Eastern Shore REPUBLICAN STAR OR General Advertiser.

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THE TERMS
OF THE
REPUBLICAN STAR
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.

Public Vendue.

Pursuant to an order of the orphan's court of Talbot county, will be sold at public sale, at the residence of Samuel Yarnall, late of said county, deceased, on sixth day the 30th of the present month.

PART of the personal estate of the said deceased, consisting of household and kitchen furniture, horses, cattle, farming utensils, corn, hay, and fodder, with a number of other articles too tedious to particularize; on all of which a credit of nine months will be given, when the sums exceed six dollars, by the purchaser's giving bond or note with approved security, bearing interest from the day of sale—when the sums do not exceed six dollars, the cash will be required before the property can be taken away. The sale to begin at 10 o'Clock, A. M.

JOS. BARTLETT, Adm'r of
Samuel Yarnall, deceased.
10th mo. 20th. 1807. 2

A Lot in Easton for sale.

NOTICE is hereby given, That on *Tuesday* the 3d day of November next, will be exposed to public sale, on the premises, in Easton, the southern moiety or equal half part of all that piece or parcel of land and ground, situate lying and being in the town of Easton, on the east side of Harrison street, and nearly opposite the church, bounded by the said street on the west, by the Friends' school house on the north, and by the adjoining alleys on the east and south, numbered 23 on the plot and certificate of the said town, late the property of *Samuel Troth*, and to be sold for the purpose of satisfying a debt due to the Farmers Bank of Maryland, and the interest, and all costs and charges accrued and to accrue thereon, agreeably to the terms of the covenant contained in the deed of the said Troth to the Bank, for securing the payment of the said debt—The said property will be sold on a credit of ninety days, and struck off to the highest bidder for the same; to whom on the payment of the purchase money, a deed will be duly given.

By Order of the Board of Directors,
HALL HARRISON, Cash'r
Branch Bank, Easton, Aug. 25, 1807. 11

Notice.

WILL be sold, at Public Vendue, on *Wednesday* the 4th of November, (if fair, if not, on the first fair day,) at the late Dwelling of Mrs. Sarah Price, (deceased) Head of Wye, Talbot county; an excellent assortment of Household and Kitchen Furniture, together with other articles. A credit of six months will be given on all sums above ten dollars, and all sums under, the cash will be required.

JOHN W. BORDLEY, Ex'r and Trustee of Mrs. Sarah Price, (dec'd.) Head of Wye, October, 13 1807. 4

N. B. The subscriber has for sale for the term of 13 years, two very likely Negro Boys. J. W. B.

Notice.

On Friday *the 6th of November next,*

BY virtue of a decree of the honorable the chancellor of Maryland, will be exposed to public sale, to the highest bidder, at the town of Snow-Hill, all the real estate of *Patrick Waters*, late of Worcester county, deceased. This property consists of two valuable tracts of land, situate in said county, one containing about 350 acres, with considerable improvements thereon, and distant a mile and a quarter from Snow-Hill—The other containing about 200 acres, one half of which is in cultivation, and the other covered with heavy pine and oak timber. There are some improvements on this tract. The purchaser or purchasers must give bond with approved security to the subscriber for the purchase money, with interest thereon from the day of sale, and payable in twelve months from the day of sale.

PETER WATERS, Trustee.
Snow Hill, October 13, 1807. 3

Will be sold, at public sale,

ON *Tuesday* the tenth of November next, agreeably to a decree of the Chancellor of Maryland, a *House* and *Lot*, in the town of Centreville, at present in the tenure of Mr. *William Legg*—The sale will take place on the premises, at 12 o'clock, when the terms will be made known, by

WM. R. STUART, Trustee.
October 13, 1807. 4

APPOINTMENTS.

By the Governor and Council of Maryland, October, 1807.

William Wade, major, 44th regiment, Montgomery; Kinsey Gittings, of Kinsey, captain, do. do. Robert Magruder, ensign of Gitting's company, Richard K. Watts, captain, 44th regiment, Jesse Leach, lieutenant, do. do. John Busey, ensign, do. do. Henry Chew Gaither, lieutenant, and Thomas Davis, of Walter, ensign of captain F. Gaither's company, 44th regiment, Montgomery; Robert W. Fleming, lieutenant, and John Ward, of John, ensign of captain James B. Brooks's company, 44th regiment, Montgomery; Edward House, captain, 44th regiment, Montgomery; Alfred Weden, ensign, do. do. Washington Owen, captain, do. do. Benjamin Higgins, lieutenant, do. do. Beale Ayton, ensign, do. do. John H. Riggs, captain, do. do. Ephraim Gaither, of William, lieutenant, do. do. Joseph E. Bentley, ensign, do. do. William Darne, junior, ensign of Samuel Lane's company, do. do. Christain Getzendanner, captain, do. do. Alexander Adams, lieutenant, do. do. John Heater, ensign, do. do. Austin Hogan, cornet of captain F. Newman's troop of horse attached to the 5th brigade, James Hamilton, lieutenant, and Samuel Moore, ensign, of captain T. Moore's company, 27th regiment, Baltimore; James Fisher, ensign of captain William Woodland's company, do. do. William Alexander, major, 49th regiment, Cæcil, Joseph Dodson, captain, extra battalion, Dorchester; Charles Bayan, lieutenant, do. do. James Chaplain, ensign, do. do. Levin Brierwood, lieutenant, and John Robertson, ensign, of captain Levin Stevens's company, extra battalion, Dorchester; Levin Raleigh, lieutenant, and William Newton, ensign, of captain Ebenezer Newton's company, extra battalion Dorchester; Levin Frazier, ensign of captain Thomas Eccleston's company, extra battalion Dorchester; William Thomas, captain, do. do. John Spedden, of John, lieutenant, do. do. Sohn Spedden, of Robert, ensign, do. do. John Reed, quartermaster, do. do. John Fleming, paymaster, do. do. Henry Pierpoint Waggaman, surgeon's mate, do. William C. Miller, major, 30th regiment. Cæcil; George Kidd, captain, do. do. James Kidd, lieutenant, do. do. John Rawlings, ensign, do. do. Cyrus Oldham, captain, do. do. James Scott, lieutenant, do. do. Thomas Russell, ensign, do. do. William Moffit, lieutenant, and Thomas Cazier, ensign of captain Ephraim Price's company, 30th regiment, Cæcil; Thomas White, captain, do. do. John Tyson, lieutenant, do. do. Jonathan Pattison, ensign, do. do. Henry M'Cauley, lieutenant, and John Cummins, ensign, of captain Richard Simpson's company, do. do. James Campbell, captain John N. Black, lieutenant, and Hugh Brown, ensign, do. do. Robert Johnson, surgeon, do. do. Thomas W. Black, surgeon's mate, do. do. Thomas Williams, paymaster, do. do. William Lorman, 1st lieutenant, Henry Thompson, 2d do. and Francis Hollingsworth, cornet, of captain Samuel Hollingsworth's troop of horse, attached to 3d brigade, Baltimore; Levy Philips, captain Hezekiah Ward, lieutenant, and William Heyate, ensign, attached to 3d regiment, Montgomery; Allen Billingsly, captain Robert D. Reeder, lieutenant, and George Neale, ensign, attached to 45th regiment, St. Mary's; Peter Dashiell, 1st lieutenant, and William Evans, 2d lieutenant of captain Tubman Lowe's troop of horse, attached to 10th brigade, Christain Hempsten, captain, 3d regiment Montgomery; John Adium, lieutenant, do. do. Eden Benson, ensign, do. Greenbury Howard, captain, do. Nathan Browning, lieutenant, do. William W. King, ensign, do. Edward Burgess, junior, captain, do. Ephraim Etcheson, lieutenant, do. Richard Young, ensign, do. Leonard Knott, captain, do. James Glesson, lieutenant, do. Dory Benton, ensign, do. Isaiah Nicholas, captain, do. Thomas Wheeler, lieutenant, do. George Bowling, ensign, do. Hezekiah Wilson, captain, do. John L. Trundel, lieutenant, do. Daniel Trundel, ensign, do. Solomon Viers, captain, do. Thomas W. Vincent, lieutenant, do. Thomas Lyles, ensign, do. James Fletchall, captain, do. William Cheswell, lieutenant, do. John Cross, ensign, do. Robert L. Wilson, captain William Dawson, lieutenant, and Townshend Dade, ensign, 3d regiment, Montgomery; Joseph Harwood, paymaster, 2d regiment, Anne-Arundel; Thomas Perrin Smith, paymaster, 4th regiment, Talbot; Ebenezer Newtown, major, extrabattalion, Dorchester; Levin Raleigh, captain, and William Newton, ensign, do. do. John Weaver, lieutenant, and Frederick Stoner, ensign, of captain Cronies's company, 16th regiment, Frederick; Stephen Stoner, captain, Justinian Maybury, lieutenant, and Henry Smith, ensign, 16th regiment, Frederick; Benjamin Stallings, captain, Jacob Levy, lieutenant, and George Rice, ensign, do. do. John Brengle, captain, Frederick Nusx, lieutenant, and Ezra Mantz, ensign, do. do. John L. Harding, captain, Henry Heickly, lieutenant, and Raymond Sanderson, ensign, do. do. Ninian Beall, captain, Peter Crist, lieutenant, and Joseph Hedge, ensign, do. do. Andrew Hedge, captain, Jacob Firestone, lieutenant, and John Trout, ensign, do. do. Nicholas Holtz, captain, Isaac Hedge, lieutenant, and Michael Wachter, ensign, do. do. John Smith, captain, Jacob Getzendanner, lieutenant, and Jacob Beard, ensign, do. do. Richard Brook, quartermaster, do. do. Grafton Duvall, brigade inspector to the 9th brigade, John Harris, captain, Andrew Smith, lieutenant, and William Harris, ensign, 47th regiment, Frederick; George Hockensmith, of George, lieutenant, and William Grimes, junior, ensign of captain Cookerly's company, do.

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The company commanded by Levy Philips, attached to the 3d regiment, Montgomery county, and the company commanded by Allen Billingsly, attached to the 45th regiment, St. Mary's county, have tendered their services to the executive of Maryland, as part of the quota required by the President of the United States.

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FROM THE PUBLIC ADVERTISER.

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OF THE JUDICIARY.

AND THE CONDUCT OF CHIEF JUSTICE MARSHALL.

The article in the federal constitution which establishes the judiciary is, in every sense it can be viewed, vague and defective, and requires amendment. I will first quote the article and then shew its defects. The article says,

"The judicial power of the United "States shall be vested in one supreme "court, and in such inferior courts as "congress may, from time to time, ordain and establish. The judges both "of the supreme and inferior courts shall "hold their offices *during good behavior*."

This is all the constitution says on the subject.

Now it naturally and necessarily follows that if the judges are to hold their offices during good behavior, there must be a power somewhere, to judge of that good behavior or the breach of it, but of this the constitution is silent, and herein lies its defect.

The establishment of the judiciary in several of the state constitutions is much better arranged than it is in the federal consitution. In the Pennsylvania constitution it is expressed as follows.

"The judges of the supreme court, "and of the several courts of common "pleas shall hold their offices during "good behavior. But for any *reasonable cause*, which shall not be sufficient "ground for impeachment, the govern- "or may remove any of them on the address of two thirds of each branch of "the legislature."

Some other of the state constitutions, like those of New-Hampshire and Massachusetts, make them removeable on the address of a majority of the legislature, by which I suppose, is meant the joint vote of both houses. But in either case, as all other matters determinable by voting are decided by majorities, no sufficient reason can be given why judges should be higher priviledged than other citizens. A president of the United States is removeable by a majority of the representatives. But the case was, that in the federal convention and in some of the state conventions, the judiciary department was formed by lawyers, and as they might expect to be jdudges themselves, they contrived to make the removing of difficult, but that difficulty does not destroy the right; it naturally resides in the sovereignty of the whole people & from it devolves on their representatives. It would however have been better had the constitution expressed the manner of doing it, and distinguished between reasonable cause for removing a judge and conduct so very bad as to become impeachable. It is equitable to say that the same defect of character, and conduct which, if known, would render a man unfit to be appointed judge, ought, if committed afterwards, to disqualify him from holding the appointment.

The conduct of judge Marshall on the trial of Aaron Burr is involved in intricacy and mystery. He has assumed too much, and acts as if he was one of Burr's council.

On the trial at London between Horne Tooke and Charles Fox for an undue election for the city of Westminister, the judge, Kenyon, frequently interrupted Horne Tooke in the information he was giving the jury respecting that election. At length Horne Tooke said, it is proper my lord, to settle this matter before we proceed farther. There are two parties in this suit, myself as plaintiff, and Mr. Fox the defendant; and the jury when they have heard the whole case are to be judges. *The duty of your lordship and the crier of the court is to keep order.* After this well timed reproof Kenyon permitted the trial to go on.

Judge Marshall's opinion on the motion of Burr's council to arrest the evidence against him is full of quibbles. "Ought, says he, the court (meaning that it ought not) to see and hear testimony, which cannot affect the prisoner, or ought the court to arrest that testimony." To which I answer,

That until the testimony be heard it connot be known whether it will, or will not affect the prisoner either to discharge or acquit him, and therefore the court has not the right or the power to prevent its being heard.

The testimony is for the jury, and it is the duty of the court to *keep order* whilst the witnesses are giving their testimony. But Mr. Marshall assumes to judge of testimony before he hears it, he invades the province of the jury, and he lays down a string of quibbles before hand to make himself a ground to stand upon. To prevent testimony coming before a jury is a suppression of testimony, and is the next offence to subordination of testimony. The latter is impeachable, the former is reasonable cause for removal.

Burr's council set out at the commencement of the trial, with strong declarations of innocence, but in no instance, have they attempted to prove that innocence. All their quibbling has been contrived to prevent evidence proving him guilty, that he might escape negatively. They have laboured to waste time by continually interrupting the progress of trial, and to weary out the patience of the witnesses on the part of the prosecution that they might go away without giving their evidence; and the court has so far countenanced the views of Burr and his council that it was not till after Mr. Hay declared he would adjourn to the Washington tavern and take the testimony there, that the court permitted the testimony to go on.—Marshall then saw it best to pull in his horns as Kenyon had done. But it would perhaps have been better had Mr. Hay done as he proposed and laid the whole matter before congress.

The opinion of Mr. Marshall, that corroborative or subsequent testimony cannot prove the overt act upon Burr is not well founded. The absence of Burr from Blennerhasset's island while the assemblage of troops were going on, might be, and very probably was, a contrived designed thing to avoid being present lest he should be apprehended in the very act; and if such testimony had come forward, and Mr. Marshall could not know it would not, will Mr. Marshall say it would not connect Burr immediately with the overt act of raising and assembling troops, which no individual has the right of doing without the authority of the government. If he says it would not, then I tell him his law is not common sense and that it is law of his own making.

Why is Mr. Marshall so unwilling that testimony should come forward? Is he afraid he may be implicated himself? According to evidence, Burr had given out that government was privy to his proceedings and approved them. He may also have said that the chief justice approved them. We know that Gaylord Griswold in his letter to Mr. Hathway, in speaking of some former conduct or misconduct of Burr, said, "the "judges of the supreme court are with "Burr," and Mr. Marshall is now giving corroborative symptoms that the declaration is true.

Mr. Marshall cannot but know he is a suspected character. He is one of John Adams's judges. It was the plan of Adams and the faction he acted with, to get possession of the judiciary for the evident purpose of embarrassing and making head against the administration that was to follow. He appointed sixteen new judges, at an additional expence of 32,000 dollars annually, but the first session after, a new administration repealed the act under which they were appointed, and saved the country that unnecessary expence. All the circumstances of John Adams's administration shews, that the plan of the faction he acted with, was to overturn the representative system (which is the honor and glory of America) and establish a government similar to the corrupt, oppressive government of England, which John Adams, idiot like, called a *stupendious fabric of human wisdom*. But as this could not be done without a standing army, for the citizens would never have voted away their own rights, the pretence that France intended invading and conquering the United States was given out and industriously circulated for the purpose of raising that army.—A greater falshood could not have been invented. Marshall was one of that junto.—Adams, after his quarrel with Pickering, appointed Marshall secretary of state, and afterwards chief justice.

It is highly necessary that the several states take the article in the federal constitution which establishes the judiciary into consideration. Under the pretence of making judges independent they are made absolute, and there is not perfection enough in man to be trusted with absolute power. No man living in society ought to be independent of society;—and as there are no men in whom the citizens of the United States can confide so well as their own representatives, judges ought for "*reasonable cause*," to be removeable on the joint vote of a majority of both houses of congress.

The trial of Burr has been an enormous expence upon the United States, and this, in a great measure by the contrivance of the chief justice. Burr has six council who take turns to interrupt the progress of the trial by repeated motions to arrest the evidence.—This is not the way to prove Burr innocent, for if he was innocent he would defy testimony. It is the natural character of innocence to do so.

The chief justice, however, has countenanced the counsel in making those motions. Much more time has been wasted in debates whether a witness should be heard than would have been taken up by the witness giving his testimony. This is not justice either to the government or to the public who are to pay the expences. It appears to me like one culprit trying another.

COMMON SENSE.

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Singular Coincidence.

An examination has been proceeding before the police of Paris, almost at the same moment that a similar inquiry was going on before the magistracy of this metropolis, on one and the same subject. A person of the name of Tessiare has been accused of blowing a certain powder into the eyes of those drawn as conscripts, which produced an inflammation, and consequently incapacitated them from serving in the army. An ointment was also found in his possession compounded for the purpose. M. Tessiare's practice has been very extensive; 3 or 4000 conscripts have been thus *inoculated* with opthalamia, one half of whom are in a fair way of losing their eyesight entirely.

[*London paper.*]

To be rented,

For the ensuing year,

A COMMODIOUS two story BRICK HOUSE, with a good garret and cellar—also—a good granary and stable, all in good order, and now in the occupancy of Mr. John R. Giles, Centreville. For terms apply to

JAMES KENT.
October 20, 1807. 6

Notice.

WAS committed to the gaol of Frederick county, Maryland, on the 18th of September last, as a runaway, a negro man, who calls himself DAVID STEWART. His clothing when committed, were as follows: a short brown cloth coat, a striped nankeen waistcoat, a homespun tow shirt and trowsers, a Castor hat, and a pair of shoes, all much worn—He appears to be about 23 years of age, five feet eight or nine inches high, stout and well made, very black, and says he was free born, and came from near Fincastle, in Botetart county, Virginia. The owner, if any, is requested to come and release him, otherwise he will be sold for his prison fees, agreeably to law.

GEORGE CREAGER, jr. Shff.
October 20, 1807. 8

Notice is hereby given,

THAT the subscriber intends to petition the next general assembly of Maryland, at their next session, for an act of insolvency to release him from debts which he is unable pay.

ABRAHAM VANHORN.
September 22, 1807. 6—3c