

[Continued from third page.]  
 The progress and condition of the Post Office Department will be seen by reference to the report of the Postmaster General. The extent of post roads, covered by mail contracts, is stated to be 134,318 miles, and the annual transportation upon them 34,580,202. The number of post offices in the United States is 12,552, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was \$4,262,145. The accruing expenditures, \$4,680,068; excess of expenditures, \$417,923. This has been made up out of the surplus previously on hand. The cash on hand on the first instant, was \$314,068. The revenue for the year ending June 30, 1838, was \$151,540 more than that for the year ending June 30, 1837. The expenditures of the department had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the Postmaster General's report as relates to the transportation of the mails upon railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in the vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this District, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the State of Maryland, against the Postmaster General, and which have resulted in the payment of money out of the National Treasury, for the first time since the establishment of the Government, by judicial compulsion exercised by the common law writ of mandamus, issued by the circuit court of this District.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the Postmaster General to carry into effect an award made by the Solicitor of the Treasury, under a special act of Congress for the settlement of certain claims of the relators on the Post Office Department, which award the Postmaster General declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the Postmaster General, by that law, was to be regarded as one of an official nature, belonging to his office as a branch of the Executive, then it is obvious that the constitutional competency of the Judiciary to direct and control him in its discharge, was necessarily drawn in question. And if the duty so imposed on the Postmaster General was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this District had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the Supreme Court of the United States. In the opinion of that tribunal, the duty imposed on the Postmaster General was not an official executive duty, but one of a merely ministerial nature. The

grave constitutional questions which had been discussed were, therefore, excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the Executive, no other department can interfere by the writ of mandamus; and the question, therefore, resolved itself into this: Has Congress conferred upon the circuit court of this District the power to issue such a writ to an officer of the General Government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon a process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interest and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that tribunal nor the circuit courts of the United States held within the respective States, possess the power in question but it is now held that this power denied to both of these high tribunals, (to the former by the Constitution, and to the latter by Congress,) has been, by its Legislation, vested in the circuit court of this district. No such direct grant of power to the circuit court of this District is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the session, should be in force in that part of the District ceded by that State; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the District.

In England, the Court of King's Bench—because the sovereign, who, according to the theory of the Constitution, is the fountain of justice, originally sat there in person, and still deemed to be present, in construction of law—alone possesses the high power of issuing the writ of mandamus, not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the King's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the Supreme Court of the United States is, by the Constitution, rendered incompetent to exercise this power, and as the circuit court of this District is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the District, the right to issue the writ of mandamus is incident to its common law powers. Another ground relied upon to maintain the power in question is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States, by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the circuit court of this District, passed the 27th day of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first mentioned act, which took place in the next year, did not divest the circuit court of this District of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this District confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the Court of King's Bench, in England, or that either of the acts of Congress, by necessary implication, authorize the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are, in one respect, the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision: those in the States to one rule, and those in the District of Columbia to another and a very different one. In the District their official conduct is subject to a judicial control, from which in the States they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of Government constituted like the United States, all must agree that those disparaging discrepancies in law

& in the administration of justice ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

M. VAN BUREN.  
 WASHINGTON, DECEMBER 3, 1838.

**PROSPECTUS OF THE KEYSTONE.**

THE democratic party of Pennsylvania has just passed through a fiery conflict, and come out not only unscathed, but completely victorious—another proof of the purity and stability of their principles. Notwithstanding their triumph, they cannot for any length of time, repose in the lap of victory, for their foes are most insidious, and ever watchful, and although routed, will again rally under some new name, to oppose the principles of democracy, enmity to which, being the only bond that can even for a moment, hold them together.—We must therefore remember, that the price of freedom is unceasing vigilance.

In spite of the rampant corruption, and of frauds innumerable, we have elected a democratic Governor, and a majority in the house of representatives, sufficiently large, to give us the control in joint ballot, and secure to Pennsylvania a democratic representative in the United States Senate.

The fraudulent elections, which will probably be contested; the unheard of malpractices on the public works, which require a searching examination; the adoption by the people of the amendments to our state constitution, which will require important legislative enactments, to meet the changes thus made in the fundamental law—together with the concurrent action of the senate with the Governor, in many of his important appointments, will all render the coming session of the legislature perhaps the most important ever held in Pennsylvania, and cause their proceedings to be unusually interesting to every man in the community.

The editors of the Keystone, intend to give increased attention to the proceedings of this session, and note every movement of interest to the public. They will have competent reporters in both houses of our legislature, as well as at Washington city, thus enabling them to give as full reports of all important legislative proceedings as their columns will admit.

The Keystone is the largest paper published in Harrisburg, and being printed on small type, regularly gives in its columns nearly one third more reading matter than any other political paper in the state. This we have been enabled to do from the very great encouragement we have received from a generous public. Thankful for these favors, the editors hereafter will spare no pains or expense to render their paper interesting and valuable to the public, and serviceable to the great and triumphant cause of Democracy and Freedom.

**TERMS.**  
 For the Keystone yearly, twice a week during the session of the Legislature, and once a week for the remainder of the year, \$3 00  
 During the session of the Legislature only, twice a week, \$2 00  
 For six months, not including any part of the session of the Legislature, \$1 00  
**TO CLUBS OR COMPANIES.**—Six papers sent in one packet and to one direction, for the price of five as above; or fifteen papers sent as above for the price of 12; or 25 papers sent as above for the price of 20.  
 All Postmasters, and other democratic citizens, are requested to receive and forward subscriptions to us. PACKER, BARRETT & PARKE.  
 Harrisburg, October 26, 1838.

**TO THE PUBLIC.**

THROUGH a lingering and irremediable disease, my health at length became so impaired, that I became unable to attend to all the requirements of my official duties.—By persuasion of my numerous friends, I consented at last to keep an apothecary, thinking it would be the most becoming, easiest for me to engage in at the present time; and since (or while) I have established a shop, I would humbly solicit the support of my friends and the public in general, on account of my great sickness. And especially, would I request the merchants of this place, to give me all possible chance of selling those articles belonging to my line of business, for which they may receive my sincere thanks. A few articles only which are to be found in my Health Emporium are advertised. There will be kept a constant supply of such articles as may be called for; but I per chance, a call should be made for such as I am not in possession of immediate preparation will be made in order to obtain them.

Further, do I earnestly invite Physicians of this place and its vicinity, to give me a call, as I intend to sell very reasonable.

There will be kept constantly on hand, all kinds of Medicines, Patent and others, warranted to be genuine. All kinds of Paints, Glass, Dye-stuff, &c. &c. Also a variety of Confectionaries, Raisons, Nuts, Herring, Sugar and Water Crackers, Oranges, Lemons, Figs, Prunes, Perfumeries, &c. &c. All articles in the Health Emporium, I intend to sell cheaper than they can be bought at any other place in the county. Your Friend and well wisher.  
 D. S. TOBIAS.  
 Health Emporium, Bloomsburg Sept. 22

**LIVERY AND EXCHANGE.**

VERY respectfully informs his friends and the public, that he has always on hand, at his Livery Stable in Bloomsburg, for the purposes of Hire or Exchange, a variety of

**Horses, Sulkies, GIGS, WAGONS, AND SLEIGHS.** which he will feel gratified to keep in readiness for the accommodation of customers.

Personal application can be made at his residence, when every means will be used to render entire satisfaction to those who may give him a call.  
 NOAH S. PRENTIS.  
 Bloomsburg, May 26, 1838.

**SALARATUS,** Glauber Salts, Epsom salts, for sale at the **Cheap Health Emporium.**

**Dr. Brandreth's VEGETABLE UNIVERSAL PILLS.**

THESE pills have obtained a celebrity for curing most diseases to which the human system is liable, unexampled in the history of the healing art. They exert by the action of the stomach and bowels, all bad humours from the Blood, causing a free circulation of the fluids, and restores a sound state of health.

The thousands who use and recommend them, is proof positive of their extraordinary and beneficial effects.

The subscriber has received the appointment of Agent, for the sale of Dr. Brandreth's Pills in Bloomsburg. None are genuine that are offered for sale, without a certificate of appointment signed by the proprietor and countersigned by Branch Green, general agent; and no certificate is ever given, to those engaged in the Drug business.

J. R. MOYER.  
 Bloomsburg Aug. 14 1838. 1917

**J. HAWLEY'S Vegetable Anti-Bilious Pills.**

These pills are found to be a most certain and effectual preventive of fever, jaundice bilious, and other cholics, and indeed, of all diseases caused by obstruction or affections of the stomach, liver spleen, or intestines. For liver and stomach complaints and all diseases connected therewith, such as hypochondria, hysteria, dyspepsia or indigestion, loss of appetite, headache, giddiness, and for fever and ague, these pills are a sure preventive.—Also, for salt rheuma. They cleanse the stomach, remove therefrom all vitiated bilis purify and refine the blood.—Does a person feel a loss of appetite and a bad taste in the mouth, with a faintness of the stomach, a few doses of these pills are sure to remove all such difficulties, speedily set matters to right. Heaviness, dull, sleepy and sluggish inaction, with or without a yellowness of complexion, these pills will surely and speedily remove all such ailments, and timely use of these pills may prevent the occurrence of any such formidable disease.

Also—Hawley's Vegetable Salve, known throughout the Union. This salve when used has a peculiar quality in reviving an action of the affected parts, by softening and opening the pores and creating perspiration, reducing fever &c. It dissolves, expels, and entirely prevents the blood from settling in the flesh of bruises, or wounds, of any description, and is a sure preventive of mortification, and may be made use of for cuts, sores, burns, rheumatism, pain in the back, breast or side.

The above articles for sale by  
 D. S. TOBIAS, Agent.  
 Bloomsburg, October 13.

**CHARLES KAHLER, Tailor,**

WOULD respectfully inform the citizens of Bloomsburg and its vicinity, that he still carries on the above business, at his old established stand, on Main-street. Having received the latest Philadelphia and New York Fashions, in connection with his Highly Improved Patent for Cutting Garments to fit every shape without a possibility of failure, he feels assured that work executed at his shop will never be complained of, and by close attention to business, hopes to receive a share of public patronage as heretofore.

—ALSO—  
 As JUSTICE OF THE PEACE, will attend to any business connected with the Office; and in particular, the writing of Deeds, Mortgages, and all other conveyances and articles of agreement, in a legal and handsome style.  
 Bloomsburg, Nov. 17, 1838. 80

**The Pennsylvania Reporter AND STATE JOURNAL.**

Is published at Harrisburg twice a week during the session of the Legislature, and once a week during the recess.

THE Reporter will continue to be (as it heretofore has been) an unyielding advocate of the principles of the Democratic party—a supporter of the great and vital questions of free government identified with the success of the Administration of the General Government—and an untiring opponent of the Federal aristocracy, which seeks, in the election of one of its favorites, to inflict upon the country the curse of a National Bank, to be governed in its operations by no other views than the advancement of the interests of a favored few at the expense of the interests, the rights, and the liberties of the many. Against such a party and such an engine of political evil, the Reporter will be found acting with the body of the people.

As the ensuing session of the Legislature will be one of more than ordinary interest to the people, the Editors of the Reporter have made arrangements which will enable them to give a more full and complete history of the proceedings in both houses than they have heretofore been enabled to do. Every exertion will be used to make the Reporter a medium through which the people shall receive a full record of the doings of their representatives.

Per annum \$3 00  
 For the session 2 00  
 Any agent or other person forwarding \$10, or becoming responsible therefor, shall have six copies forwarded as may be directed, during the session of the Legislature.

Persons forwarding names of subscribers are requested to be particular in stating whether the subscriptions are to continue for the year or for the session.  
 BOAS & COPLAN.  
 Nov. 5, 1838:

**Take Notice**

The subscriber has left his Book accounts and Notes in the hands of Iddings Barkley, Esq. for collection. All persons indebted will please call immediately and settle, or there will be cost, as delays are dangerous.  
 C. B. FISHER.

**For Sale.**

One Two Horse Wagon, and a Sled with Cast Shoes, both nearly new, which will be sold Cheap on easy terms, by calling on  
 IDDIGS BARKLEY.

**NEW GOODS,**



AT THE **Bloomsburg Arcade.**

THE subscribers respectfully announce to the public generally, that they have just received, and now opening, their

**FALL SUPPLY OF GOODS,**

which, with their former stock, embraces an extensive assortment of seasonable Merchandise for the accommodation of purchasers. Their stock of

**DRY GOODS**

now consists of all the varieties of the most fine and superfine  
 Cloths,  
 Cassimers, Sattinets, Silks, Merinoes, Gingham, Calicoes, Shawls, Ribbands, Laces, Linens, Mouseline de Lian, Muslins, Vestings, Blankets, Stocks, Umbrellas, and Parasols.

**LADIES' BONNETS,**



and a large variety of other substantial and fancy articles in the Dry Goods Line too numerous to mention in an advertisement.

Fur, Cloth and Seal Skin Caps, of all sizes



or Male and Female, large and small.

**Groceries & Liquors,**

Sugar, Coffee, Teas, Spices, Cheese, Mellasses, Brandy, Gin, Rum, Wine, &c. Assorted in prices and quality.

**HARDWARE, IRON AND NAILS,**

assorted, from the smallest article to a smith's anvil from a nail rod to a crowbar; and from a spaxial to a spike.

Gig & Coach Makers' Finding & Trimmings, Saddlers' Finding and Trimmings, Wood Stoves, Coal Stoves and Stove Pipe.

**Steel of all kinds, TIN WARE, AND CEDAR WARE.**

WILLOW AND OTHER BASKETS.

**China, Glass, Queen's and Crocker WARE.**

Salt, Cod Fish and Mackerel, Oils, Paints, Drugs, Dye Stuff,

In great variety.

And generally all articles called for in country stores; which having been carefully selected and purchased at the lowest prices, will be offered at low rates for cash, or in exchange for country produce. The highest price in CASH or GOODS, always paid for country produce.  
 RUPERT & BARTON,  
 November 10, 1838- 291f.

**Military Election.**

THE Enrolled Inhabitants of the 71st Regiment P. M. are hereby notified that an ELECTION will be held for the

First Battalion, at the house of HENRY BITTENBENDER, in Orangeville.

For the Second Battalion, at the house of JOSEPH SHARPLESS, in Cattawissa, on

Saturday, the 15th day of December next between the hours of 10 in the forenoon and 8 in the afternoon, to elect, by ballot, one person for Colonel for said Regiment, in the room of Elias McHenry, resigned.

The Majors of said Regiment will superintend the elections of their respective battalions, and make returns to me agreeable to the 14th section of the Militia Law.  
 DANIEL FULLMER,  
 Brig. Insp. 1st Brig. 8th Div. P. M.  
 Inspector's Office, Limestone, Nov. 17, 1838.

**Improved Aperient Scidlitz Powders,**

HELD in high estimation for indigestion, flatulency, and bilious affections. For sale at Tobias' Health Emporium, Bloomsburg.

**RUSHIAN BRISSELS & HEEL BALLS**

For sale at Tobias' Health Emporium Bloomsburg.

**NIGHT CANDLES,**

By the Box, and one box will last a whole year. For sale by Tobias' Health Emporium Bloomsburg.