General Advertiser.

REPUBLICAN STAR AND

VOL. XXXIII. EASTON, (MD.) TUESDAY MORNING, APRIL 3, 1832. NO. 32...1603.

PRINTED AND PUBLISHED EVERY TUESDAY MORNING
BY
Thomas Perrin Smith.

TERMS

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.

SHERIFF'S SALE.

BY virtue of a writ of venditioni exponas, issued out of Talbot county court, and to me directed and delivered, by the clerk thereof, at the suit of the State of Maryland, at the instance and for the use of John Stevens, Jr Administrator Denonas Non of Peter Stevens, dec'd. against James Cain and Thomas Bullen, will be exposed to Public Sale, and sold to the highest bidder for cash, at the front door of the Court House in the town of Easton, on TUESDAY, the 24th day of April next, between the hours of 10 o'clock, A. M and 5 o'clock, P. M the following property, to wit—All that parcel of land, of which the said James Cain died possessed, viz:—Part Marsh Land, near Parsons Landing, containing 165 acres of land more or less also part of Bozman's Addition and Sandy Hill, containing 19¾ acres of land more or less and part of True Trust, containing 24 acres of land more or less; all seized as the lands and tenements, of the aforesaid James Cain to pay and satisfy the above mentioned vendi expo. and the interest and costs due, and become due thereon. Attendance given by

J. M. FAULKNER, Shff

mar 27 4w

SHERIFF'S SALE.

BY virtue of a writ of fieri facias, issued out of Talbot county Court, and to me directed and delivered, by the Clerk thereof, at the suit of John Valiant, against Henry Dillahay; will be sold at Public Auction, to the highest bidder for cash, at the front door of the Court House, in the town of Easton, on TUESDAY, the 24th day of April next, between the hours of 10 o'clock, A. M. and 5 o'clock, P. M the following property to wit:—Two Houses and lots in the Trappe, one Bay Horse, one old Cart, one Bureau one Side Board, 12 Windsor Chairs, three Beds, Bedsteads and furniture, two Tables, and one Black Cow, all seized as the goods and chattels, lands and tenements of the before mentioned Henry Dillahay, to pay and satisfy the above mentioned fi fa. and officers fees, in my hands for collection in the year 1831, and interest and costs due and to become due thereon.

Attendance by

J. M. FAULKNER, Shff.

march 27 4w

LATE SHERIFF'S SALE.

BY virtue of a writ of venditioni exponas, issued out of Talbot county Court, and to me directed at the suit of Jesse Scott, use of Nicholas Hammond, use of James Lloyd Chamberlaine and wife, against Thomas M Cooper, will be sold at Public Vendue for cash to the highest bidder at the front door of the Court House, in the town of Easton, on TUESDAY, the 24th day of April next, between the hours of 10 o'clock A. M and 5 o'clock P. M the following property viz:—All that farm or plantation belonging to him, the said Thomas M Cooper, situate in the Chapel district of Talbot county, and called Part Ramsey's Forest, and Morgan's Neglect, containing the quantity of 82 acres of land more or less adjoining the lands of Charles Morgan and Wm Benny, seized as the lands and tenements of the aforesaid Cooper to pay and satisfy the above mentioned writ of vendi. expo. and the interest and costs due and to become due thereon. Attendance given by

WM. TOWNSEND, late Shff.

mar 27 4w

LATE SHERIFF'S SALE.

BY virtue of two writs of venditioni exponas, issued out of Talbot county Court, and to me directed and delivered, by the clerk thereof, one at the suit of John Goldsborough, against Henry Dillahay and Spedden Seymour, the other at the suit of Wm. Bromwell, against Henry Dillihay,—will be sold at the front door of the Court House, in the town of Easton, on TUESDAY, the 24th day of April next between the hours of 10 o'clock, A. M and 5 o'clock, P. M. the following property to wit:—4 head of horses, 10 head of cattle, one yoke of oxen, 12 head of hogs, one gig and harness, 4 beds bedsteads, and furniture, 18 winsor chairs, one sideboard, 2 end dining tables, and 2 carts, also, all his right, title, interest and claim, of in and to, 2 houses and lots, situated in Trappe town, in Talbot county; all seized as the goods and chattels, lands and tenements, of Henry Dillahay, to pay and satisfy the above mentioned writs, of vendi. expo., and the interest and costs due, and to become due thereon.

Attendance given by

WM. TOWNSEND, late Shff

mar 27 4w

In Caroline County Court, Sitting as a Court of Equity.

March Term, 1832.

ORDERED that the sale of the lands made to Abraham Jump, Junior, by Thomas B. Turpin, trustee for the sale of the real estate of Frederick Purnell, deceased, in the cause of Isaac Purnell Pendleton and Serena C. Pendleton, alias Serena Pendleton, infants, by John Bon, their next friend and guardian, against Thomas Burchenal, administrator of Frederick Purnell, deceased, and Isaac Purnell and Martha Elizabeth Purnell, infants and heirs of the said Frederick Purnell, and reported by the said trustee, be ratified and confirmed unless cause to the contrary be shewn, on or before the second Monday in October, in the year of our Lord eighteen hundred and thirty two, provided a copy of this order be inserted once in each of three successive weeks in two of the newspapers published in Easton, in Talbot county, before the twentieth day of May in the year last aforesaid.

The report of the Trustee states the amount of the sale to be $6001 00

WILLIAM B. MARTIN,
ARA SPENCE,
WILLIAM TINGLE.

True copy,
Test—JOS. RICHARDSON, Clk.
march 20 3w

PUBLIC SALE.

BY virtue of an order of Talbot county court, the undersigned Commissioners will offer at Public Sale, on TUESDAY, the 24th of April next, at the Court House door, in the town of Easton, all the lands and real estate belonging to the heirs of Thomas Stevens, late of Talbot county deceased, situate in Banbury, in said county.

This property will be sold on a credit of eight, sixteen and twenty-four months, the purchaser or purchasers giving bond with good and approved security, bearing interest from the day of sale, to the several heirs for their respective portions—sale to commence between the hours of 10 o'clock, A. M. and 5 o'clock P. M.

SOLOMON DICKINSON
SOLOMON MULLIKIN, } *Commissioners.*
THOMAS HENRIX,

mar 20 6w

Branch Bank at Easton,

MARCH 21st 1832.

THE President and Directors of the Farmers' Bank of Maryland, have declared a Dividend of THREE per cent on the stock of the Company for the last six months which will be payable to the Stockholders or their legal representatives, on or after the first Monday in April next

By order,

JOHN GOLDBOROUGH, Cashier.

mar 27 3w

Bakery, Grocery, Confectionary AND FRUIT STORE.

THE Subscriber takes this method of informing his friends and the public generally, that he has resumed the

BAKING BUSINESS

IN ALL ITS VARIOUS BRANCHES,

And will endeavour to please all who may favor him with their custom

He would likewise notify them, that he has very recently returned from Baltimore with

A FRESH ASSORTMENT OF

Groceries & Fancy Articles:

Such as—Tea Coffee, Chocolate, Sugar, Molasses, Flour, Cheese, Bacon, Lard, Dried Beef, Beeves Tongues and Bologne Sausage, Soap, Candles, Tobacco, Spanish & American Segars Rappee and Scotch Snuffs, Blacking, Dye Stuffs, Ginger, Pearl Ash, Nutmegs, Mace, Cinnamon, Pimento and Pepper, Razors, Shaving-Boxes, Brushes and Soap, Scissors, Tailors' and other Thimbles Knitting and Sewing Needles, Pins, Hooks and Eyes, Buttons, Tape, Cord, Braid, Ribbon, Sewing Silk, colored and other Cotton and Thread, green and common Shoe Thread, Cotton Yarn, Suspenders, Snuff Boxes, Flutes Fifes and Harmonicons, leaden-headed Canes and Rattan Switches, Magic Lanterns, Percussion Pistols and Caps, Court Plaster, Writing and Letter Paper, Ink, Quills, Slates, Slate and Lead Pencils, and a variety of School and other Books for children—*Also*,

A FRESH SUPPLY OF

FRUITS, NUTS & CONFECTIONARY,

With a handsome variety of

COMBS, TOYS, PERFUMERY, &c.

Porter, Ale and Strong Beer in their seasons, Cider and Pickling Vinegar.

The Subscriber feels grateful for the liberal encouragement he has heretofore received, and hopes to merit a continuation of the same.

FREDERICK F. NINDE.

☞Orders for Pound and other Cakes will be promptly attended to.

Easton, March 6—ow3t

NEW GOODS.

THE Subscriber has just received and is now opening, at the corner store near the Market House, a handsome assortment of

SPRING GOODS;

Among which are some superior GINGHAMS and very handsome CALLICOES, of the newest style—also, a general assortment of DOMESTIC PLAIDS Bleached and Brown MUSLINS, CHECKS, OSNABURGS, Coarse LINEN, &c.

WITH A VARIETY OF *FANCY ARTICLES,*

Together with a complete assortment of

GROCERIES, LIQUORS, FRUITS,
QUEEN'S & STOVE WARE, &c.

All of which he will sell at fair prices for *Cash*.

EDWARD S. HOPKINS.

N. B. The highest prices paid for Quills and Feathers.

march 27 3w

Millenary & Mantua Making.

MRS. RIDGAWAY

HAVING served a regular time at the above branches, begs leave respectfully to inform the ladies of Talbot and the adjacent counties, that she has taken the stand formerly occupied by Mrs. Holmes, and recently by Miss Holmes, next door to Mr. James L. Smith, on Washington street, and that she has just returned from Baltimore with a general assortment of

LEGHORN STRAW & OTHER BONNETS,

TOGETHER WITH A VARIETY OF

MILLENARY AND FANCY GOODS,

which she is disposed to offer upon terms to suit the times. At the same time she would say to the public that she is assisted by Ladies of experience from Baltimore in the above profession.

N. B. Mrs R. will take as an apprentice to learn the Millenary business, a young Girl between the age of 13 and 14 years, of good family.

march 13 w

☞NOTICE.

THE Medical and Chirurgical Board of Examiners for the Eastern Shore will meet in Easton on the 3*d WEDNESDAY* the 18th of next month (April) to grant Licenses to qualified Applicants to practice Medicine and Surgery in the State of Maryland.

mar 27 4w

THE CHEROKEE CASE.

Opinion of the Supreme Court, delivered by Mr. Chief Justice *Marshall*, January Term, 1832.

Samuel A. Worcester, vs. *The State of Georgia.*

[CONCLUDED.]

The early journals of Congress exhibit the most anxious desire to conciliate the Indian nations.—Three Indian departments were established; and commissioners appointed in each, 'to treat with the Indians in their respective departments in the name and on behalf of the united colonies, in order to preserve peace and friendship with the said Indians, and to prevent their taking any part in the present commotions.'

The most strenuous exertions were made to procure those supplies on which Indian friendship was supposed to depend, and every thing which might excite hostility was avoided.

The first treaty was made with the Delawares, in September, 1778.

The language of equality in which it is drawn, evinces the temper with which the negotiation was undertaken, and the opinion which then prevailed in the United States.

"1st. That all offences or acts of hostility, by one or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

"2d. That a perpetual peace and friendship shall, from henceforth, take place and subsist between the contracting parties aforesaid, through all succeeding generations; and if either of the parties are engaged in a just and necessary war, with any other nation or nations, that then each shall assist the other, in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation," &c.

3d. The third article stipulates, among other things, a free passage for the American troops through the Delaware nation, and engages that they shall be furnished with provisions and other necessaries at their value.

"4th For the better security of the peace and friendship now entered into by the contracting parties against infractions of the same by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or offenders, by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be to the laws, customs, and usages of the contracting parties, and natural justice.' &c.

5th. The fifth article regulates the trade between the contracting parties, in a manner entirely equal.

6th. The sixth article is entitled to peculiar attention, as it contains a disclaimer of designs which were, at that time, ascribed to the United States, by their enemies, and from the imputation of which Congress was then peculiarly anxious to free the Government. It is in these words: Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion that it is the design of the States aforesaid to extirpate the Indians, and take possession of the country: To obviate such false suggestion the United States do engage to guaranty to the aforesaid nation of Delawares, and all their territorial rights, in the fullest and most ample manner, as it hath been bounded by former treaties, as long as the said Delaware shall abide by and hold fast, the chain of friendship now entered into.'

The parties further agree, that other tribes, friendly to the interest of the United States, may be invited to form a State, whereof the Delaware nation shall be the head, and have a representation in Congress.

This treaty, in its language, and in its provisions, is formed, as near as may be, on the model of treaties between the crowned heads of Europe.

The sixth article shows how Congress then treated the injurious calumny of cherishing designs unfriendly to the political and civil rights of the Indians

During the war of the revolution, the Cherokees took part with the British. After its termination, the United States, though desirous of peace, did not feel its necessity so strongly as while the war continued. Their political situation being changed they might very well think it advisable to assume a higher tone, and to impress on the Cherokees the same respect for Congress which was before felt for the King of Great Britain. This may account for the language of the treaty of Hopewell. There is the more reason for supposing that the Cherokee chiefs were not very critical judges of the language, from the fact that every one makes his mark; no chief was capable of signing his name. It is probable the treaty was interpreted to them.

The treaty is introduced with the declaration, that 'The commissioners plenipotentiary of the United States give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions.'

When the United States gave peace, did they not also receive it? Were not both parties desirous? If we consult the history of the day, does it not inform us that the United States were at least as anxious to obtain it as the Cherokees? We may ask, further: Did the Cherokees come to the seat of the American Government to solicit peace; or, did the American Commissioners go to them to obtain it? The treaty was made at Hopewell, not at N. York. The word 'give,' then has no real importance attached to it.

The first and second articles stipulate for the mutual restoration of prisoners, and are of course equal.

The third article acknowledges the Cherokees to be under the protection of the United States of America, and of no other Power.

This stipulation is found in Indian treaties, generally. It was introduced into their treaties with Great Britain; and may probably be found in those with other European Powers. Its origin may be traced to the nature of their connexion with those Powers; and its true meaning is discerned in their relative situation.

The general law of European sovereigns, respecting their claims in America, limited the intercourse of Indians, in a great degree, to the particular potentate, whose ultimate right of domain was acknowledged by the others. This was the general state of things in time of peace.—It was sometimes changed in war. The consequence was, that their supplies were derived chiefly from that nation, and their trade confined to it. Goods, indispensable to their comfort in the shape of presents, were received from the same hand. What was of still more importance, the strong hand of Government was interposed to restrain the disorderly and licentious from intrusions into their country from encroachments on their lands, and from those acts of violence which were often attended by reciprocal murder. The Indians perceived in this protection, only what was beneficial to themselves—an engagement to punish aggressions on them. It involved practically no claim to their lands, no dominion over their persons It merely bound the nation to the British crown, as a dependant ally, claiming the protection of a powerful friend and neighbor, and receiving the advantages of that protection, without involving a surrender of their national character.

This is the true meaning of the stipulation; and is undoubtedly the sense in which it was made. Neither the British Government, nor the Cherokees, ever understood it otherwise.

The same stipulation entered into with the United States, is undoubtedly to be construed in the same manner. They receive the Cherokee nation into their favor and protection. The Cherokees acknowledge themselves to be under the protection of the United States, and of no other power. Protection does not imply the destruction of the protected The manner in which this stipulation was understood by the American Government, is explained by the language and acts of our first President.

The fourth article draws the boundary between the Indians and the citizens of the U States. But, in describing this boundary, the term 'allotted,' and the term 'hunting ground' are used.

Is it reasonable to suppose, that the Indians who could not write, and most probably could not read, who certainly were not critical judges of our language, should distinguish the word 'allotted' from the words 'marked out.' The actual subject of contract was the dividing line between the two nations, and their attention may very well be supposed to have been confined to that subject. When, in fact, they were ceding lands to the United States, and describing the extent of their cession, it may very well be supposed that they might not understand the term employed, as indicating that instead of granting they were received lands. If the term would admit of no other signification, which is not conceded, its being understood is so apparent, results so necessarily from the whole transaction, that it must we think, be taken in the sense in which it was most obviously used.

So with respect to the words 'hunting grounds.' Hunting was at that time the principal occupation of the Indians, and their land was more used for that purpose than for any other. It could not however, be supposed that any intention existed of restricting the full use of the lands they reserved

To the United States, it could be a matter of no concern, whether their whole territory was devoted to hunting grounds, or whether an occasional village, an occasional corn field interrupted, and gave some variety to the scene.

These terms had been used in their treaties with Great Britain, and had never been misunderstood. They had never been supposed to imply a right in the British Government to take their lands, or to interfere with their internal Government.

The 5th article withdraws the protection of the U. S. from any citizen who has settled or shall settle on the lands allotted to the Indians, for their hunting grounds; and stipulates that, if he shall not remove within six months, the Indians may punish him.

The 6th and 7th articles stipulate for the punishment of the citizens of either country, who may commit offences on or against the citizens of the other The only inference to be drawn from them is, that the United States considered the Cherokees as a nation.

The 9th article is in these words: 'For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the U. States, in Congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs, as they think proper.'

To construe the expression 'managing all their affairs,' into a surrender of self government, would be, we think, a perversion of their necessary meaning and a departure from the construction, which has been uniformly put on them. The great subject of the article is the Indian trade. The influence it gave, made it desirable that Congress should possess it. The Commissioners brought forward the claim, with the profession that their motive was, 'the benefit and comfort of the Indians, and the prevention of injuries or oppressions.' This may be true, as respects the regulation of all affairs connected with their trade, but cannot be true, as respects the management of all their affairs. The most important of these, is the cession of their lands, and security against intruders on them. Is it credible, that they could have considered themselves as surrendering to the U. States the right to dictate their future cessions, and the terms on which they should be made? or to compel their submission to the violence of disorderly and licentious intruders? It is equally inconceivable that they could have supposed themselves, by a phrase thus slipped into an article, on another and most interesting subject, to have divested themselves of the right of self-government on subjects not connected with trade.—Such a measure could not be 'for their benefit and comfort,' or for 'the prevention of injuries and oppression.' Such a construction would be inconsistent with the spirit of this and of all subsequent treaties; especially of those articles which recognize the right of the Cherokees to declare hostilities, and to make war. It would convert a treaty of peace covertly into an act, annihilating the political existence of one of the parties. Had such a result been intended, it would have been openly avowed.

This treaty contains a few terms capable of being used in a sense which could not have been intended at the time, and which is inconsistent with the practical construction which has always been put upon them; but its essential articles treat the Cherokees as a nation capable of maintaining the relations of peace and war; and ascertain the boundaries between them and the U. States.

The treaty of Hopewell seems not to have established a sound peace. To accommodate the differences still existing between the State of Georgia and the Cherokee nation, the treaty of Holstein was negotiated, in July, 1791 The existing Constitution of the United States had been then adopted, and the Government, having more intrinsic capacity to enforce its just claims, was perhaps less mindful of high sounding expressions denoting superiority. We hear no more of giving peace to the Cherokees.—The mutual desire of establishing permanent peace and friendship, and of removing all causes of war, is honestly avowed, and, in pursuance of this desire, the first article declares that there shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the Cherokee nation.

The second article repeats the important acknowledgment, that the Cherokee nation is under the protection of the United States of America, and of no other sovereign whatever.

The meaning of this has been already explained. The Indian nations were, from their situation, necessarily dependent on some foreign potentate for the supply of their essential wants, and for their protection from lawless and injurious intrusions into their country. That power was naturally termed their protector.—They had been arranged under the protection of Great Britain; but the extinguishment of the British power in their neighborhood, and the establishment of that of the United States in its place, led naturally to the declaration on the part of the Cherokees, that they were under the protection of the United States and of no other Power. They assumed the relation with the United States which had before subsisted with Great Britain.

This relation was that of a nation claiming and receiving the protection of one more powerful; not that of individuals abandoning their national character, and submitting as subjects to the laws of a master.

The third article contains a perfectly equal stipulation for the surrender of prisoners

The fourth article declares, that 'the boundary between the United States and the Cherokee nation shall be as follows: Beginning,' &c. We hear no more of 'allotments' or of 'hunting grounds.' A boundary is described, between nation and nation, by mutual consent.—The national character of each, the ability of each, to establish this boundary, is acknowledged by the other. To preclude forever all disputes, it is agreed that it shall be plainly marked by commissioners, to be appointed by each party; and, in order to extinguish forever all claim of the Cherokees to the ceded lands, an additional consideration is to be paid by the United States For this additional consideration the Cherokees release all right to the ceded land, forever.

By the fifth article, the Cherokees allow the United States a road through their country, and the navigation of the Tennessee River. The acceptance of these cessions is an acknowledgement of the right of the Cherokees to make or withhold them.

By the sixth article it is agreed, on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade. No claim is made to the 'management of all their affairs.' The stipulation has already been explained. The observation may be repeated, that the stipulation is itself an admission of their right to make or refuse it.

By the seventh article, the United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded.

The eighth article relinquishes to the Cherokees any citizens of the United States who may settle on their lands, and the ninth forbids any citizen of the United States to hunt on their lands, or to enter their country without a passport.

The remaining articles are equal, and contain stipulations which would be made only with a nation admitted to be capable of governing itself.

This treaty, thus explicitly recognizing the national character of the Cherokees, and their right of self-government; thus guaranteeing their lands; assuming the duty of protection, and of course pledging the faith of the United States for that protection; has been frequently renewed; and is now in full force.

To the general pledge of protection have been added several specific pledges deemed valuable by the Indians. Some of these restrain the citizens of the United States from encroachments on the Cherokee country, and provide for the punishment of intruders.

From the commencement of our Government, Congress passed acts to regulate the trade and intercourse with the Indians, which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate All these acts, and especially that of 1802 which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States.

In 1819, Congress passed an act for promoting those humane designs of civilizing the neighboring Indians, which had long been cherished by the Executive It enacts, 'that for the purpose of providing against the further decline and final extinction of the Indian tribes adjoining to the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced 'with their own consent,' to employ capable persons, of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic; and for performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties'

This act avowedly contemplates the preservation of the Indian nations as an object sought by the U. States, and proposes to effect this object by civilizing and converting them from hunters into agriculturists. Though the Cherokees had already made considerable progress in this improvement, it cannot be doubted that the general words of the act comprehend them. Their advance in the 'habits and arts of civilization,' rather encouraged perseverance in the laudable exertions still farther to meliorate their condition. This act furnishes a strong additional evidence of a settled purpose to fix the Indians in their country by giving them security at home.

The treaties and laws of the United States contemplate the Indian territory as completely separable from that of the States; and provide that all intercourse with them shall be carried on exclusively by the Government of the Union.

Is this the rightful exercise of power, or is it usurpation.

While these States were colonies, this power