents, and has graduated 2207 students. Of these 165 were graduated under that of Dr. Manning's administration; 227 under that of Dr. Maxon; 393 under that of Dr. Messer; 818 under Dr. Wayland, and 889 under Dr. Sears. Of these, 583 have been ordained as preachers. One hundred and thirty of the students entered the Union army. Rhode Island is proud of the University, and well may be, for it is the best possession she has.

Yankees and Southern Men. The Oneida Circular writes:—"The average Yankee is silent and inventive; he paints his horse white, and finds a way to get on in the world. The average Southern man is garrulous and not given to discovery; if he is a lawyer, he paints his black horse with a coat of whitewash; but he is never wholly prosperous. And why all this difference? We answer: The Yankee whittles; the Southern does not."

Battering the "Hub." It was reported in the Boston papers that two hundred and thirty tons of batter came to that city from Vermont in a single day last week. "Wasn't that a typographical slip?" did not the reporter write the Boston paper? If it is a slip, and if that immense quantity really did arrive, the "hub" must have needed a marvellous amount of greasing.

He had won for himself a high reputation as a lecturer, and since 1835 had been employed by the Government of Great Britain. His name, preserved in many of his original experiments, will be perpetually familiar to all who study that science to which he devoted his intellect and his life.

The Address of the State Committee.

We need hardly call attention to the brief but powerful address of the Republican State Central Committee, to be found elsewhere in our columns. The events of the last few days have aroused the country to the perils which still surround us. The President makes an open issue with the people. The gallant heroes who led our people to victory on the bloody battle-fields of the Rebellion, are daily being insulted and disgraced by an Executive who has proved a traitor to the people who elected him. There is nothing left but to make a straight-out fight, and to teach this faithless Executive that the people are still true to the great principles which carried the nation so triumphantly through the late contest of arms.

The spirit of the Rebellion still lives in the doctrines which gave it birth, and seeks to fortify itself in our courts of law and justice. This gives us a practical issue in Pennsylvania, and makes the contest this fall of the highest importance. The simple question is, Shall John Sharswood be elected as the State-Sovereignty-Andrew-Johnson candidate, or shall the Union party add to its previous glorious triumphs the election of the scholar, the patriot, and the jurist, Judge Williams?

A PHILIPPIC.—The New York Tribune to-day gives us a piece of philippic which is in Mr. Greeley's best style. We know of no writer in America who can abuse more heartily than the philosopher of the Tribune, and to-day he opens his vials of wrath on Mr. Johnson with a force which positively takes away the breath of the reader. He says:—"Where will this end? The President means war. The country must stand and fight, or be betrayed into believing anything possible of Mr. Johnson. His administration is a record of deception, cunning, disloyalty—antagonism to the best interests of the country. He has made the administration of Buchanan respectable by showing a degradation to which even Mr. Buchanan could not sink. He has betrayed his party; he has betrayed his friends; he has betrayed his country. Nothing is left of his administration but a few miserable jobbers like those who hang around him, and a few wretched political adventurers like Black. The men who actually conspired with him, like Seward, and Randall, and Welles, he is impudently to drive out of his Cabinet. The savage of Sabana is not to be put on the obligations of friendship; but even this no longer remains with Mr. Johnson."

THE New York Times, conservative in all its utterances, gives a proper hint as to all the evil effects of a Democratic success in our State at the coming election:—"Reputation is a word which we expressed regret the other day at seeing brought so much into the party wrangle, and so much into Pennsylvania, Ohio, and other Western States. But it is being used more and more, and with less and less concern—the Republicans charging it upon the Democrats, and the Democrats apparently growing less anxious to shield their administration from the Democratic onslaught. But if they should carry either one of these States, or come very near carrying either one of them, the fact will not be long circumscribed as calculated to increase public faith in the stability of our national credit."

SOME FACTS ABOUT CRIME.—Some facts about crime in England and Wales have just been published in the Blue Book of judicial statistics for 1866. Compared with the previous year, the serious offenses show a decrease, while, probably, on account of more frequent application of summary jurisdiction, the minor offenses disposed of by magistrates show an increase. We learn that England has 23,728 policemen, who cost £1,827,105, being 478 constables and 278,647 more than the year before. The criminal classes "at large" are set down at 113,566, and of these, 33,101 are of the tramp and vagrant fraternity. Those not at large are 16,708 in local prisons, 7018 in convict establishments, and 3635 in reformatories. In England and Wales there are 20,249 houses of bad character. During the year there were 59,549 indictable offenses, in respect of which 27,190 persons were apprehended and committed. The murders numbered 131, being four less than the total of 1865. The attempts to murder were 45, and there were 679 cases of shooting, stabbing, etc.; 259 cases of manslaughter, 8 of attempts to procure miscarriage, 211 of concealment of birth, 155 of unnatural offenses, 257 of outrage, 322 of assaults with intent, etc., 272 of assaults and bodily harm, 207 of common assault, and 164 of assaults on "peace officers." There were 481,770 persons proceeded against summarily, and of these more than one-fourth were discharged.

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THE GREAT BATTLE AT PHIL KEARNEY.

Further Particulars of the Attack on Porter's Train, and the Gallant Defense by Major Powell—Pierce Fighting and Feeding the Starving of Indians. From the Omaha Daily Herald, August 25. We have recently published the news of the attack on Porter's train near Phil Kearney, and the great battle which occurred there on the 22d of July. The arrival of the train itself enables us to give full particulars of that bloody affair as from his own lips.

The first attack was engaged hauling wood for the train by two pioneers, who were within about four and a half miles of that post. On the outskirts of the border of the two northern portions of the timber the great bulk of Porter's oxen were detached from the wagons, grazing under the care of eighteen teamsters. On the south, a half mile distant from a bold ridge between the two parties, was another party in charge of other wagons. Between the two was an open tableland of rolling prairie. At this point was the corral, which had been made into a fort or defense in case of attack some days before. This was occupied by the gallant Powell, the Indian Scouts, twenty-three soldiers, and eighteen teamsters. This corral was understood to be the base upon which the men were to retreat from the timber in case of attack.

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SPECIAL NOTICES.

OFFICE OF THE FRANKFORD AND PHILADELPHIA PASSENGER RAILWAY COMPANY, No. 243 FRANKFORD ROAD, PHILADELPHIA, August 28, 1867. All persons who are subscribers to the Capital Stock of this Company, and who have not yet paid the last installment of Five Dollars per share, are hereby notified that the said installment has been called in, and that they are required to pay the same at the above office on the 10th day of September, 1867.

THE PENNSYLVANIA FIRE INSURANCE COMPANY. August 21, 1867. The Annual Meeting of the Stockholders of the Pennsylvania Fire Insurance Company will be held at their Office, on MONDAY, the 24th day of September, at 10 o'clock A. M., when an election will be held for nine Directors, to serve for the ensuing year.

SCHOMACKER & CO.'S CELESTY BLATTED PIANOS—Acknowledged superior in tone and construction, and sold on most reasonable terms. New and Second-hand Pianos constantly on hand for rent, tuning, moving and packing promptly attended to. Warehouses, No. 1108 CHESTNUT ST.

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DR. J. P. FITLER, One of Philadelphia's oldest regular Physicians, who has made these diseases a specialty. DR. FITLER'S GREAT RHEUMATIC REMEDY Contains no Mercury, Colchicum, Iodides, Minerals, or of Metals, or anything injurious. All advice free of charge. Prepared at No. 29 South FOURTH St. A advice gratis, sent by mail. [622msw] 16p

FRUIT JARS AND CANS, CEMENT PRESERVING BOTTLES, REFRIGERATORS, WATER COOLERS, And a general variety of House-Furnishing Goods, at B. A. WILDMAN'S, No. 1011 SPRING GARDEN STREET. 228 sp No. 1011 SPRING GARDEN STREET.

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\$12,000, \$7000, \$4000 and \$2000 TO LOAN on Mortgage. Apply to LEWIS H. REISNER, No. 102 S. FOURTH STREET. 228 sp DELIGHTFUL SHADE, REFRIGERATING BREWERY, and first class refreshments in the Garden at GLOUCESTER POINT. Boats leave foot of SOUTH Street daily every three-quarters of an hour. 612msw

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DRY GOODS.

229 FARRIS & WARNER, 229 NORTH NINTH STREET. ABOVE RACE. Bleached Muslins, 12, 13, 14, 15, 16, 18, 20, 22, 24. All the best makes of Bleached Muslins. New York Mills, Williamsport, Wamsutta, etc. Pillow Case Muslins, all widths. 2 1/2 yards wide Sheeting, 50c. Unbleached Muslins, 12, 14, 15, 16, 18, 20, 22, etc. All widths Unbleached Sheeting. All-wool Flannels, 21, 27 1/2, 40, 45, 50c, etc. Yard-wide all-wool Flannel, 50c. Domet Flannel, 20, 21, 40, 45, and 50c. Cotton and Wool Shaker Flannel, 25c. Shirting and Bathing Flannels. Grey Twilled, for bathing robes, etc. Black Alpaca, 57 1/2, 40, 50, 55, 60, 65, 70c, etc. Black and white Balmorals, 40c. Table Linens, Napkins, Towels, Dusters, etc. Three grades of Russia Cash, 12 1/2, 14, 16c. Imported Lawns, 25c. White Fines, 50c. Wide Shirred Muslins, 40, 50c, 60, and 70c. Blouse, Victoria Lawns, Plain Nainsooks, etc. Soft finish Jacquards, Calicoes, Swiss Mulls, etc. Shirting Linens, 45, 50, 55, 60, 70, 75, 80c, etc. 800 dozen Linen Shirt Fronts, our own make. Linen Booms, 25, 30, 35, 40, 45, 50, 55, 60c. Linen Handkerchiefs, 12 1/2, 15, 20, 25, 30c. Wholesale Corsets, \$1 25; Hood Skirts, \$1 25. Gent's French Suspensory, 50c. Ladies' and Misses' Hosiery, large assortment. Linen Pant Suits at reduced prices, etc.

FARRIS & WARNER, No. 229 N. NINTH STREET, ABOVE RACE. 1 YARD WIDE ALPACA POPLINS, \$1 25. 1 1/2 1 1/2 yard wide Alpaca Poplins, \$1 50. Corded Alpaca Poplins, 19 cents. Good Black Alpaca, 40 and 50 cents. Fine quality Black Alpaca, 50 cents. Fine Black Jure Mohairs, 75 cents to \$1 50. 5-4 all-wool Delaines, 87 1/2 cents, worth \$1. 5-4 all-wool Delaines, \$1, worth \$1 25. Fine quality Corded Alpaca, 50 cents.

BLACK SILKS AT LOW PRICES. Plain Silks, Choice Colours, \$1 75 to \$2. A great variety of Plain and Fancy Silks. 1 case extra quality Calicoes, 12 1/2 cents. New styles of Calicoes, 15, 16, 18 c. n. n. Canton Flannels, 15, 18, 20, 22, 25, 31 cents. 1 bale 1 1/2 yard wide Unbleached Sheeting, 25 cents. Good quality Unbleached Muslins, 12 1/2 to 30 cents. All the best makes of Bleached Muslins, 12 1/2 to 24 cents. 5-4 Bleached Pillow-case Muslins, 22, 25, 31 cents. 6-4 Bleached Pillow-case Muslins, 31, 37, 45 cents. 10-8 Bleached sheeting Muslins, 56, 62, 67, 70 cents. H. STEEL & SON, No. 712 AND 715 N. TENTH ST.

E. R. LEE, No. 43 North EIGHTH Street, HAVE JUST OPENED FROM NEW YORK, 100 Real Val. Lace Hdks., \$1 25, great bargain. Handsome Point Applique Lace 2 alls. Black Real Thread Balles. A new lot of Hamburg Embroideries. 500 Real Needle Work Dowels, etc. Reduced to close out. Hemstitched Handkerchiefs, 25 to 75 cents. Gent's Hemstitched Hdks., 25 cents, very cheap. Gent's Colored Border Hdks., 28, 31, and 37 cents. Mecholin Corsets, reduced. French White-linen Corsets, reduced. Hoop Skirts, reduced to close out. Hoop Skirts, reduced to close out. Great reduction in Hoop Skirts previous to taking account of stock. 1 case more of Fine French X'tracts.

Small lot of 4-4 French Calico, at 75c. Large lot Real Morocco Walins, from auction. Turkey Morocco Portemonts, from auction. JOHN W. THOMAS, Nos. 405 and 407 North SECOND ST. NOW OPEN, 10-4, 11-4, 12-4, 13-4

BLANKETS, ALL QUALITIES. SHEETING AND SHIRTING MUSLINS AND LINENS HOUSE-FURNISHING GOODS, A FULL ASSORTMENT. ALL OF WHICH WILL BE SOLD AT LOWEST PRICES. [812msw] 16p No. 101 CHESTNUT STREET.

TO THE LADIES: LINES CAMBRICS, PRINTED FOR DRESSES, WHITE FOR BODIES. These goods are essential for SUMMER WEAR, and we are now selling the balance of our Importation at a GREAT SACRIFICE. E. M. NEEDLES & CO., N.W. Corner Eleventh and Chestnut. 1000th LANSBURY BLDG. 224 ft

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