THE TRIBUNE.

Judge Upshur on the Power of Appointment and its Abuses.

We have already laid before our readers—we trust to their instruction and profit—the views of Hon. ABEL P. UPSHUR, Mr. Tyler's Secretary of the Navy, on the nature and exercise of the Veto Power of the President, as embodied in his able and powerful "Inquiry into the True Nature and Character of our Federal Government; being a Review of Judge Story's commentaries on the Constitution of the United States." We propose now to extract from the same work, (pp. 117–20) his remarks on the nature and abuses of the Appointing Power. No comments could add to their pertinence or force. They are as follows:

"It is remarkable that the Constitution is wholly silent in regard to the power of removal from office. The *appointing* power is in the President and Senate; the President nominating, and the Senate confirming; but the power to *remove* from office seems never to have been contemplated by the convention at all, for they have given no directions whatever upon the subject. The consequence has been precisely such as might have been expected, a severe contest for the possession of that power, and the ultimate usurpation of it, by that department of the government to which it ought never to be entrusted. In the absence of all precise directions upon the subject, it would seem that the power to remove ought to attend the power to appoint; for those whose duty it is to fill the offices of the country with competent incumbents, cannot possibly execute that trust fully and well, unless they have power to correct their own errors and mistakes, by removing the unworthy, and substituting better men in their places. This, I have no doubt, is the true construction of our Constitution. It was for a long time strenuously contended for by a large party in the country, and was finally yielded, rather to the confidence which the country reposed in the virtues of Washington, than to any conviction that it was properly an Executive power, belonging only to the President.—It is true of Washington alone, of all the truly great of the earth, that he never inflicted an injury upon his country, except only such as proceeded from the excess of his own virtues. His known patriotism, wisdom and purity, inspired us with a confidence and feeling of security against the abuses of power, which has led to the establishment of many precedents, dangerous to public liberty in the hands of any other man. Of these, the instance before us is not the least important. The power to remove from office is, in effect, the power to appoint to office. What does it avail that the Senate must be consulted in appointing to office, if the President may, the very next moment, annul the act by removing the person appointed? The Senate has no right to select; they can do nothing more than confirm or reject the person nominated by the President. The President may nominate his own devoted creatures; if the Senate should disapprove any one of them, he has only to nominate another, and another, and another; for there is no danger that the list will be exhausted, until the Senate will be persuaded or worried into compliance. And when the appointment is made, the incumbent knows that he is a mere tenant at will, and necessarily becomes the mere tool and slave of the man at whose sole pleasure he eats his daily bread. Surely, it is a great and alarming defect in our Constitution, that so vast and dangerous a power as this should be held by one man. Nothing more is required to place the liberties of the country at the feet of the President, than to authorize him to fill, and to vacate and to fill again, at his sole will and pleasure, all the offices of the country.

The necessary consequence of enabling the President to remove from office at his mere pleasure is, that the officer soon learns to consider himself the officer of the President, and not of the country. The nature of his responsibility is changed; he answers not to the people for his conduct, for he is beyond their reach; he looks only to the President, and, satisfied with *his* approval, is regardless of every thing else. In fact, his office, however obscure it may be, soon comes to be considered only a part of the great executive power lodged in the President. The president is the village postmaster, the collector of the customs, the marshal, and every thing else; and the incumbents of those offices are but *his* agents, through whom, for the sake of convenience, he exercises so much of his gigantic powers. One step farther, and the agency of the Senate in these appointments will be no longer invoked. A little more of that construction and implication to which the looseness of the Constitution, on this point, holds out the strongest invitation, and the President will say to the Senate, "This collectorship is a part of the great executive trust which is lodged in me; I have a right to discharge it in person, if I please, and, consequently, I have a right to discharge it by my own agent. It is my duty to see that the laws are executed; and if I do so, that is all that the country can require of me. I have a right to do so in my own way." There is no extravagance in this supposition; nothing in the past history of the country which teaches us to consider it an improbable result. Who does not perceive that the claims which have already been made, in behalf of executive power upon this very point, must of necessity change the whole nature and spirit of our institutions. Their fundamental principle is, that all power is in *the people*, and that public officers are but their trustees and servants, responsible to *them* for the execution of their trusts. And yet, in the various ramifications of the executive power, in the thousand agencies necessary to the convenience and interests of the people, which belong to that department, there is, in effect, no responsibility whatever. The injured citizen can make his complaint only to the President, and the President's creature knows that he is perfectly secure of his protection, because he has already purchased it by slavish subserviency. Is it not enough that the President himself is responsible? We shall soon see that his responsibility is nominal only; a mere formal mockery. And responsible for what? Will you impeach the President because a postmaster has robbed the public mail, or a collector of the customs stolen the public money? There is absurdity in the very idea. Will you impeach him because he does not remove these unfaithful agents, and appoint others? He will tell you that, according to the construction which has been given to the Constitution, and in which you yourselves have acquiesced, that matter depends solely on his own will, and you have no right to punish him for what the Constitution authorized him to do. What then is the result? The President claims every power which, by the most labored construction, and the most forced implications, can be considered as executive. No matter in how many hands they are distributed, he wields them all; and when we call him to answer for an abuse of those powers, he gravely tells us, that his agents have abused them, and not he. And when we call on those agents to answer, they impudently reply, that it is no concern of ours, they will answer to the President! Thus powers may be multiplied and abused without end, and the People, the real sovereigns, the depositaries of all power, can neither check nor punish them!

This subject certainly calls loudly for public attention. We ought not to lose sight of the rapid progress we have made in the decline of public virtue. It becomes us to understand that we have, no longer, Washingtons among us, to whose pure hands the greatest powers may be safely entrusted, We are now in that precise stage of our progress, when reform is not impossible, and when the practical operation of the government has shown us in what particulars reform is necessary. If we regard our government, not as the mere institution of the hour, but as a system which is to last through many successive generations, protecting and blessing them, it becomes us to correct its faults, to prune its redundancies, to supply its defects, to strengthen its weak points, and check its tendency to run into irresponsible power. If this be not speedily done, it requires no prophet's eye to see that it will not be done at all. And whenever this great and necessary work shall be undertaken, the single reform which is here suggested will accomplish half that is required.

Another striking imperfection of the Constitution, as respects the executive department, is found in the veto power. The right to forbid the people to pass whatever laws they please, is the right to deprive them of self-government. It is a power which can never be entrusted to one man, or any number of men short of the people themselves, without the certain destruction of public liberty. It is true that each department of the government should be armed with a certain power of self-protection against the assaults of the other departments; and the Executive, probably, stands most in need of such protection. But the veto power, as it stands in the Constitution, goes far beyond this object. It is, in effect, a power in the executive department to forbid all action in any other. It is true that, notwithstanding the veto of the President, a law may still be passed, provided *two-thirds* of each House of Congress agree therein; but it is obvious that the cases are very rare, in which such concurrence could be expected. In cases of plain necessity or policy the veto would not be applied; and those of doubtful necessity or policy would rarely be carried by a majority so large as two-thirds of each House.—And yet in these it may be just as important that the public will should be carried out, as in cases of less doubt and difficulty. It may be, also, that a President may oppose the passage of laws of the plainest and most pressing necessity. And if he should do so, it would certainly give him a most improper power over the people, to enable him to prevent the most necessary legislation, with only one-third of each House of Congress in his favor. There is something incongruous in this union of legislative and executive powers in the same man. Perhaps it is proper that there should be a power somewhere, to check hasty and ill-considered legislation, and that power may be as well entrusted to the President as to any other authority. But it is not necessary that he should be great enough to prevent *all* legislation, nor to control in any respect the free exercise of the legislative will. It would be quite enough for the security of the rights of the Executive, and quite enough to insure temperate and wise legislation, to authorize the President merely to send back to the legislature for reconsideration any law which he disapproved. By thus affording to that body time and opportunity for reflection, with all the additional lights which the President himself could throw upon the subject, we should have every reasonable security for the due exercise of the legislative wisdom, and a fair expression of the public will. But if, after all this, the legislature, in both its branches, should still adhere to their opinion, *the theory and the sound practice of all our institutions require that* THEIR *decision should be binding and final.*'

PAPER HANGINGS.—We saw in operation yesterday, at the paper hanging factory of Mr. W. S. Birch, South Howard street, a newly-invented machine—the only one now in operation in this country—for printing the various figures on paper, such as is used for the papering of rooms, &c. It is said to accomplish, with an expense of $4, as much work as could be done in the ordinary way for $30. Since the passage of the late Tariff bill, he has established his factory on a more extensive scale, and it is now in full operation, doing what may be termed a thriving business, giving employ to those who otherwise might have remained in idleness. [Balt. Patriot.

BOOTS AND SHOES—A general assortment of MEN'S, BOYS' and YOUTHS' BOOTS, SHOES and BROGANS, viz: Men's boys' and youths' thick boots, calf and kip, sewed and pegged; do men's and boys' thick and kip brogans; women's, misses and childrens' booties, buskins; slippers, &c. Also, fur cloth and sealet CAPS; fine silk and coney hats. All sold low for cashor city accepances, by the case or dozen. Country merchants would do well to call and examine at
GALE & Co.'s, 260 Pearl-street,
under U. S. Hotel, N. Y.
o3 2m*

CLOTHS, CASSIMERES, Vestings &c., at 14 Maiden lane.—The subscriber has removed to the above store, where he intends keeping a good assortment of Cloths, Cassimeres, Vestings, Satins, Serges, Velvets, &c., together with a general variety of Tailor's Trimmings, which will be offered at the lowest market prices, either at wholesale or retail.
HENRY A. STILLMAN.
o3 3t*

ONE PRICE STORE.—It is generally known that some store-keepers ask double the price the article is worth; therefore any person wishing to purchase good cheap clothing can rely on being furnished with articles at the following prices:—Conts at $12; cloth jacks $3 50 to $5; cloth pants $3 25 to $4 50; satinet pants $1 75 to $2 50. J. COGSWELL, 134 Chatham-st. j y21 3m

WATER POWER TO LET—From one to fifty horse power, to let, at West Farms Saw Mill, 11 miles from the city. It is accessible by water, and has plenty of water in the drvest season. Inquire at the Mill or of JOHN COPCUTT, 343 Washington treet. au15 tf

WATER-POWER TO LET, from 1 to 50 horse power, with suitable rooms, in the Saw Mill at West Farms. Inquire of JOHN COPCUTT, 343 Washington-street. s13 1m

TO THE LOVERS of superior Black Tea!—Howqua's Mixture!—This extremely delicious and unparalleled Tea, so highly celebrated in China and Europe, just imported, is now for sale at the Canton Tea Company's General *Tea* Establishment, 121 Chatham-street, New-York, in Chinese packages price 50 cts and $1 each. my21 tf

AMES' SHOVELS AND SPADES constantly on hand, and for sale by
MITCHELL & WITHERELL, 94 John st.
o4

AMERICAN LOCKS.—The subscribers are constantly receiving supplies of American Locks, Latches, sliding door trimmings, &c. and are prepared to furnish an article of superior manufacture at greatly reduced prices. VAN BLARCOM & CHAMPLIN,
o1 1w* 290 Pearl-street.

BUILDERS' HARDWARE, in every variety, comprising Locks, Latches, Shutter and Blind Hinges, Fastenings, &c; Clarks Butts broad and narrow; James's Screws, Barn-door Hinges, Cut, Wrought and Horse Nails; Store-door Bolts, Flush Bolts, Shutter Bolts, Cabin-door Hooks, &c.
o1 1w* VAN BLARCOM & CHAMPLIN, 290 Pearl-st.

COOPERS' GLUE—By the barrel, also to accommodate consumers who do not wish to buy by the barrel, we keep a barrel of each kind open at retail, from the very best down to the poorer qualities, for carpenters and cabinet makers use, and for printer's rollers it has the highest reputation. Also the transparent white Bonnet Glue. VAN BLARCOM & CHAMPLIN,
o1 1w* 290 Pearl-street, near Beekman.

COAL.—Peach Orchard, Red Ash, and Broad Mountain White Ash Coals, of all sizes, suitable for family use, for sale low at the lower corner of Franklin and West-streets, North River.
Orders left with TYLEE & MAPES, No. 28 Leonard-street, will meet with prompt attention. s24 2w*

LAW REPORTER for October, this day published by Bradbury, Soden & Co. 127 Nassau-street.
The present number contains the decisions which have lately been made in Bankruptcy respecting fiduciary creditors. Also, other decisions in Bankruptcy, and a complete list of Bankrupts in New Hampshire. The Publishers wish to call the attention of the profession to the fact, that the decisions which are published in this Magazine have the sanction of the various Judges. Gentlemen are invited to call and examine specimen numbers. Subscription price $3 per annum. o3

CROTON WATER.—Miller & Coates, Plumbers, 116 Grand street, 2 doors east of Broadway, furnish Tinned, Lead, Composition and Iron Pipes—Pumps, Hydrants, Fountains, Bath Tubs, &c. and every article connected with the use of Croton Water in Dwellings, Warehouses, and Manufactories. Orders for the introduction of water promptly executed. s13 1m*

MONEY TO LOAN in large or small sums—For the accommodation of Respectable persons, requiring temporary loans, the advertiser will make advances upon most descriptions of saleable personal property, such as Goods, Produce, Furniture, Plate, &c. Apply at 38 John street, corner Nassau, office No. 9, 2d floor, from 10 till 2. o3 1w*

GOLD LEAF, Dentists' Gold, and Tin Foil, Silver Leaf, Gold and Silver Bronze of superior quality, manufactured and sold at No. 88 William-street, rear building, at the market price, for CASH. Also, German Bronze and Leaf. Gold Foil per oz. $23.
au31 2meod R. S. RUGGLES.

HULL'S TRUSSES.—Notice to Ruptured Persons.—Persons afflicted with ruptures may rely upon the best instrumental aid the world affords, on application at the office, No. 4 Vesey-street, or to either of the agents in the principal towns in the United States. Be careful to examine the back pad of Hull's trusses, to see if they are endorsed by Dr. Hull in writing. None are genuine, or to be relied upon as good, without his signature.
Many persons have undertaken to vend imitations of Hull's celebrated trusses, and thousands are imposed upon in consequence. These imitations cannot be relied upon; they are made by unskilful mechanics, and are no better than the ordinary trusses.
Rooms have been fitted up at No. 4 Vesey-street, exclusively for ladies, having a separate entrance from the business department, where a female is in constant attendance to wait upon female patients. s21 1m

AT a Court of Chancery held for the State of New-York at the City of New York, on the 14th day of April, A. D. 1842—Present William T. McCoun, Vice Chancellor of the First Circuit—Mary Boddy vs. Mahlon Ketchel, Mary Ketchel, Andrew Ketchel, William Ketchel, Isaac Ketchel, Samuel Ketchel, James Daily, William Irvine and Sarah Jane Irvine his wife, James Ketchel, Margaret Ketchel, Andrew E. Ketchel and Betsey his wife, John Russell and Sarah his wife—In Partition.

It appearing, to the satisfaction of this Court, that an amended bill of complaint has been filed in this cause for a partition of the following described premises, to wit: All that certain dwelling-house and lot, piece or parcel of ground, situate, lying and being in the Fifth Ward of the City of New-York, and is known and distinguished by the number two hundred and nineteen (219) Church-street, bounded westerly in front by Church street aforesaid, southerly by ground now or late belonging to Jacob A. Cole, northerly by ground now or late belonging to Isaac T. Tallman and Charles Morris, and easterly by lot No. 163—containing in breadth in front and rear twenty-four feet, and in length on each side seventy-five feet, be the same more or less; together with all and singular the rights, privileges, hereditaments and appurtenances, remainder and remainders, rents, issues and profits thereof; And it also appearing, to the satisfaction of this Court, that the residence of John Russell is unknown, that Andrew E. Ketchel, when last heard from, was believed to reside somewhere in South America, that Betsey Ketchel resides in the State of Pennsylvania, William Irvine and Sarah Jane his wife and Andrew Ketchel reside in the State last aforesaid, that William Ketchel and Isaac Ketchel reside in the State of New-Jersey—on motion of C. Nagle, Solicitor for the Complainant, it is ordered that the said John Russell, Andrew E. Ketchel, Betsey Ketchel, William Irvine and Sarah Jane Irvine, Andrew Ketchel, William Ketchel and Isaac Ketchel, and each of them, cause their appearance to be entered and notice thereof to be served on the Complainant's Solicitor within four months from the date of this order, and, in case of their appearance, that they cause their answer or answers to the complainant's bill to be filed and a copy thereof to be served on the complainant's Solicitor within forty days after service of a copy of said bill, and that in default thereof said bill of complaint be taken as confessed by them and each of them. And it is further ordered, that within twenty days from the date of this order the said complainants cause this order to be published in the State paper and in the New-York Tribune, a paper printed in this State, for three months, once each week, successively, or that the said complainants cause a copy of this order to be served personally on the said John Russell, Andrew E. Ketchel, Betsey Ketchel, William Irvine, Sarah Jane Irvine, Andrew Ketchel, William Ketchel and Isaac Ketchel, and on each of them, at least twenty days before the time herein before prescribed for their appearance. (A copy.)
HIRAM WALWORTH, Clerk.
C. NAGLE, Solicitor. aa10 law3m

STATE OF NEW-YORK, ss.—In Chancery, before the Vice Chancellor of the First Circuit. Helen Craig vs. John Craig, Richard B. Craig, Charlotte A. Craig, Helen E. Craig, Samuel B. Craig, and Catharine G. Craig.

In pursuance and by virtue of an order of this Honorable Court, made in the above entitled cause, bearing date the sixth day of September, 1842, and of the statute in such case made and provided, notice is hereby given to all persons having any general lien or incumbrance, by judgement, decree or otherwise, on the undivided share or interest of any of the parties to the premises, hereinafter referred to, to produce to me, the undersigned, one of the Masters of this Court, on or before the 25th day of October next, at my office, No. 42 John-street, in the City of New-York, proof of their respective liens and incumbrances, together with satisfactory evidence of the amount due thereon and to specify the nature of such incumbrances, and the dates thereof respectively. The premises referred to are as follows, to wit:

"All those four certain lots, pieces or parcels of ground, situate in the Eleventh Ward of the City of New-York, on the westerly side of Norfolk-street, and known and distinguished on a certain map of the estate of James De Lancey, Esq., made by Evart Banker, as Lots Nos. 1564, (fifteen hundred and sixty-four,) 1565 (fifteen hundred and sixty-five,) 1566 (fifteen hundred and sixty-six,) and 1567 (fifteen hundred and sixty-seven,) bounded northerly by lot No. 1563, southerly by lot No. 1568, easterly by Norfolk-street, and westerly by lots Nos. 1557, 1558, 1559 and 1560.

Also, all that certain brick dwelling house and lot of ground, in the Third Ward of said City of New-York, known as number 59 Courtlandt-street, and bounded northerly by Courtlandt-street, southerly by a lot of ground formerly of John Pevees and now or late of Robert Gosman, easterly by a lot of ground now or late of William and Henry Van Dalsom, and westerly by a lot of ground now or late belonging to Jame Farlie.

Also, all that certain lot of land, situate in the town of Johnstown, County of Montgomery and State of New-York, known and distinguished by the number (64) eighty-four, in Chase's patent, containing one hundred acres.

New-York, September 8th, 1842.
WILLIAM W. CAMPBELL, Master in Chancery.
ROYAL H. WALLER, Solicitor.
Albany Evening Journal. s9 1taw6w

IN CHANCERY—Before the Vice Chancellor of the First Circuit.—Teunis Quick vs. William T. Beer and others.

In pursuance of a decretal order of this Court, made in the above entitled cause, will be sold at public auction, under the direction of the subscriber, one of the Masters of said Court, by Ainslie & Co., Auctioneers, at the Merchants' Exchange, in the city of New-York, on the 11th day of October next, at 12 o'clock noon of that day, all those certain parcels of lands described as follows, that is to say: Being the rear or back parts or portions of four lots of land situate upon the north-easterly corner of the Bowery and Fifth street, in the city of New-York, and which four lots are bounded, in a deed from Nicholas William Stuyvesant to the heirs of William Quick, dated April 8, 1824, as follows: Beginning at the north easterly corner of the Third Avenue and Fifth street and thence running easterly along the northerly line of Fifth street one hundred feet, thence northerly on a line parallel with the easterly side of the Third Avenue ninety-seven feet, thence westerly on a line parallel to the northerly line of Fifth street one hundred feet to the Third Avenue, thence southerly ninety-seven feet along the easterly side of the Third Avenue to the corner of that Avenue and Fifth street, the place of beginning. The part or portion of said lots intended to be sold, mentioned as the rear parts or portions of said lots, is described as follows, viz: Beginning at a point in the northerly line of Fifth street, distant in an easterly direction seventy-seven feet four inches from the north-east corner of the Third Avenue and Fifth street, and running thence along Fifth street to the easterly boundary line of said four lots, thence northerly along the said easterly boundary line ninety-seven feet to the north-easterly corner of the said four lots, thence westerly along the northern boundary line of said four lots sixty-five feet six inches, thence in a south-easterly direction to a point in the southerly boundary line of the most northerly of said four lots, which point is distant forty-nine feet four inches, from the easterly line of the Third Avenue twenty-eight feet, thence in continuation of said last mentioned line eighteen feet six inches, thence in a south-easterly direction to the place of beginning; together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining.

New-York, August 29, 1842.
WILLIAM W. CAMPBELL, Master in Chancery.
MCELRATH & BLOOMFIELD, Solicitors. au29 law6w

IN CHANCERY—Before the Vice Chancellor of the First Circuit. Eliza Arden vs. Laird M. H. Butler et. al.

In pursuance of an order of this Court made in the above entitled cause, will be sold at public auction, under the direction of the subscriber, one of the Masters of this Court, by W. H. Franklin, auctioneer, at the Merchants' Exchange in the city of New-York, on the 9th day of September next, at 12 o'clock noon of that day, all and singular the following lot, piece or parcel of land on which a cotton mill now stands, situate lying and being in the township of New Paltz, county of Ulster and State of New-York—Beginning on the Walkill at an Elm tree, thence running south twelve degrees west two chains and twenty-seven links, thence south thirty-three degrees east one chain and thirty-four links, thence north twelve degrees east to the Walkill, thence up and along said Walkill one chain and thirty-four links to the place of beginning, being bounded on the first and second courses by the land of Ezekiel Eting, on the third corner by land of L. M. H. Butler, and on the fourth by the Walkill—with the right of two cubic feet of water on an eighteen feet over-shot wheel or wheels, with the appurtenances.

New-York, July 20, 1842.
WILLIAM W. CAMPBELL, Master in Chancery
WILLIAM H. BELL, Solicitor.

☞ The above sale is postponed to the 11th day of October next, at the same hour and place.
Sept. 9, 1842. WILLIAM W. CAMPBELL,
s10 1aw1011 Master in Chancery.
Albany Evening Journal will please copy.

AGENT'S OFFICE, State Prison, Auburn, August 8, 1842.—Notice is hereby given, that sealed Proposals will be received at the office of the subscriber until the fifteenth day of October next, at precisely ten o'clock A. M. for the services of not less than twenty nor more than forty Convicts, (at the option of the Agent,) for the term of five years, said term to commence on the sixteenth day of December next, to be employed in weaving and manufacturing Ingrain and Brussels Carpeting in said Prison.

Also, for the services of not less than five nor more than twenty Convicts, (at the option of the Agent,) for the term of five years, to commence on the seventh day of December next, to be employed in the manufacture of 'English Satin Horn Buttons.' Sufficient shop room, suitably warmed and lighted, to be furnished by the State.

NOTE.—Persons making proposals are required to name the amount per day offered for the services of each convict, and to give the names of the persons who are to become sureties in said contracts.
au13 1aw1015 HENRY POLHEMUS, Agent.

STATE PRISON, MOUNT PLEASANT, September 8, 1842.
SEALED PROPOSALS will be received by the Inspectors on the first Wednesday of October next, at 11 o'clock A. M. at this office, for furnishing the Convicts at the Prison with Rations for one year from the 1st day of November next, the Rations to be delivered in quantities to suit the contractor, (but always at his risk) to consist of the following articles for one hundred rations, viz: 100 lbs. of Inspected Prime Beef (slaughtered and packed this fall or winter) for one half the year, and 75 lbs. of Inspected Prime Pork for the remainder of the year, 50 lbs. of Inspected Rye Flour; 75 lbs of good Indian Meal, 2 gallons Molasses, 2 quarts of Rye or Peas in the grain, 2 quarts of Vinegar, 2 ounces of ground Pepper, 1 quart of fine salt, and for 10 months of the year 3½ bushels of Potatoes for every 100 Rations, the other two months, from the 15th of July to the 15th of September, Peas, Beans or Rice may be substituted alternately or otherwise, as the agent may think is for the health of the prisoners. All the articles to be of good merchantable quality, and the agent will reserve the right to reject any of them that are not so in his opinion.

The names of two satisfactory securities must be given in writing with proposals with their acquiescence. The number of Convicts will average about 250.
DAVID L. SEYMOUR, Agent,
s10 1m5 State Prison, Mount Pleasant.

WOOD SCREWS.—20,000 groce N. England Screw Co.'s wood screws, brass and iron assorted, from ½ inch to 3 inches, No. 20, for sale by their agents, MITCHELL & WITHERELL,
o4 94 John street.

COMMUNION WARE.——Tankards, baptismal bowls, plates and cups made from refined rolled Britannia metal. For sale by the manufacturers' agents, MITCHELL & WITHERELL,
o4 94 John street.

CABINET FURNITURE.—A few articles of an insolvent manufacturer for sale cheap, at 468 Washington-street. s13 1m

THE cry of 'Murder!' 'Murder!' at all times will arouse the most stupid. Yet murders are daily perpetrated which excite very little attention. Is not Consumption daily murdering thousands of human beings? Does not Asthma render life a burthen, and then destroy its victim? Does not Bronchitis paralyze the usefulness of many of our most eminent divines and other public speakers, to say nothing of the thousands of all ages and sexes who are swept into eternity by it? Millions of human beings sink down and die by attacks of the above and similar affections of the lungs and throat. Fortunately for mankind, JAYNE'S EXPECTORANT has never been known to fail in giving relief, and has, in thousands of instances, effected permanent cures after all other means had failed.

☞ Prepared and sold only by Dr. D. Jayne, 20 South Third-st., Philadelphia. Sold in New-York at wholesale and retail by the agents, A. B. & D. SANDS, Druggists, No. 79 Fulton, corner of Gold-st. and 100 Fulton-street; also sold by Abraham B. Sands & Co. 273 Broadway, (Granite Buildings,) corner of Chambers-street, and by David Sands & Co. 77 East Broadway, corner of Market-st. s15 1m

DEAFNESS CURED.—Messrs. Editors: Having seen advertised in your paper and some others, SCARPA'S OIL for DEAFNESS, I felt (being a sufferer myself) an unusual anxiety to know more about the medicine; consequently I have made a great many inquiries and find its reputation is all that one could wish; vast numbers have used it with success, and I hear that the call for it is astonishingly great. I am using it, and find a daily improvement in my hearing. Yours, &c.
H. G. DINGLEY.
For sale by Dr. JAYNE, No. 20 SOUTH THIRD-ST., Philadelphia.
Sold at wholesale and retail by the Agents A. B. & D. Sands, Druggists, No. 79 Fulton-st, corner of Gold-st., and 100 Fulton-st.—also, sold by David Sands & Co. No. 77 East Broadway, corner of Market-st.; Abraham B. Sands & Co. No. 273 Broadway, (Granite Buildings) corner of Chamber street. s30 1m

CONSUMPTION, COUGH, SPITTING OF BLOOD, &c.—TO CONSUMPTIVES.—Four fifths of you are really suffering from neglected Colds, or an Obstruction and consequent Inflammation of the delicate lining of those tubes through which the air we breath is distributed to every part of the lungs. This Obstruction produces pain and soreness, hoarsenese, cough, difficulty of breathing, hectic fever, and a spitting of blood, matter, or phlegm, which finally exhausts the strength of the patient and ends in death. JAYNE'S EXPECTORANT never fails to remove this obstruction, and produces the most pleasing and happy results. It is certain in its effect and cannot fail to relieve. Prepared and sold by Dr. D. Jayne, No. 20 South Third street, Philadelphia. Sold at wholesale and retail by the Agents, A. B. & D. Sands, Druggists, No. 79 Fulton street, corner of Gold st. and No. 100 Fulton st. Also sold by David Sands & Co. No. 77 East Broadway, corner Market st.—Abraham B. Sands & Co. No. 273 Broadway (Granite Building) corner of Chambers st. s13 1m

NEWS FROM RHODE-ISLAND.—IMPORTANT TESTIMONY.—If further proof is required to establish the fact of the inestimable value of Dr. Starkweather's Hepatic Elixir, the following communication from the Hon. Samuel W. King, Governor of the State of Rhode-Island, contains adequate testimony to substantiate it beyond dispute, and must put entirely at rest the idea that this potent remedy is classed with the many useless and dangerous nostrums which are palmed upon the public merely for the sake of gain.

Please read the following statements communicated to the undersigned by His Excellency, under date of
JOHNSTON, Jan. 29, 1842.

MR. CHARLES DYER, Jr.:
My Dear Sir—Your communication of yesterday, asking my opinion of Dr. Starkweather's Hepatic Elixir, has been received this morning. In reply, I will inform you that my confidence in patent medicines generally is not very flattering. I have had too much reason to believe that unprincipled men will often palm upon their fellow-citizens their useless, if not dangerous nostrums for the sake of gain, the use of which takes up that important and critical period of time without producing any good effect, when otherwise perhapt proper remedies would have been used, and much suffering and distress prevented. For that reason I have not used them, feeling myself and family to be much safer under the direction of my family physicians; but having been afflicted for the last six years with difficulties in the side and chest, uncomfortable and often distressing, painful, and somewhat alarming, and from which I could get only temory relief, I very fortunately noticed your advertisement of the medicine in question.

I had been a school-boy with Dr. Starkweather, and had with him a long and intimate acquaintance when we were young men, and from my knowledge of him I thought him incapable of practising deception on any person; this fact induced me to try Dr. Starkweather's Hepatic Elixir, and by its use I now believe myself entirely cured.

I need not, therefore, say to you that I consider it of great value. I certainly think its discovery of great public importance.

The first bottle I took gave me much relief, which regularly progressed until I had taken six bottles, when I discontinued it, having, thank God, no further use for it at present.
With much regard and respect,
Your ob't and humble servant,
SAM'L W. KING.
Sold at wholesale and retail by A. B. & D. Sands, Druggists, No. 79 and 100 Fulton st. Also, sold by David Sands & Co. No. 77 East Broadway, corner of Market st.; A. B. Sands & Co. No. 273 Broadway, corner Chamber street.—Price $1. s24 1mis

ROMAN EYE BALSAM, for Weak and Inflamed Eyes—This Balsam is a prescription of one of the most celebrated oculists, has been a long time in use, and is confidently recommended to the public as the best and most succesful salve ever used for inflammatory diseases of the eye. In cases where the eyelids are very much inflamed, or the ball of the eye thickly covered with blood, it operates almost like magic, and removes all appearance of disease after two or three applications.

In Dimness of Sight caused by fixed attention to minute objects, or by long exposure to a strong light, and in the weakness or partial loss of sight from sickness or old age, it is a sure restorer, and should be used by all who find their eyesight failing without any apparent disease.

This Balsam has restored sight in many instances where almost TOTAL BLINDNESS, caused by excessive inflammation, had existed for years. Inflammation and soreness caused by blows, contusions, wounds on the eye, or by extraneous bodies of an irritating nature introduced under the eyelids, is very soon removed by the application of the Balsam. One trial will convince the most incredulous of its efficacy.

The following evidence of its superior excellency is from the Pastor of the Episcopal Church at Harlem:
HARLEM, July, 1841.

Messrs. D. Sands & Co.—Gents: From motives of humanity I am prompted to inform you that a few applications of your 'Roman Eye Balsam' have made a perfect cure in the case of my aged mother, who has suffered under a most painful inflammation of the eyes for twelve or fifteen years. Physicians have given up the case as hopeless on account of the patient's age, but by the blessing of Heaven, your remedy has verified the adage, 'While there is life there is hope.' Yours most gratefully, R. HOYT.

Mrs. Davis, No. 77 Essex-street, has been cured of inflammation of the eyelids and weak eyes, of years' duration, by using only one jar of the Eye Balsam.

Miss Fitzgerald, No. 2 Market-street, had for two or three years been so much afflicted with weak and inflamed eyes, that at times she could scarcely see to read. Her eyes have been completely restored by this Balsam, after all other means had failed. Hundreds have by its healing virtues been restored to sight, where almost total blindness, caused by excessive inflammation, had existed for years. Put up in small jars with full directions for use. Price 37½ cents. Prepared and sold, wholesale and retail, by DAVID SANDS & CO., 77 East Broadway, corner Market-street, New-York.

Sold also by A. B. & D. Sands, 79 and 100 Fulton-street, and by A. B. Sands & Co., 273 Broadway, corner Chambers street. s3 1m

LIFE! LIFE! LIFE!—"All that a man hath will he give for his life,"—so we find it recorded in the most ancient and best of books, but when we see thousands dying all around us, with Consumption, Croup, Cough, Asthma, Bronchitis, Spitting Blood, and other Pulmonary Affections, we are led to doubt the correctness of the above assertion, especially since it is so well known that a certain remedy may be obtained which always arrests those diseases.

DR. JAYNE'S EXPECTORANT never fails to give relief, and always cures after every other means have failed. This can be, and has been proven in thousands of instances, where it has effected radical cures after the patient had been given up by his friends and physicians. This valuable Expectorant is prepared only by DR. JAYNE, No. 20 SOUTH THIRD street, Philadelphia.

Sold at wholesale and retail by the Agents, A. B. & D Sands, Druggists, No. 79 Fulton st. corner of Gold st., and 100 Fulton st.—also, sold by David Sands & Co. No. 77 East Broadway, corner of Market st; Abraham B. Sands & Co. No. 273 Broadway, (Granite Buildings) corner of Chamber street. s15 1m

THOMSONIAN.—Do you want health, you abandoned Invalids?—Doctor Cyrus Thomson, of Geddes, Onondaga Co., and Dr. John Thomson, of Albany, New York, have opened an Infirmary at 345 Broome street, where many of the most desperate cases of Consumption, Raising Blood, Dyspepsia Inflammatory Chronic Rheumatism, Scrofula and Dropsy may be cured, and many other distressing complaints may be removed after the failure of all other remedies. Call and see the patients now at the Infirmary under treatment, from whom facts can be learned that would not be prudent for others to proclaim as regards their rapid improvement in health. Also see the *original* and complimentary letters from their Majesties the Kings of France and Prussia, and a massive *gold medal* from Louis Phillipe to Doctor John Thomson. These two brothers have had upwards of 20 years each of experience in the most desperate diseases of the country, as a host of testimony which they can adduce will certify, among which is the opinion of three several Committees appointed by the Legislature of the State of New York to examine said practice and Doctor Thomson's patients personally, in Albany. An interview with the patients at the Infirmary by others that are diseased will be satisfactory in the highest degree to the latter. Call and see them, as it will cost nothing but the trouble of the visit. Salt Rheum, Piles and Scrofula of the worst kind cured. s23 1m

NOTICE is hereby given that proposals will be received at the Inspector's office in the State Prison, Mount Pleasant, on the second Wednesday in November next, at 11 o'clock in the forenoon for a contract to commence with 50 convicts on the first of December ensuing, to be increased within one year to 150 for the term of five years, at making such kinds of chairs, wrought nails, bed screws, shovels and tongs, saddlery, cutlery and other articles of hardware, "of which the chief supply for the consumption of the country is imported from without the United States." Convenient shop, room and fuel will be furnished. Whoever takes the contract must find tools and fixtures and be subject to the rules and regulations of the Prison. The payments must be made monthly with a credit of three months. Satisfactory security will be required. Let the proposals specify the price per day for each man.
DAVID L. SEYMOUR,
Agent State Prison, Mount Pleasant.
September 5th, 1842. s10 2m

MORISON'S Hygeian Medicines.—NOTICE.—Whereas, A. A. Samanos, of 94 Broadway, New-York, is making an improper use of Messrs. Morison & Co.'s appointment for the sale of their Medicines. This is, therefore, to inform the public that Mr. Sámanes is not authorized to sell 'MORISON'S PILLS' in New-York, and that Messrs. Morrisons' *only* Agents in New-York are Messrs. FIRTH & HALL, of No. 1 Franklin square, from whom alone the Medicines can be had genuine. (Signed) MORISON & CO.
Dated British College of Health, New Road, London, June 16th, 1842. jy9 tf

DR. RUSH'S LEGACY.—That celebrated physician, Dr. Benjamin Rush, could not have left a more valuable legacy to mankind than his invaluable HEALTH PILL. It is indeed a blessing to the afflicted, giving relief in all the usual cases of sudden illness or lingering disease with which humanity is distressed or the functions of life are destroyed. It is now conceded by the most eminent of the medical faculty, that the stomach is the seat or fountain of all disease; that it is, as it were, the centre from which proceed all the evils produced by foreign or irritating causes, and which thence spread to every part of the animal system.

The proper method of cure, therefore, is to attack the citadel in which the disease intrenches itself; and no combination of medical agents has yet been discovered so efficacious for this purpose as the preparation of the late Dr. Rush, and which, from the universal success attending their administration, during a practice of nearly half a century, were styled his "Infallible Health Pill." Their great virtue is, that they arrest disease in its first approach. They are preventives as well as remedies; and we will venture to say that if taken by persons when they are first affected with symptoms of illness, many a case, that is either serious or fatal, might be avoided.

Let the afflicted without hesitation avail themselves of this invaluable legacy, and they will have reason to bless the name of Dr. Rush as one of the greatest benefactors of mankind.

Sold, wholesale and retail, by H. G. DAGGERS, 30 Ann street, New-York; and (retail) by Kelly, 267 Broadway, New-York; J. Axford, 168 Bowery, N. Y.; H. Green, 69½ Fulton-st., Brooklyn; Redding & Co., 8 State-st., Boston; D. Smith, 96 Market-st., Newark, N. J.; G. B. Zeiber, 87 Dock-st.; corner of Third, Philadelphia; W. Taylor, 12 North-st., Baltimore; and agents in the principal cities in the United States.

Price Twenty-Five Cents a box; each box inclosed in an elegantly engraved wrapper, with full directions for use. s23 1m*

DR. ALLEN'S Balsam of Hoarhound, Liverwort and Pleurisy Root—For Consumption and Liver Complaint, Colds, Coughs, Spitting of Blood, Catarrh, Asthma, Difficulty of