SPIRIT OF THE PRESS.

SDITORIAL OFINIOUS OF THE LEADING JOURNALS SPON CURRENT POPICS—COMPILED SYSRY DAY FOR THE EVENISO TELEGRAPH.

The Senate and the Tenure-of-Office Law. From the N. Y. H. rattl.

A radical caucus of the Senate has decided upon the postponement of the repeal or modiloation of the Tenure-of-Office law till the 4th of March. Such leading Republicans of the Senate as Fessenden, Sperman, and Morton pleaded earnestly for the repeal as a simple measure of justice to the President elect; but It appears that Wilson and Sumner, of Massachusetts, gained their point by parading before the startled Southern "carpet-baggers" the ghost of Andy Johnson. It was true that the restrictions of the existing law, which had kept Johnson on his good behavior, were not needed for Grant; but still, looking to the future, beyond Grant, some modifications of the law would be wiser than its absolute repeal. But inasmuch as if a bill amending the law or repealing the law were sent up to Johnson he would seize the occasion for one of his villanous lectures to the Senate, Wilson would postpone the subject to avoid this satisfaction to Johnson. And so, upon this childish pretense, the caucus voted to pass the subject over to the new Congress, when Johnson will be out of the way.

Distrust of Grant is the real explanation of this proceeding. Sumner has no faith in Grant, Wilson follows in the wake of Sumner, and Massachusetts rules the radical ring of the Senate. It is thus decreed that before Grant is released from the shackles with which Congress tied up Johnson he must show his hand, define his position in his Cabinet and in his inaugural, or in his initial message to the new Congress. Nobody knows what the Cabinet of Grant is to be; nobody knows what his inaugural will be; and it is not expected that it will be anything more than a few appropriate and suggestive general remarks on the political situation. But the first thing after the organization of the new Congress on the 4th of March will be the appointment of a joint committee to wait upon the new President, and inform him that the two houses are organized for business and ready to receive any communication he may have to make. What answer will the new President make to this customary and direct application from Congress for his views on public affairs? The Senate, in postponing the consideration of the bill in question, say, "Let us wait and see. If he is with us, all right; but if he be against us, we have him. Let the oracle speak before we bow down and worship it."

But the simple question is whether the new President or the Senate shall be master over his department, or whether Grant shall occupy the executive status of Lincoln or be put in the straight jacket of Johnson. He will, most probably, find himself on entering the White louse in the position of Johnson. If so, his proper answer to the committee from Congress will be that he has no communication to make to either house for the present, except to suggest the propriety and expediency of a repeal of the Tenure-of-Office law. Having in the meantime requested the Johnson Cabinet to remain in their places for at least the one month still accorded them under said law, let the President await the issue of his suggestion to the two houses. If they fall back upon their dignity, let him stand upon his and the rights of his office, and make it, if they please, a question of endurance on masterly inactivity. Let him resolve to "fight it out on this line if it takes all summer," and the Jacobins of the Senate will soon, from the

outside pressure, be compelled to surrender. It is well known by the Senate that General Grant desires the repeal of the Tenure-of-Office law; that he wishes it in order to have his hands free in the great contemplated work of retrenchment and reform "in a faithful collection of the revenue;" that he wishes to be able, in the absence of the Senate, not to suspend, but to remove incompetent or unfaithful officials, without being compelled, like Johnson, to give his reasons in every case or in any case to the Senate. There are Senators, however, who have certain consinsand nephews and other favorites in office and out of office to look after, and with the President under the thumb of the Vice-Presi dent, as the head of the Senate, these people may be saved or provided for. Under the existing law, so applied, the administration will be subject to the trading office cliques of the Senate, and will be powerless for retrenchment or reform.

The first and main purpose of General Grant, therefore, on the outset, should be to suggest the repeal of this crippling and demoralizing Tenure-of-Office law. Upon this issue, as involving the highest public interests, we think he can cheerfully reconcile himself to Johnson's Cabinet for a month or two, from Seward down to Grandfather Welles; and to the policy of masterly inactivity, likewise, in reference to his foreign missions, the custom houses, internal revenue offices, postmasters, district marshals, attorneys, and everything else. Doubtless, however, the experiment in relation to the Cabinet would be sufficient. Let the President elect, then, on the 5th of March, in answer to the committee of Congress, say that, as under the Tenure-of-Office law the members of the Cabinet of Mr. Johnson are entitled in equity to one month more in office, he has requested them to hold over for that period, subject to the repeal of the law, and that in the interval he will have no special communication to make to either house, and the result will be the prompt passage of Butler's bill. Such an achievement in the interests of the Government would be hardly second in importance to the capture of Fort Donelson as the first victory of General Grant in his new position. Let him try it; for upon this issue the country is heartily with him.

The Senate and Removals from Office. From the N. Y. Times.

Why does not some Senator bring in a bill to abolish the office of President and declare the Senate, or rather the dominant party mas jority of the Senate, to be the executive power in the Government ! It would certainly look better to do this than to seek the same end by piecemeal legislation and by practical construction, as the Senate is now doing. The Republicans of the Senate met in caucus on Monday to regulate the future conduct of the Executive Department of the Government, and adopted the following resolution:-

"Resolved, That in the " nse of this caucus no Senator should sign recommendations to office for any person not of his own State, excepting Territorial appointments upon whose confirma-tion he may be called to act."

"Signing recommendations to office" is an innocent-looking phrase, but it means dictating appointments to office, for when a Senator recommends an appointment the President is expected to make it, under penalty of being assailed and treated as recreant to his duty and a traitor to his party. Resolving that Senators should not thus make appointments outside of their own States, involves the doctrine that they are to control all appointments within them, and this is the doctrine which the Senate intends to practice. The Republicans in the Senate intend to control General Grant's appointments to office-the Senators

from each State taking charge of those within that State. The refusal to repeal the Tenure-of Office law, which was passed solely because the President and the Senate were not in political sympathy-not being of the same party and the obstinate maintenance of that law. now when the two branches of the Government are in sympathy, and when there is no pretense of a reason for it based on any difference of political views, shows this conclusively. It is designed as a measure of overcion—as a means of inducing General Grant to surrender that portion of his executive functions which involves the appointments to office into the hands of the party majority of

the Senate. We have already more than once shown how fatal such a course would be to all the hopes of reform in the givil service which General Grant's election has inspired through out the country. But the change proposed would also destroy everything like vigor and efficiency in the Executive administration of the Government at all times and under any circumstances. It is not possible for a large hody like the Senate to perform Executive duties with efficiency and success. The experiment has often been made, and has always failed, as it always must fail whenever it is This whole subject was debated with great ability when the leading administrative departments of the Government were organized, and when a direct attempt was made to require the advice and consent of the Senate to removals, as well as appointments; and it was maintained by Madison and by all the ablest and soundest men of his party, and decided by Congress, that as the duty and responsibility of executing the laws devolved exclusively upon the President, it followed of necessity that, in order to perform it, he must have the prompt and summary power to remove incompetent, corrupt, or inefficient officers, for causes short of official misbehavior in the legal sense. To take that power away from him, or to hamper him in its exercise, is to destroy and render impossible the promptness and vigor indispensable to a proper performance of executive duties.

This is precisely what the Tenure-of-Office bill does. Its original enactment was justified solely by the plea that the political hostility between President Johnson and Congress rendered their harmony of action impossible, and made it certain that the President would use this power, if left in his hands, in hostility to Congress. And yet, even in this case, its practical operation has been of doubtful utility. As a matter of fact, more corrupt and dishonest officials have been kept in office than have been kept out, in consequence of it. Senators have used the power it gives them for the selfish and dishonest purpose of keeping their own personal or political friends in office, rather than with any regard to the public good; and so they will continue to do, so long as it is suffered to stand. Not a single instance has occurred since it passed in which the Republican majority of the Senate have removed a single man of their own party, no matter how flagrant his corruption or ineffi-

So long as this law stands we shall have a feeble, lax, and inefficient administration of the civil service, no matter who may be fresident. It is utterly impossible for such a body as the Senate to investigate, with intelligence and to any purpose, the reasons for the removal of a public officer; and individual Senators will always be too much under the control of personal interest and favoritism to do it fairly, even if it were possible to do it at all. If they are to act in the spirit of the caucus resolution and "recommend" the President's appointments, what possible chance will there be of securing their assent to the removal of those same appointees ?

The whole thing is preposterous and absurd. It deprives General Grant of all ability to do the very work which he was elected to perform, and which the people expect at his hands-the purification of the public service from the corruption and imbecility which have disgraced and degraded it so long. If the Senate had any proper sympathy with this demand of the people, and any due sense of the necessity of this great reform, it would repeal this obstructive and unwise law, and leave to Gen. Grant the means of performing the duty imposed upon him by the Constitution, to "take care that the laws be faithfully executed."

The Mammoth Frauds. From the N. Y. Tribune.

Did you ever know an active Democratic politician who either proposed or urged the effective prevention of fraudulent voting? We press this question, because the country is full of sleek, respectable, and superficially pions villains of the class Shakespeare had in his mind when he made "Lady Macbeth" say

husband:-"Thou wouldst not play false,

reproachfully to her cowardly, shilly-shally

And yet wouldst wrongly win." These men thoroughly know, and have long known, that the Democratic vote is systematically swelled, especially in their strongholds, by the ballots of non-residents, minors, aliens, "repeaters," and others not lawfully clothed with the right of suffrage-that Representatives in Congress are chosen, and States are carried, by these frauds, and that their engineers are liberally rewarded therefor with "the spoils of victory." Thus was Henry Clay beaten in 1844, being defrauded of the Electors from New York and Louisiana; thus was General Grant cheated out of the votes of this State and New Jersey in 1868. His friends in each polled more votes than they expected-at least 5000 more in New Jersey, and nearly 20,000 more in this State. We had carried this State against the most desperate efforts of our adversaries in 1864, and polling 45,000 last fall in this city, and over 400,000 in the State; and this, with only the usual cheating of ten to twenty thousand by our adversaries, would have sufficed to insure the State to Grant and Griswold.

But the Democratic managers were early apprised that no ordinary amount of cheating would serve their turn-that, to take the State from General Grant, they must cheat by tens of thousands where they had formerly cheated by thousands. So they began seasonably the issuing of bogus naturalization certificates by the ream, and scatttered these broadcast over the State as well as city, and over New Jersey as well. We personally know decent, quiet Irish laborers, living in a sober rural township, and working for Republicans, who were each supplied with a naturalization certificate by a Democratic wire-worker, though neither of them had been long enough in the country to entitle him to naturalization, neither had declared his intentions, and neither left the farm on which he worked to take any oath or make any obligation whatever. We know of instances where Germans, having just joined a Grant club, applied to it for naturalization, but, after due inquiry, were told that they were not yet entitled to it; whereupon they went over to the Seymeur Club, and were "put through" without hesitation. We know that there are not living in the Sixth ward of this city so many legal voters in all by one thousand as the majority returned therefrom for Seymour and Hoffman, under the manipu-

lation of two well-known Democratic politi-

So we might go on for hours; but to ; what end? It is just as well known among the Democratic politicians of this city that they swindled General Grant out of the vote of this State as that General Lee surrendered to him at or near Appomattox Court-House. They concocted the plot; they devised the means; they employed the vil lains (many of them under indictment, and in dread of being brought to trial); who swore talsely in order to give a show of legality to a part of their naturalization frauds, who personated others who would not swear falsely that they were entitled to naturalizabut would register and vote on papers obtained through the perjury of others; and they hired and paid the "repeaters" who began to vote early on election morning and kept on voting till the sat of sun on names registered fraudulently and with deliberate intent to cheat the people of our State out of their choice. These are facts now authenticated by mountains of testimony, including that extorted from several of the perpetrators of this gigantic crime. The pregnant negative proof of the same facts afforded by those who declined or refused to testify is even more indubitable. He who swears may possibly lie, even to his own damage; but he who refuses to swear, with the prison staring him in the face, makes a virtual confession, which cannot be refuted nor explained away.

In the face of such facts, he who pleads, "There is cheating on all sides," betrayshis complicity in the fraud. We might name the men who, being Whigs or Republicans, were zealous advocates of efficient registration and other safeguards against cheating in elections; but, becoming at length Democrats, never more lisped a word in favor of such legislation; while others who, so long as they were Democrats, wanted nothing done in the premises, on becoming Republicans at once joined in the demand that fraudulent voting or counting be precluded and punished. No man among us is so ignorant as not to know on which side fel my and vice naturally range themselves, nor which party would profit most by wholesale illegal voting and repeat-We are confronted by a comprehensive brotherhood of crime, and must comprehend and act accordingly. Let there be no adjournment of the Forty first Congress till all shall have been done that law can do to save us from future repetitions of the stupendous villainy that gave the electoral vote of New York to Horatio Ssymour and placed John T. Hoffman in the station formerly henored by John Jay and the Clintons.

Retirement of President Johnson. From the N. Y. World.

If it be seemly to pay a parting tribute to Mr. Johnson on his descent to private life, this is perhaps as suitable a time as could be selected. The preparations for the inauguration of his a accessor and the formation of the new Cabinet will presently absorb the public interest; and by the time that adulatory tumult is over it will be difficult to fix atten tion upon the plain Tennessee citizen. His administration will have passed from the domain of journalism to that of history.

The horror and funereal pageantry which attended Mr. Johnson's sudden accession cast forward a dark and blighting shadow upon his whole administration. In its earliest and most critical months he had no more liberty of action than in its closing period. During those first months, the real President lay in Mr. Lincoln's coffin. His tragic end had given him the rank of a martyr, and a martyr's empire over the smitten affections and sympathies of the Republican party. Lincoln was more powerful dead than Johnson living. The state of public feeling forbade President Johnson even to choose his own Cabinet. Mr. Seward lay disabled by wounds from an assassin's knife; Mr. Stanton had put himself impetuously forward as the avenger of innocent blood; and the new President was borne helplessly along on a great tide of emotion which would have overwhelmed as treason any seeming want of reverence for the freshly canonized martyr.

No combination of circumstances could have been more unfavorable to the free exertion of Mr. Johnson's faculties. He was from the first hour a President only in name. The badges of public mourning, displayed on every dwelling in the land, were as potent an interdict of administrative changes as the Tenure-of-Office act became afterwards-an interdict against which the President had not even the poor privilege of protesting. He was as powerless as a bubble tossed upon the heaving waves of the sea. He was destitute of every source of influence which belongs either to a President or to a party chief. He had never been a Republican; up to the beginning of the war he had fought that party with characteristic vigor and virulence; he had never afterwards professed to be anything but a Democrat; he was selected for Vice-President merely as a lure to catch Democratic votes; that when he was unexpectedly lifted to the Presidency, he had no natural hold upon the confidence of the Republican The party did not feel that it had party. requited an obligation in electing him, but that it had gratuitously conferred one. Mr. Johnson therefore came to his new office without any of the influence of a party leader; and so sensible was he of this as soon as the first flutter of his sudden and dizzy elevation had passed away, that he bent his thoughtsfurtively, at first, and without avowing it-to the formation of a new party in which his former Democratic associations would stand him in some stead. His official influence was almost as slender as his personal. Every officer in the public service had been appointed by the canonized martyr; most of these would have been retained if the martyr had lived; every one of them was a Republican; and Mr. again in 1866, polling in either contest less Johnson would have gained little by than 370,000 votes. We felt confident of merely substituting one member for another of a party with which he had never been identified. That party had not elected him to distribute the patronage; it had elected Mr. Lincoln for that among other purposes; and the offices were generally in the same hands in which Mr. Lincoln would have continued them. Mr. Johnson durst not affront the memory of his predecessor. He durat not presume to overrule a party to which he owed obligations, but on which he had no claims. He durst not throw himself upon the support of the Democratic party, first, because it was a minority, and then because, even if it had been a majority, two years and a half must elapse before a new Congress would assemble in regular session. Mr. Johnson was thus bound hand and foot. He could neither lead the Republican party, nor safely break with it, nor act independently of it. An administration beginning with such omens was foredoomed to failure unless it succumbed to the Republican party, or could divide it.

The policy which Mr. Johnson actually adopted was his own, only by his approval. It descended to him from Mr. Lincoln, like his Cabinet. If Mr. Lincoln had lived, it is doubtful whether even he could have car ried that policy in opposition to Congress; but he would doubtless have made the attempt. He would have brought into the struggle the confidence of the party, framly testified by his re-election; consummate poli tical cunning; and a patient, forbearing spirit which would have shunned an open rupture. He had hosts of Republican friends. He

would have been morally and legally free to wield the Federal patronage in favor of his policy. Moreover, he would have begun his work in a period of congratulation and good feeling consequent on the successful close of the war. He would not have been obstructed by such a fierce outbreak of exasperation as was caused by the assassination, and inflamed by the trial of the conspirators. But with all these advantages—none of which were possessed by Mr. Johnson-it is not probable that Mr. Lincoln could have brought Congrees to accept his method of restoration. In the preceding summer he had killed a reconstruction bill by a pocket veto, and his proclamation explaining his course had been harshly dexounced in a manifesto signed by Mr. Wade and Henry Winter Davis, one the chairman of the Senate, and the other of the House, committee on the subject. In the preceding winter he had exerted all his influence to get Congress to indorse the new State governments in Louisiana and Arkausas, and had failed. Congress would have treated him, however, with more consideration than it did Mr. Johnson. It would not have decided against him in a caucus without deigning to wait one day and listen to his message. The result would probably have been a compro-mise, in which the President would have yielded something and Congress something. The country might have been spared the long and exasperating muddle, and the final oppressive rigor, of the Congressional policy. Mr. Johnson was right in principle, unanswerable in argument, and he exhibited indomitable firmness and pertinacity. But he had neither prudence nor foresight. The heat and acrimony into which he was provoked by op-position were unfortunate. When a President is compelled to differ from a party with which he cannot afford to break, he is lost if he does not keep up an appearance of deference and moderation. The more unacceptable his main object, the more careful he should be to strip it of irritating accessories. He should proceed always by dexterous flank mevements, and never attack in front. Mr. Johnson was impeded by his very virtues, by his directness, his sincerity, his inflexible adherence to principle, his uncompromising honesty of purpose. If he had been the general of an army, he never would have made a feint of retreating to draw the enemy into an ambush, or to gain more advantageous ground. The censequence of his want of tactics was, that he was uniformly beaten-beaten at every point. In each successive struggle he has been forced to submit to more objectionable measures than he had previously opposed. The Republican party is more indebted to him than it could have been to the merest tool and creature it could have elected in his place. The party would never have dared to go to such monstrous lengths if this obstinate wrangle had not enabled its leaders to nurse the spirit of vengeance, and lead the

party on, step by step, from one degree of passion and folly to another. It was the original design of Congress to keep the South out until after the Presiden-tial election. The Constitutional Amend ment was intended to be rejected; provisions were deliberately put into it which Congress knew the South would refuse, in order that the question might be kept open and made to draggle, and an excuse be furnished for more stringent measures. As things have turned out, the South would have done better if they had accepted that offensive amendment. Not only has that been forced upon them, but military despotism and wholesale negro suffrage besides. By accepting that amendment, they might have foiled the design of Congress te prevent the whole Southern electeral vote from being given to the Democratic candidates. The proposed reduction of Representatives could not have taken place until after the next census. The States would have had their full electoral vote, and they would all inst as certainly have cratic with the limited white disfranchise ment as without it, the negroes being ex-cluded. After the election of a Democratic administration, means could easily have been found to circumvent or nullify the extorted, unrighteous amendment. When that amend ment was submitted to the States, Mr. Johnson had become the pivot, the leader, the rallying-point of the opposition, which could preserve its unity only by yielding to his direction. He was not astute enough to see that, at that stage, Congress could have been most effectually thwarted by an acquiescence which it neither expected nor desired, and which would have arrested its further progress in the road of tyranny. If Congress had not stood by its own proposal after it had been accepted, it would have lost the support of the people. If it had stood by it, every Southern State would have been securely Democratic in the Presidential contest.

While we cannot regard President Johnson either as a wise statesmen or a skilful politician, we must concede that he has been placed in a position so trying and difficult that no address or abilities could have appeared to advantage in it. We must also pay a sincere tribute to his personal character, which is less distinguished perhaps by the amiable than by the respectable virtues. He is a man of settled convictions and stubborn fidelity to them. He cherishes a just and deep reverence for the Constitution of his country He has never been accused, never suspected of using any public position for purposes of private gain. With a Democratic Congress to support him, he would have made a judicious and successful, though probably not a brilliant. administration. His talents are better fitted for debate; and if, after a needed interval of repose, he should be returned to the Senate from Tennessee, he will be one of the most important and useful members of that body a perpetual thorn in the side of the radicals, and the fearless champion of honest legislation.

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