STAR

General Advertiser.

EASTON:—*TUESDAY MORNING*, JUNE 20, 1809.

Nothing had transpired of the dispatches received by the Pacific, by Government, at our last advices from Washington. In order to lay a detailed account of the affairs of Europe by said arrival, before our readers, it has been necessaay to curtail our congressional register, this morning.

## FOREIGN SUMMARY.

Hostilities commenced on the part of Austria the 9th of April. The archduke Charles has the chief command; his head-quarters were at Lintz. He has issued an address to the German nation, calling on all Germans to co-operate with Austria. He was to carry the war into Bavaria.

The Duke of Auerstadt (Davoust) commands the army of the Rhine, to whom he has addressed a most energetic and eloquent order or manifesto.

The Duke of Dantzic (marshal Lefebvre) on the 19th of April occupied a position on the banks of the Lech, between Freysingen and Darhau. On the attempt of the Austriaas to cross that river, a decisive battle was expected to take place.—Davoust, at the head of 70,000 choice troops, 20,000 of which are cavalry was posted about Donawert, on the frontiers of Suabia—

The Prince of Ponte Corvo (Bernadotte) commands the Saxon army,

The Prince of Neufchatel (Berthier) has a chief command; and the king of Westphalia was to command a detached corps of the combined army.

The whole Austrian force at Lintz, Brannau and Salzburg were said to be 150'000 men.

A firing had been heard along the French coast, and a general illumination was observed by the British cruizers off the coast; both occasioned, it was said, by a victory over the Austrians.

The court of Bavaria was preparing to leave Munich for Augsburg.

Lord Gambier's letter, detsils the attack on the French fleet in Basque Roads—and it is stated under the Pymouth head of April 30, that "of the whole French fleet in Basque Roads, there now only remains three of the line, and a frigate, that the enemy will ever be able to render fit for service." The French and Dutch fleets which lay in the straits of Flushing, had suddenly run up the Scheldt, upon the intelligence reaching Holland of the destruction of the fleet in Basque roads.

There was a report prevalent on the 5th of May at London, that a decisive action had taken place betwen the French and Austrians, in which after three days fighting the Austrians were defeated with the loss of 30,000 men.

Some of the London papers state, that Mr. Pinkney, and the American merchants, at London, were pleased with the new orders in Council.

Dispatches from the Cape of Good Hope, announcing the conclusion of a treaty of amity and friendship, between the court of Persia and the government of India, had been received in England.

Licences had been issued by the Swedish government for every description of foreign ships to trade with England, as usual until the 31st of September—but the conduct of the British admiral, commanding in the Baltic, indicates great doubt of the disposition of the Swedes.

An Austrian envoy had arrived in England charged with an important mission—He is said to have submitted the plan of campaign to the British government, who were to grant a subsidy of *six millions sterling*. The Spanish patriots are said to be parties to the negociation, and to indemnify Great Britain, in a certain proportion, for the pecuniary aids to Austria.

The British government had received intelligence that a considerable Austrian force had entered Saxony,

No information of the dispatch ship Mentor, bound to France, was received in England previous to the sailing of the Pacific.

*Washington City, June 14.*

The republican citizens of N. York, as well as the Corporation of that city, through their respective committees appointed to make arrangements for celebrating the 10th of June, on the morning of that notified the public, that, in consequence of the intelligence received by the Pacific, "it would be inexpedient to have any public expressions of rejoicing," which might imply an approbation of the Orders in Council of the 26th of April.

Letters by the Pacific mention that Col. Burr had left London the 26th of April, on his way to the north of Europe. They add, that his departure from Great Britain was in consequence of an order from the British government.

*From the Baltimore Evening Post.*

As the legislature has risen without appointing a Senator to represent this state in the Senate of the United States; the people of Maryland will necessarily enquire—why the State is left unrepresented at this eventful crisis? Censure must some where attach, and the public will determine on whom it shall fall.

The resolution for publication as introduced (by the member from Queen Ann's) contains a full history of the whole *Legislative* proceedings, in the order of time they occurred, as they regard the appointment of a senator; but the reasons urged by the Democratic Republicans to induce an immediate election in the *customary and usual form*, have not yet publicly appeared.

The true question in controversy was—whether the Legislature should elect the United States Senators by *joint* or *concurrent* vote—No doubts were seriously entertained by either party, but the Legislature were imperiously bound to elect a Senator at the then session; and that if they neglected or refused, the executive had no power to fill the vacancy.—They considered that the decision of the Senate of the United States in the case of Kinsey Johns, Esq. of Delaware, in *principle* settled the question, and precluded all useful discussion. The following are some of the reasons urged by the Democratic republicans in support of the vote by *joint ballot*.

That from the genius of our republican institutions, in all cases of *doubtful* supremacy between the two bodies, the most numerous branch, and the direct representatives of the people, ought never to yield—That from November 1788, when the *first* Senators were elected from Maryland into the Senate of the United States until this day, the election had uniformly been conducted by JOINT VOTE—That the election by joint ballot was then established by the mutual assent of both branches of the Legislature, as most congenial to the *spirit* of the State constitution, and the privileges of the popular branch—that in 1788 where no party existed in the State, the mode of election was fixed, on the plan of joint ballot—that in 1794 and 1795, where party was first regularly organized, the same system was continued—that in 1798—99 and 1800, in the violent collision of opposing interests the original mode was still acted upon—that when in 1801 the present republican majority first gained a complete ascendancy in both branches of the Legislature, the same plan of election prevailed. And that from that period, until the meeting of the present Assembly, in all the convulsions of party, one uniform and invariable practice had obtained—*an election by joint ballot.*

It was further argued—that under the state constitution, an election to office by *concurrent vote* was wholly unprecedented and unknown—that when any officers were to be elected, the manner of that election was expressly limited to joint ballot. And the mode of electing the Governor, and the mode of electing the Council, and the mode of electing *every other* officer known under the constitution, were considered as conclusively fixing the principle.

The doctrine of *analogy* was also resorted to—it was contended, that the powers to be exercised by the United States' Senators bore a striking resemblance to those vested in the Delegates to the old Continental Congress—that *both* represented the *sovereignty of the state*—that the treaty making power, as vested in the old Congress, was now exclusively the right of the President and Senate—and that the appointment of the ambassadors and other public ministers was confined solely to the same depositories. And as the delegates to the old Congress were, by the express letter of the old constitution, to be chosen 'by joint ballot of both houses of Assembly'—the Senators to the United States, who must exercise similar functions, ought to be elected on similar principles.

All these grounds of precedent, principle, and analogy, were considered as conclusively binding. But innovation on established principles, was not the only mischief that alarmed the republicans; for they beheld in the consequences of a concurrent vote, a fatal prostration of the rights of the popular branch to the extravagant pretences *of some future Senate.* It is evident that while the Senate have a five years tenure in office, if the people, at a next election, should change their opinions and dismiss from the house of Delegates every man of similar sentiments with the Senate—yet they must remain fixed and independent on all popular responsibility.

If then at a session of the legislature, composed of such conflicting interests, a Senator to the U. S. must be elected, EIGHT Senators have the power to counteract and control the whole popular branch. Against consequences so alarming to the interests of the people, the democratic republicans in the house of delegates united. They were aware of the embarrassments that might result to the state from diminishing one half of her influence in the union—but the endurance of this evil for a season, appeared to them more eligible, than yielding a principle, that, if once established, would enable some *future* Senate to defeat and controul the wishes *of the whole people of Maryland.* While the democratic representatives in the house of delegates thus state their reasons for joint ballot, let it be remembered, that the Senate unanimously accorded in opinion—and surely the people will duly appreciate the virtues of those men who willingly cast from themselves an assumption of power that accident offered to their grasp.

*June 14th, 1809.*

"Can the executive of Maryland, under existing circumstances, re-appoint gen. Smith, or appoint any other person, to fill the vacancy in the senate of the United States?" is a question frequently asked.—I am decidedly of opinion that such an appointment may be made, for the following reasons:

The 3d section of Article the first, of the constitution of the United States, declares, that if vacancies shall occur during the *recess* of the legislature, the executive *may* make temporary appointments thereof until the *next* meeting of the legislature, *when* the legislature SHALL fill up such vacancies.

General Smith was appointed by the executive to fill up such vacancy in the Senate of the United States *until* the *next* meeting of the legislature, the members of which all swore to support the constitution of the United States, and of course to make an appointment, (are they perjurers?) but did not. The Senate of the United States determined that Gen. Smith was entitled to hold his seat until the *rising* of the legislature, (for the meeting could not be said to be ended till then) unless an appointment was made during its session. His seat was therefore (if the decision of the Senate be correct) not vacated but in the "*recess*" of the legislature, and a new appointment under the constitution of the United States may be lawfully made by the executive of Maryland—and, at this time, when the talents and virtues of the general may be so usefully employed for his country, we hope no delay will be made.

If it should so occur at the "*next* meeting" of the legislature, that the federalists, in the house of Delegates (from the *mis-representation* therein of the people of Maryland) shall again have the majority and refuse to go into the election for a Senator, the same circumstance may and will happen again.—But this is a result I do not calculate upon. With an adjustment of differences with England, or a declaration of war against her, down goes the demagogues who deluded the honest citizens of the state. First—because the wisdom of the embargo, and other measures of a republican administration, will appear so evident to every reflecting man, and the wickedness of those who violently opposed them become so conspicuous, that it will be impossible for the party to hold up its head—and secondly, if after every thing we have done to avoid it, war must ensue, the good old yankee method of keeping the *tories* quiet will again be resorted to; and the real federalists join the republicans in taking a just vengeance upon them.—We shall have *peace* or *war* with England before three months—our affairs are at a crisis and must come to an amicable conclusion or issue in war. B.

HOUSE OF LORDS—FRIDAY, APRIL 28.

*ORDERS IN COUNCIL.*

Lord GRENVILLE felt the highest satisfaction at a report which had been spread through this metropolis, as he hoped he could confide in its truth. He alluded to the rumored recal of the orders in council, that obnoxious measure, which had caused such a heavy addition to the evils of war, and the necessity of repealing, which he had so often pointed out. He wished to enquire of the noble secretary of state if this were the fact. If it were, he rejoiced that his majesty's ministers had been brought at last to a sense of the destructive tendency of these orders, and although with a bad grace, had at last determined on their recal. *A month later*, their lordships were not aware how severely the effects of these orders would have been felt.

The earl of LIVERPOOL was sorry that such a question had been put, whilst his noble friend, who was at the head of the office in which this business was transacted, was absent. He would, however, reply, that a considerable *alteration* had been made in the orders in council. But this alteration was caused by the changing *circumstances of the war*, and not by a *dereliction of the principles* on which the orders were founded.—His lordship vindicated the *justice* and policy of these orders, as well as of the *alteration* which had been made, and which in a few days would be laid before the house. So far from agreeing with the noble lord as to the evil tendency of the late measure, he thought it was one of the most *advantageous to the country* that had ever been put into execution by any government. This position he would be prepared to prove on any occasion, whenever it should be required.

Lord GRENVILLE rejoiced at the recal of these obnoxious orders, which he now found to be true. Had this not been the case, he would have thought it his duty, once more before the close of the session, to call the attention of the house to that important subject. If the new enactment, substituted for the former, were framed on the *same principle*, it must be equally fatal to the interest of this country. In the same proportion as the new order resemble the last, in the same proportion would they prove destructive, and incur his severest animadversion.

The earl of LIVERPOOL observed, that he had not said the orders in council were repealed, but that a considerable alteration, occasioned by present circumstances, but in strict conformity with the principles of the original, had been made in them.

The American ships detained at Algesiras have been released, and have sailed from thence. Payment has been received for such part of their cargoes as had not been taken by the government.

Married, on Tuesday, the 13th inst. by Mr. Dorgan, Mr. *Jacob Winchester*, of Kent-Island, to Miss *Ariana Lowe*, of the Bay side.

DIED at New-York, on Thursday, 8th inst. the celebrated *THOMAS PAINE.*

——, At Centreville, on the 15th inst. Mr. *Joseph Rawlings.*

ATTENTION!

*** *THE members of the* "TALBOT PATRIOT TROOP," *are ordered to meet at Easton, on SATURDAY, the 24th inst. in full uniform:—It is requested that the members will be punctual in attending, as business of importance is to be transacted; the roll to be called at half after ten o'Clock.*

*Per order of the Lieut. Commanding,*
JOHN BENNETT, *Sec'ry.*

Notice.

ON MONDAY, the 26th inst. the Levy Court will sit. Persons wishing the appointment of Collector of the County Tax must apply on that day.

By order Levy Court,
J. LOOCKERMAN, Clk.
June 20, 1809.

Public Sale.

*Will be sold to the highest bidder, on Saturday, the first day of July next, on the Court-House Green, in Easton,*

ALL the personal property of Capt. *Hugh Martin*, late of Talbot county, deceased, consisting of a few valuable articles of household Furniture, and a large assortment of *Carpenter and Joiner's TOOLS*, a quantity of excellent Window Sash, and several articles too tedious to mention. A credit of six months will be given on all sums above six dollars, upon the purchaser's giving bond or note, with approved security, bearing interest from the day of sale; and all sums of six dollars and under, the cash will be required before the removal of the property. The sale of the above property to begin at 11 o'clock. A. M.

On Monday, the 3d of July,

at 12 o'clock, will be offered for sale, at the Upper Hunting Creek Mill, in Caroline county, the patent of the whole county for the *Boring Machine*; and at New-Market, in Dorchester county, on the 4th of July, at 12 o'clock, will be offered at public sale, the patent right of the whole county as above; and at Princess-Ann, in Somerset county, on the 5th of July, at 3 o'clock, P. M. will be offered at public sale, the patent of the whole county, as aforesaid. Six months credit will be given on the sale of the patent rights, upon the purchasers giving bond or note with approved security, bearing interest from the day of sale. Attendance will be given at each place, by

WILLIAM BERRIDGE, Jun.
Adm'r of Capt. Hugh Martin, dec'd.
June 20, 1809. 3

N. B. All persons indebted to the estate of Captain *Hugh Martin*, late of Talbot county, deceased, are requested to make immediate payment to the subscriber; and all persons having claims against said estate, are desired to bring them forward, legally authenticated, for settlement. W. B. jun.

Dissolution of Partnership.

THE partnership of *James Wilmer & Co.* dissolved the 5th inst. by mutual consent. All those indebted to the said Firm, are requested to call on Peregrine Wilmer, and pay their respective accounts, as he is authorized to settle the business of said Firm. Those that neglect this notice may rest assured of being dealt with as the law directs.

JOHN LORAIN,
JAMES WILMER.
Centreville, June 20, 1809. 6

Wanted in a Store,

A STEADY, careful and attentive YOUNG MAN, who writes a good hand, and is acquainted with business—To such a one a liberal salary will be given. None but such as answers to the above description need apply. Enquire of the printer hereof.

June 20, 1809. tf

Notice.

I INTEND applying to the judges of Queen Ann's county court, or some one of them, for the benefit of an act of insolvency of this state, passed in 1805, and the supplements thereto.

JOHN SOTHEREN.
Queen Ann's county, June 20, 1809—3 7

To Farmers and Merchants

THE subscriber begs leave to inform the *Farmers* and *Country Merchants* generally, that he has commenced the COMMISSION BUSINESS in this city, for the sale of Wheat, Corn, Tobacco, &c. &c. at No. 2, Bowley's Wharf, where he will with pleasure receive consignments of the above articles on the usual terms.

The subscriber assures those that think proper to entrust him with their business, that it shall be punctually and promptly attended to, and that every possible exertion shall be made to accommodate them, and to promote their interest. The strictest attention will be paid to the purchasing of articles in this city, for those that consign their grain, or have funds in hand.

The subscriber flatters himself from his general acquaintance with the purchases of the above articles, and his knowledge of business, that he may with confidence anticipate a full share of public patronage.

Yr. devoted and obdt. servt.
HENRY WILMER.
Baltimore, June 20, 1809. 6

N. B. The subscriber avails himself of this opportunity to inform Country Merchants, Tavern Keepers, Farmers, and the public generally, that he intends opening a general assortment of *GROCERIES* in a few days, all of which will be sold at the most reduced prices.

H. WILMER.

Advertisement.

THE subscriber would be willing to join some person in grinding Merchant work at his Mill, provided they would purchase such a part of her as would run a pair of Burrs constantly.—Any one having a notion to try the business, will apply to

JOHN LUCAS, 3d.
Tuckahoe Neck, June 20, 1809. 5

In Chancery, June 9, 1809.

ORDERED, That the sale made by *Edward Griffith*, trustee for the sale of the real estate of *Joseph Todd*, be ratified and confirmed, unless cause to the contrary be shewn on or before the 12th day of August next. Provided a copy of this order be inserted three successive weeks in Smith's paper, at Easton, before the 12th day of July next.

The report states the whole amount of sales to be $605.

True copy. Test, 3q
NICHS. BREWER, *Reg. Cur. Can.*

In Kent county Court,

*March Term*, 1809.

ON application of *Joseph R. Brooks*, of Kent county, by petition in writing to the said county court, praying the benefit of the act for the relief of sundry insolvent debtors, and the several supplements thereto, on the terms mentioned in the said acts; a schedule of his property and a list of his creditors, on oath, as far as he can ascertain them, being annexed to his petition, and the said Joseph R. Brooks having satisfied the said court by competent testimony, that he has resided in the state of Maryland, two years immediately preceding the time of his application; having also stated in his petition, that he is now in actual confinement for debt, and not on account of any breach of the peace, or for the non payment of any fine, or penalty for the breach of the laws of this state, or of the United States, and having produced to the said court the Sheriff of Kent county to that effect, and having prayed to be discharged from confinement on the terms prescribed in the said acts, and he having taken the oath prescribed by the said act; and having given security for his personal appearance at the next county court, to answer any allegations that may be made against him by his creditors—It is therefore adjudged and ordered that the said Joseph R. Brooks be discharged from his imprisonment, and by causing a copy of this order to be inserted in the Easton Star, once a week for four weeks successively, within three months before the twenty-first day of September next, to give notice to his creditors to appear before the county court, at the court house of the said county, at 12 o'clock of the said day, for the purpose of recommending a trustee for their benefit, and to shew cause, if any they have, why the said Joseph R. Brooks should not have the benefit of the several acts of assembly for the relief of insolvent debtors.

Attest,
BENJ. CHAMBERS, Clk.

Thirty dollars reward.

RUN away from the subscriber, on Sunday, 11th day of June, 1809, living in Talbot county, King's Creek, Maryland, a negro man named *Dick Bone*, about 23 years of age, 5 feet 7 or 8 inches high, pretty well set, very black, sharp mouth, rather hollow eyed, loud speech, and laugh; very fond of singing, whistling and swearing, when amongst negroes—his clothes rather uncertain; he had on a furr hat, grey cloth short coat, grey Bennett's cord pantalets, white shirt and long boots, with tops turned down: He was lurking the first of the week in Caroline county, and passed for a free man; says he was sold for a term of years by the family of the Eatons, and that he is now free from me. Five dollars will be given if taken in the county, ten if out of the county, and the above reward if taken out of the state, and secured in the jail in the county where he may be taken, and all reasonable charges paid if brought home, by

HENRY HARDCASTLE.
June 20, 1809. tf