General Advertiser

REPUBLICAN STAR

VOL. XIX. EASTON, (Md.) TUESDAY MORNING, JANUARY 6, 1818. NO. 19....947.

PRINTED AND PUBLISHED,
Every Tuesday Morning,
BY
Thomas Perrin Smith,
PUBLISHER OF THE
Laws of the Union.

TERMS
OF THE
REPUBLICAN STAR.

The terms are *TWO DOLLARS* and *FIFTY CENTS* per Annum, payable half yearly, in advance. No paper can be discontinued, until the same is paid for.

Advertisements are inserted three weeks for One Dollar, and continued weekly for Twenty-five Cents per square.

Pork for sale.

From two to three thousand lbs. of nice

PORK,

Will be offered for sale at the Easton Market-House, on the 6th day of January, 1818, if not previously engaged by the subscriber.

dec 30 2 ISAAC JENKINSON.

Sheriff's Sale.

WILL be sold on *Tuesday* the 13th of January, 1818, the property of William Parrott, taken by virtue of a writ of venditioni exponas, to me directed. at the suit of Robert C. Kerby, use of William Turner, viz: a small lot of Land called "Turkey Neck," lying near Kings Creek, and adjoining the land formerly owned by James Merchant, containing eleven acres, more or less—taken to satisfy the said Kerby and Turner. JAMES CLAYLAND, Sh'ff.

dec 30 3

Sheriff's Sale.

WILL be sold on *Tuesday* the 27th of January, 1818, the property of William Sewell, taken by virtue of a writ of fieri facias, at the suit of the State, use of Mary Madray, to me directed, viz: one LOT and improvements thereon, called the "White Chimneys," in Talbot county, near Easton—to satisfy the said claim.

dec 30 5 JAMES CLAYLAND, Sh'ff.

More New Goods.

WILLIAM CLARK,

Has just received from Baltimore, and is now opening his Winter supply of

Dry Goods, Hardware, Groceries, Liquors, &c. &c. which added to his late supply from Philadelphia, renders his assortment extensive and complete. All of which will be sold on pleasing terms.

☞ COME AND SEE. dec 30 3

New and Cheap Goods.

The subscribers have received from Philadelphia and Baltimore, and are now opening at their Store, directly opposite the Bank, an extensive assortment of

SEASONABLE GOODS.

Amongst which are:

Superfine London Cloths	Levantines and Florences
Yorkshire do	Cut Silk Velvets
Double mill'd drab do	Peleisse Wadding
Ladies peleise do	Merino & Plush Trimmings
Superfine forest cloth	4-4 Irish Linens
Double milled Cassimeres	5-4 do Sheeting
Single do	Long Lawns
Cassinetts & sattinetts	Cambric Muslins
Waistcoatings	Russia Diapers
Olive velvets and cords	Cobourg Shawls
Twill'd coatings	5-4 Tow Linens
Green, blue and red bocking bazes	Domestic Plaids and Stripes
Red, white, yellow, green and blue flannells	Bedtickings
White do. mill'd	Carriage Lace & Fringe
Country made Linseys	Floss Cotton
Rose Blankets	Cotton Yarns, No. 3 to 20
Duffel and Point do	Madras Handkerchiefs
Germantown Hose	Merino Comforts
Half do	Men's and Boys' Wool Hats
Ladies' silk, worsted & cotton Hose	Ladies' Morocco and Cordovan Slippers & Walking Shoes
Childrens worsted do	Misses do
Large Socks for boots	Tortoise & mock Shell Combs
English Ingrain Carpeting	Needles, Pins, Tape, Bobbins, &c. &c.
Venetian do	
Hearth Rugs various qualities	

—ALSO—

GROCERIES—viz.

Refined Sugars	Firkin Butter
White Havanna do	Goshen Cheese
Brown do	Salt Petre, Starch
Coffee and Teas	Philadelphia Chocolate
Mould & dipt Candles	London Mustard
Bush-Lights	Cayanne Pepper
Winter Sperm. Oil	Canary, White and Rosin Soap
English and American Shot	Race Ginger
Brandywine Powder	Maccauba, Rappee and Scotch Snuff, &c. &c.
Buckwheat Flour	

LIKEWISE,

And Irons, Shovels and Tongs, Tea Trays, Bread Baskets, Plated Castors, Knives and Forks.

With a great variety of

HARD-WARE, QUEEN'S-WARE, GLASS, AND CHINA.

N.B. They will receive in exchange for Goods, or give cash for either of the following articles, viz: Corn, Oats, Meal, Flax Seed, Peach or Apple Brandy, Kersey, Wool, Feathers &c.

GROOME & LAMBDIN.

Easton, dec 9

Patent and other Stoves.

ABBETT's Patent Cooking Stoves, of various sizes—also 8 and 10-Plate do. assorted, for sale by EDMONDSON & ATKINSON.

Easton, nov 4

By Authority of the State of Maryland.

Surgical Institution Lottery,

SECOND CLASS.

SCHEME.

1 Prize of		100,000 Dollars.
1 do		50,000 Dollars.
1 do		20,000 Dollars.
1 do		10,000 Dollars.
5 do	5000 Dollars	25,000 Dollars.
10 do	1000 Dollars	10,000 Dollars.
20 do	500 Dollars	10,000 Dollars.
25 do	200 Dollars	5,000 Dollars.
1300 do	100 Dollars	130,000 Dollars.
1364 Prizes		360,000 Dollars.
2636 Blanks		
4000 Tickets	at $ 90, is	360,000 Dollars.

NOT TWO BLANKS TO A PRIZE.

STATIONARY PRIZES AS FOLLOW:

The first drawn No. will be entitled to	5000 Dollars
Last do on the first day to	500 Dollars
First 400 Blanks to each	100 Dollars
Three first drawn Nos. on the 2d day, to each	500 Dollars
Last drawn No. do do	500 Dollars
Three first drawn Nos. on the 3d do	1000 Dollars
Last do No. do	1000 Dollars
First drawn No. on the 4th day	5000 Dollars
Last drawn No. do	1000 Dollars
Three first drawn Nos. 5th day, each	500 Dollars
Last do No. do	1000 Dollars
First do No. 6th day	10,000 Dollars
Last do No. do	1000 Dollars
First do No. 7th day	50,000 Dollars
Do do No. 8th and last day	100,000 Dollars

All the Prizes subject to a deduction of fifteen per cent. payable sixty days after the completion of the drawing.

THE MANAGERS

Have the pleasure to announce to the public the above brilliant and last class of the Surgical Institution Lottery, and are satisfied it is *now* unnecessary to hold out motives to patronage, the advantages which have *already* resulted to the community from this *Public Establishment*, being too well known to require explanation.

SAMUEL HOLLINGSWORTH,	WILLIAM GIBSON, M. D.
HENRY THOMPSON,	JOHN OWEN, M.D.
LEMUEL TAYLOR,	ASHTON ALEXANDER, M. D.
WASHINGTON HALL,	JESSE EICHELBERGER,
DENNIS A. SMITH,	LYDE GOODWYN,
HENRY DIDIER, Jun.	GEORGE WINCHESTER,
JAMES L. HAWKINS,	NATHANIEL WILLIAMS.

☞ National Intelligencer, and City Gazette, Washington; Enquirer, Richmond; Gales' paper, Raleigh, N. C.; City Gazette and Courier, Charleston; Gazette, New Orleans; Gazette and Reporter, Lexington, Ken.; Louisville, Ken. Herald; Star, Easton, Md.; Aurora, Freeman's Journal, Philadelphia; Mercantile Advertiser and Gazette, New York; Patriot and Daily Chronicle, Boston. The Editors of these papers are requested to insert the above advertisement, *in double measure*, six times, and forward their bills to

SAMUEL WINCHESTER, Secretary to the Managers,
At the Maryland Lottery Office, No. 39, Corner of South & Water streets, Baltimore.

Who will promptly attend to all orders for Tickets.

Baltimore, December 22, 1817. —30— w6w

In Chancery,

December 11, 1817.

JOHN DENNING, vs. *Mary Yearley, William Yearley, Ann Yearley, John Yearley, & Elizabeth Yearley*, of the State of Delaware; AND *James Eagle and Jacob Stevens.*

The object of the bill in this case is to obtain the payment of the amount of a certain bond therein mentioned.

The bill states that a certain James Yearley died intestate, on or about the twenty-fifth day of September, eighteen hundred and fifteen, leaving Mary Yearley, William Yearley, Ann Yearley, John Yearley, and Elizabeth Yearley, his children and heirs at law, and that they are all minors, and reside in the State of Delaware; that previous to the death of the said James Yearley, a certain Benjamin Yearley died intestate, seized of a parcel of land lying in Kent County, in the State of Maryland, leaving the said James Yearley, John Yearley, Edward Yearly, Henry Yearley, Alexander Yearley, Elizabeth Coalman, and Samuel Budley, his heirs at law; that a commission did issue from the County Court of Kent County aforesaid, and that such proceedings were had thereon, that the said land was sold to James Eagle on or about the twenty-eighth day of November, eighteen hundred and fifteen; that James Eagle and Jacob Stevens did give bond to the children of the said James Yearley, conditioned for the payment of the sum of three hundred and seventy-five dollars, seventeen and a half cents, with interest from the twenty-eighth day of November, eighteen hundred and fifteen; that the said bond is unpaid, and now remains in the Clerk's office of Kent County aforesaid; that the said James Yearley died indebted to the complainant and others in divers sums of money; that the complainant hath been duly appointed administrator of the said James Yearley; and that there are no assets to satisfy the debts of the said James Yearley, unless the proceeds of the said sale shall be thus applied.

It is thereupon adjudged and ordered, that the complainant, by causing this notice of be inserted in the "Easton Star and General Advertiser," three successive weeks before the 15th day of January next, give notice to the absent defendants to appear in this Court before the 15th day of May next, to shew cause why a decree should not pass as prayed.

W. KILTY, Chancellor.

True copy. Test— THOS. H. BOWIE,
dec 23 3 Reg. Cur. Can.

Union Tavern.

S. LOWE informs his friends and the public generally, that he has succeeded pretty much in the winding up of his old business, for which he declined, and has again commenced in the

UNION TAVERN,

Which will be put in complete order immediately. And having determined to conduct the House on a different principle from what it ever yet has been, by his own personal attention, and that of an attentive Bar-keeper, and having his stable and granery furnished with an abundant stock of good provender, a trusty ostler, and attentive honest servants, he invites his former customers and travellers to give him a call and make trial. oct 28

Queen-Ann's County Court,

October Term, 1817.

RICHARD T. EARLE, vs. *William B. Nicholson, Joseph Nicholson & others, heirs of William H. Nicholson, deceased.*

THE bill filed in this cause is to obtain a sale of the Real Estate of William H. Nicholson, late of Queen-Ann's County, deceased, or so much thereof as may be necessary for the payment of his just debts, and states that his Personal Estate is wholly inadequate for that purpose, and that he was indebted, at the time of his death, to the complainant, in sundry sums of money due on obligations passed by the said William H. Nicholson. It further represents, that the said William H. Nicholson died intestate of his Real Estate, and at his decease left the following children, to wit: William B. Nicholson, Joseph Nicholson, John Nicholson, Emmerson Nicholson, Elizabeth Nicholson, Anna Maria Nicholson, and Mary Nicholson, all of whom are minors, except the said William B. Nicholson and Elizabeth Nicholson, and that the said William B. Nicholson and Joseph Nicholson do not reside in this state. It is thereupon adjudged and ordered by Queen Ann's County Court sitting as Chancellors, that the complainant, by causing a copy of this order to be inserted, once a week for four weeks successively, in the Easton Star, four months before the first Monday in May next, give notice to the said absent defendants of the substance and object of this bill, and that they may be warned to appear in this court, in person or by guardian or solicitor, before the said first Monday of May next, to shew cause, if any they have, why a decree should not pass as prayed.

Test, THO. MURPHEY, Clk.
dec 23 4 of Queen Ann's County Court.

Notice.

JAMES NIND and his daughter (Mary Cresswell) respectfully inform their friends and the public in general that they are removed from their former situation to the late residence of Mrs. Trippe and Mrs. Seth, where they can comfortably accommodate eight or ten Boarders. Those who choose to intrust their daughters to their care may depend upon the most humane and kind treatment, and every attention paid to their improvement in the following branches of Education, Reading, Writing, Arithmetic, Orthography, English Grammar, History, Geography, and the different branches of Needle Work.

N. B. Bills discharged quarterly.

Easton, dec 23 6

The school will re-open on Monday the fifth of January, 1818.

For sale,

A FARM, situated on Wye River, containing two hundred acres, more or less. This property possesses many advantages, namely, that of procuring an abundance of fine fish, oysters, wild fowl, &c. The improvements have lately gone through a general repair. There is no doubt of there being a quantity of marl on it, as there have been many species of it discovered. The above property will be sold on terms highly advantageous to the purchaser. Any person wishing to purchase, will please to apply to Mr. Bradford Harrison, living at St. Michaels, or to the subscriber, living in Baltimore.

CHARLES D. BARROW.

april 22

INTERNAL IMPROVEMENT.

IMPORTANT DOCUMENT.

Report, in part, of the Committee of the House of Representatives of the United States, on so much of the President's Message as relates to Roads, Canals, and Seminaries of Learning.

December 15, 1817.

READ AND COMMITTED TO A COMMITTEE OF THE WHOLE HOUSE.

The Committee, to whom was referred so much of the President's Message as relates to Roads, Canals, and Seminaries of Learning, respectfully *Report, in part*, That they have taken into consideration the subject referred to them, and bestowed on it that attention to which, by its importance, it is so eminently entitled. Involving, as it is supposed, a great constitutional question on the one hand, and intimately connected, on the other, with the improvement the prosperity, the union, and the happiness of the United States, it presents the fairest claims to a candid and diligent investigation. Nor is it without additional interest from the division of opinion to which it has heretofore given rise between the executive and legislative branches of the government: a difference, which in the indulgence of the rights of free opinion, will be still found to exist between the sentiments promulgated in the message of the President, and those which will be advanced by your committee in this Report; nor do they conceive, that the expression in the message of the President of an opinion unfavourable to the constitutional powers of the general government, should be permitted to have any influence on the disposition of Congress to legislate on this interesting subject. For, if the constitutional majority of the two Houses should differ with the executive department, the opinion of the latter, however respectable, must yield to such an expression of *their* will On the other hand, if from deference to an opinion promulgated in an executive communication, Congress should refrain from entering upon the consideration of a question involving constitutional doctrine, it might happen, that the opinion of the President would prevent the enaction of a law, even though there should be the constitutional majority of two thirds of both Houses in its favour. Thus, by the introduction of such a practice, a Presidential *veto* would acquire a force unknown to the constitution, and the legislative body would be shorn of its powers from a want of confidence in its strength, or from indisposition to exert it. Whilst your committee are perfectly aware, that nothing like this is contemplated by the executive branch of the government, they presume the House of Representatives will scrupulously avoid a course, which may be construed into a dereliction of their privileges. They deem it, therefore, not improper to offer some considerations upon the question of the constitutional powers of the general government to pass laws for the improvement and construction of Roads and Canals, with the consent of the states.

As it is obvious, however, that these several subjects of legislation do not rest upon the same foundations, and that one of these may be within the sphere of the constitutional powers of congress, whilst the others may belong exclusively to the states, it is proposed to treat them separately, and the subject of the improvement and construction of Public Roads, which appears to your committee most clearly to be reducible to the powers vested in the general government, will be first taken into consideration.

An accurate attention to the real points of difference on this subject, will greatly contribute to free the controversy from unimportant and irrelevant considerations To attain this, we have only to compare what is manifestly admitted on the one hand, with what is claimed and contended for on the other.

The laws of antecedent Congresses, approved by successive executive magistrates, and the acts of the executive magistrates themselves, will be resorted to, as affording evidence of what may be regarded as conceded to be within the powers of the general government. The commendable jealousy which they have manifested of all encroachments of state power, and their scrupulous adherence to the most rigid principle of construction, in the interpretation of the constitution, affords a sure guarantee, that more has not been admitted than may fairly be assumed to be within the provisions of that instrument. Taking, then, the acts of both the legislative and executive branches of the government for our guide, we shall find it clearly admitted that there are *some cases, at least*, in which the general government possesses the constitutional privilege of constructing and improving roads through the several states.

Thus, by the act of the 29th of March, 1806, confirmed, amended and enlarged by subsequent acts, a road was directed to be laid out and constructed from Cumberland, in the state of Maryland, to the state of Ohio, upon obtaining the consent of the states through which it should pass. The fund provided for this noble undertaking, was to consist of the proceeds of the sales of certain lands, the property of the United States, in the state of Ohio; so that this act furnishes the double admission, that "roads may be laid out by Congress through the several states, by their consent;" and that the expenses of constructing such roads may constitutionally be defrayed out of the funds of the United States. The act was approved by the President, in office, in 1806, and other acts confirming, amending and enlarging it, were passed by subsequent legislatures, in the years 1810, 1811, and 1815, and approved by the President, in office at those periods; nay, more, the three last acts contained appropriations to the amount of 210,000 dollars, payable out of any moneys in the Treasury, but reimbursable out of the Ohio fund—a fund which might or might not prove adequate, and which, in point of fact, is believed hitherto to have been insufficient.

Similar to this act, in some of its provisions, and analogous in principle, are the acts of April 21st, 1806, and of the 3d of March, 1817, authorizing roads to be opened from Nashville and Reynoldsburg, in the state of Tennessee, to different points in the Mississippi territory. But these acts go still further than the former, in *omitting to require the previous consent of the state of Tennessee*, through whose territories a part of the roads was to pass, and in directing the expenses of making them to be defrayed out of the public treasury of the United States, without providing for its reimbursement, in any manner whatsoever.

But lest the influence to be derived from these admissions should be deemed to be weakened by the consideration that the collision of opinion on the constitutional question has arisen since the passage of those laws, your committee will beg leave to refer to the date of the last act abovementioned, and to certain transactions of a date subsequent to the important and well remembered difference of opinion between the executive and legislature, at the last session of Congress. Since that period, they have satisfactory information that a road has been directed by the executive of the United States to be improved, at the expense of the general government, and doubtless for military purposes. This road is laid out from Plattsburg, or its vicinity, in the state of New York, to Sackett's Harbor, in the same state.

It is presumed, that it is to be constructed at the expense of the general government, and it is understood that the previous assent of the state has not been procured.

From this act, therefore, of the executive branch of the government, emanating from that source, at a late date, it would seem fair to infer, that the constitution is admitted to have conferred upon the general government, a power, *in some cases*, to make roads, and to defray the expense of their construction out of the funds of the U. States. And as the power is not denied *in all cases*, your committee will attempt to shew that Congress has the power,

1. To lay out, construct and improve post roads through the several states, with the assent of the respective states. And,

2. To open, construct and improve military roads, through the several states, with the assent of the respective states.

3. To cut canals through the several states, with their assent, for promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores, &c. in time of war; leaving, in all these cases, the jurisdictional right over the soil in the respective states.

In examining the soundness of these positions your committee will not find it necessary to resort to what is called a liberal construction of the constitution. They might, indeed, contend, that as the powers here attributed to the United States are not in derogation to the state rights, (since they can only be exercised by their assent) there is less reason for adhering to extreme rigor of construction. Where the authority claimed by the general government is oppressive in its character, or dangerous in its tendencies; where it is asserted without deference to state assent, and in derogation to state power; where it is calculated to aggrandize the Union, and to depress its members, there may be some reason for holding the representatives of the nation to the "letter of their authority." But where the power sought to be exercised is beneficent in its effects, and only felt in the blessing it confers; where it is not proposed to act, except with the assent of the party which is to be affected; where the measure is more calculated to increase the opulence and the power of the state, than to aggrandize the Union at its expense, it might fairly be contended that a less rigorous construction of the constitution would be justifiable. It is neither unprecedented or improper to construe the same instrument, liberally, where the interests of the contracting parties will be thereby promoted, and to adhere to a greater strictness where injury may arise to either by an interpretation too latitudinous. That the powers in question are neither dangerous in their tendencies, nor calculated to prove injurious to the states, would seem fairly inferrable from the recommendation to amend the constitution, and from the importance so justly attached to these objects on all hands.

But your committee, nevertheless, do not conceive it necessary to call to their aid the liberal principles of construction which the occasion might justify. They disavow any use of the general phrase in the constitution to provide for the common defence and general welfare, as applicable to the enumeration of powers, or as extending the power of Congress beyond the specified powers; and they admit that to support their positions, it must appear that the powers contended for are expressly granted, or that they are both "necessary and proper" for carrying into execution some other express power.

That Congress, with the assent of the states, respectively, may construct and improve their post roads, under the power "to establish post offices and post roads," seems to be manifest, both from the nature of things, and from analogous constructions of the constitution. It has been contended, indeed, that the word *establish*, in this clause of the instrument, comprehends nothing more than a mere designation of post roads. But if this be true, the important powers conferred on the general government, in relation to the post office, might be rendered in a great measure inefficient and impracticable. In some states a power is vested in the inferior tribunals or county courts, to discontinue roads at their discretion; a post road designated by Congress might thus be discontinued, to the great embarassment of the post office establishment. If the power to *establish* confers only the authority to designate, Congress can have no right either to keep a ferry over a deep and rapid river, for the transportation of the mails, or to compel the owners of a ferry to perform that service; and yet our laws contain an act, acquiesced in for more than twenty years, imposing penalties on ferrymen for detaining the mail, and on other persons for retarding or obstructing its passage. It would be difficult to discover how this power of imposing penalties can be supported, either as an original or accessary power, except upon principles of more liberal construction than those now advanced. There are, therefore, not a few who believe that, under the authority to "*establish*" post roads, Congress have express power to lay out, construct, and improve roads for the transportation of the mails.

But, however this may be, the authority which is conferred by the constitution to make all laws which shall be "necessary and proper" for carrying into execution the enumerated powers, is believed to vest in the general government all the means, which are essential to the complete enjoyment of the privilege of "establishing post offices and post roads." Even without this clause of the constitution the same principle would have applied to its construction; since, according to common understanding, the grant of a power implies a grant of whatever is necessary to its enjoyment.

Taking these principles for our guide, it may be asked, if under the narrow rules of construction contended for, the right of transporting the mails would not be held entirely at the will of the states respectively; on the other hand, if the United States have the privilege of establishing post roads, and are under the corresponding obligation of transporting the mails, is it not essential to the performance of this duty and to the enjoyment of this power, that they should have the right, (with the assent of the respective states) to throw bridges over deep and rapid streams, to remove embarrassing and dangerous obstructions in the roads which they have the

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