John Oatman

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☞Orders for any of the above books will be received by the subscriber, and forwarded without delay.

EDWARD MULLIKIN.
Easton, Dec. 7, 1833.

NOTICE.

THE subscriber having purchased the entire stock of GOODS of the firm of KENNARD & LOVEDAY, and having added to it a new and

HANDSOME ASSORTMENT OF
FALL GOODS

selected by him with care from the markets of Philadelphia and Baltimore, intends carrying on the Mercantile business in his own name, in the store room formerly occupied by Kennard & Loveday. He particularly invites a continuation of the customers of the old firm, and all others who feel disposed to favor him with a call, assuring them, that no exertion on his part shall be wanting to render all dealings agreeable and satisfactory

WILLIAM LOVEDAY.
oct 29 tf [G]

WAS COMMITTED to the Jail of Baltimore City and County, on the 24th day of October, 1833, by Thomas Sheppard, Esq. a Justice of the Peace, in and for the City of Baltimore, as a runaway, a colored man, who calls himself CLYTUS WILLIAMS, says he is free, but did belong to James Purvis & Co. Said colored man is about 48 years of age, 5 feet 8½ inches high, has a small scar on the left cheek, and one over the left eye—had on when committed, a dark chequered round about, white drilling pantaloons, buff vest, coarse shoes, and tarpauling hat.

The owner (if any) of the above described colored man, is requested to come forward prove property, pay charges, and take him away, otherwise he will be discharged according to law.

D. W. HUDSON, Warden
Baltimore City and County Jail.
nov 8—19 3w

MANLOVE HAZEL
HAS just received from Philadelphia and Baltimore,
A FRESH SUPPLY OF
GOODS
suitable for the present, and approaching seasons; which he will sell on accommodating terms His friends, and the public are requested to call and examine, and judge for themselves.
nov 5

BOOKS.

EDWARD MULLIKIN has for sale at his Store at the Post-Office, adjoining Mr. Lowe's Hotel,

Fox's Book of Martyrs
Goodrich's Universal Geography
Newton on the Prophecies
Sturm's Reflections
Milton, Young, Gray, Beattie and Collins' Poems
Sterne's Works
Hemans, Heber, and Pollok's Poems
Byron's Works
Pronouncing Bible
Pronouncing Testament
Prideaux's Connexions of Sacred and Profane History
Watts on the mind
Jay's Lectures
Bible Companion
Malcom's Bible Dictionary
Imitation of Christ, by Thomas a Kempis
Evidences of Christianity, by Alexander, Watson, Jenyns, Leslie and Paley
Baxter's Call to the unconverted
Saints' Rest
Græca Majora
Græca Minora
Cooper's Virgil
Clarke's Cæsar
Clarke's Homer
Smarts' Cicero
Cæsar Delphini
Horace Delphini
Sallust Delphini
Hutchinson's Xenophon
Allen's Euclid
Griesbach's Greek Testament
Greek Exercises
Anthon's Sallust
Mair's Syntax
Adams' Latin Grammar
Ruddiman's do do
Titi Livii
McIntyre on the Globes
Bonnycastle's Algebra
Polite Learning
Blair's Lectures
Blair's Outlines of Ancient History
Tytler's History
Grimshaw's History of Rome
do do France
do do Greece
do do England
do do United States
Tooke's Pantheon
Adams' Geography & Atlas
Worcester's ditto ditto
Olney's ditto ditto
Wanostrocht's French Grammar
Nugent's French Dictionary
Viri Romæ
Kirkham's Grammar
Murray's Grammar
ditto Reader
Academical Reader
Walker's Dictionary
Comley's Spelling Book
Jess, Pike, Bennett and Gough's Arithmetic
Bartlett's Reader
Pocket Bibles, Hymn Books
And a variety of other Books, Paper, Inkpowder, &c. &c.
dec 14

Farm for Sale.

THE subscriber offers for sale his FARM in Queen Ann's county, containing about 400 acres, now occupied by Mr John C. Wootters. The land is kind, and susceptible of considerable improvement, by judicious cultivation; the improvements are in tolerable good order Persons disposed to purchase are invited to view the premises. For terms apply to Mr. William Stevens, merchant, Centreville, or to the subscriber.

JOHN W. JENKINS.
Talbot county, may 28th tf

NOTICE.

NECESSITY has compelled me to be positive orders to my Deputies to close all accounts for officers fees now due. The officers are daily calling on me for money, which I cannot pay, unles those who are delinquent will pay up—all persons indebted are therefore warned, that, unless their fees are immediately paid, the deputies have positive orders to levy and execute without respect to persons.

J. M. FAULKNER, Shff.
oct 29

DEER CREEK
Young Ladies' Academy.

THE *Semi-Anual Examination* of the Pupils in this Institution took place on Monday, the 18th instant, in the presence of a majority of the Trustees, who have great pleasure in being able to say, that they have not, elsewhere, witnessed in pupils so young, greater accuracy and extent of knowledge in History, Geography, Astronomy, Natural Philosophy and Chemistry, than was manifested on that occasion. Pieces of composition were shown as the unaided production of the pupils, which would do credit to mature years; and the exercises in Parsing, Reading, Writing, Arithmetic, &c, were altogether calcuted to place Miss CHEYNEY, who superintends this seminary, in the first rank of those who undertake the government and instruction of the female mind. And the trustees feel assured that when instruction in the French language is added to the branches already taught, few schools in the country will hold out better prospects for the acquisition of a useful and substantial French education.

The Academy is situated five miles north of Belle Air, immediately on stage route between Philadelphia and Baltimore, by way of Conowingo, in a pleasant and healthy neighborhood, and the young ladies are boarded in the family of Mr. Trimble, where every attention is paid to their health and morals.

TERMS:

Boarding, washing, fuel, &c.	per quarter $20 00
Tuition	5
French extra	5
Drawing extra	5

Boooks and Stationary furnished at moderate prices.

JOHN FORWOOD
SAMUEL BROWN } Trustees.
ROB. H. ARCHER
PARKER FORWOOD
dec 3

MESSAGE OF THE PRESIDENT
OF THE UNITED STATES
RETURNING THE LAND BILL;
Read in the Senate on Thursday, 7th Dec.

The following Message was received from the PRESIDENT of the United States, (through Mr. DONELSON, his Private Secretary,) returning, with his objections, the bill which originated in the Senate at its last session, "appropriating for a limited time the proceeds of the sales of the public lands, and for other purposes:"

To the Senate of the United States:

At the close of the last session of Congress I received from that body a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States." The brief period then remaining before the rising of Congress, and the extreme pressure of official duties, unavoidable on such occasions, did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands: and any measure for that object, providing for the reimbursement to the United States of those expenses with which they are justly chargeable, that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States, will readily receive my co-operation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time, at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration, nor the validity of the objections which I have felt it to be my duty to make to its passage, can be correctly appreciated without a full understanding of the manner in which the public lands, upon which it is intended to operate, were acquired, and the conditions upon which they are now held by the United States. I will, therefore, procede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any Government for the protection of their common interests. In October, 1777, while Congress were framing the articles of Confederation, a proposition was made to amend them to the following effect, viz:

"That the United States in Congress assembled, shall have the sole and exclusive "right and power to ascertain and fix the Western boundary of such States as claim to the "Mississippi or South Sea, and lay out the "land beyond the boundary so ascertained, into separate and independent States, from "time to time; as the numbers and circumstances of the people thereof may require."

It was, however, rejected, Maryland only voting for it; and so difficult did the subject appear, that the patriots of that body agreed to waive it in the articles of Confederation, and leave it for future settlement.

On the submission of the articles to the several State Legislatures for ratification, the most formidable objection was found to be in this subject of the waste lands Maryland, Rhode Island, and New Jersey, instructed their Delegates in Congress to move amendments to them, providing that the waste or Crown lands should be considered the common property of the United States; but they were rejected. All the States, except Maryland, acceded to the articles, notwithstanding some of them did so with the reservation, that their claim to those lands, as common property, was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the Articles, Maryland withheld her assent, and in May 1779, embodied her objections in the form of instructions to her delegates, which were entered up on the journals of Congress. The following extracts are from that document, viz:

"Is it possible that those States who are "ambitiously grasping at territories, to which "in our judgment they have not the least sha"dow of exclusive right will use with greater "moderation the increase of wealth and pow"er, derived from those territories, when ac"quired, than what they have displayed in "their endeavors to acquire them?" &c. &c.

"We are convinced, policy and justice re"quire, that a country unsettled at the com"mencement of this war, claimed by the Brit"ish Crown, and ceded to it by the treaty of "Paris if wrested from the common enemy by "the blood and treasure of the Thirteen States, "should be considered as a common property, "subject be to parcelled out by Congress into "free, convenient and independent Govern"ments, in such manner and at such times "as the wisdom of that assembly shall hereaf"ter direct," &c. &c.

Virginia proceeded to open a land office for the sale of her western lands, which produced such excitement as to induce Congress in October 1779, to interpose and earnestly recommend to "the said State and all States similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war."

In March, 1780, the Legislature of New York passed an act tendering a cession to the United States of the claims of that State to the western territory, preceded by a preamble to the following effect, viz:

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas, the Articles of Confederation and perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States, ought to be appropriated as a common fund for the expenses of the war; the people of the State of New York being on all occasions disposed to manifest their regard for their sister States and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the beforementioned impediment to its final accomplishment," &c.

This act of New York, the instruction of Maryland, and a remonstrance of Virginia, were referred to a committee of Congress, who reported a preamble and resolution thereon, which were adopted on the 6th September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:

"That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the several Legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the beforementioned act of the Legislature of New York, submitted to their consideration," &c.

"*Resolved*, That copies of the several papers, referred to the Committee be transmitted, with a copy of the report, to the Legislatures of the several States, and that it be earnestly recommended to those States who have claims to the western country, to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said Articles."

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

"*Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States, by any particular State pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom and independence as the other States," &c. "That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them."

In February, 1781, the Legislature of Maryland passed an act authorizing their delegates in Congress to sign the Articles of Confederation. The following are extracts from the preamble and body of the act, viz:

"Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation," &c.

The act of which this is the preamble, authorizes the delegates of that State to sign the Articles and proceds to declare, "that, by acceding to the said confederation, this State doth not relinquish, nor intend to relinquish, any right or interest she hath, with the other United or Confederated States to the back country," &c. &c.

On the 1st of March, 1781, the Delegates of Maryland signed the Articles of Confederation, and the Federal Union under that compact was complete. The conflicting claims to the western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States claiming them, to make liberal cessions to the confederacy, but it was not until the present Constitution was formed, that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the Articles of Confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession, thus tendered and accepted, was, that the lands ceded to the United States "shall be and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever."

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:

"That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose and for no other use or purpose whatsoever."

Within the years 1785, 1786, and 1787, Massachusetts, Connecticut and South Carolina, ceded their claims upon similar conditions. The federal Government went into operation under the existing constitution on the 4th of March, 1789. The following is the only provision of that constitution which has a direct bearing on the subject of the public lands, viz:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790.—The third condition of this cession was in the following words, viz:

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition, is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands, generally called *public lands*, lying within the original limits of the Confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our Republic, it appears that the subject of the Public Lands entered into the elements of our institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands, acceded to those views, and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them, by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an Ordinance, providing for the sales of lands in the Western Territory, and directing the proceeds to be paid into the Treasury of the United States With the same object other Ordinances were adopted prior to the organization of the present government.

In further execution of these compacts, the Congress of the United States under the present Constitution, as early as the 4th August, 1790, in "an act making provision for the debt of the United States," enacted as follows: viz.

"That the proceeds of sales which shall be made of lands in the western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the U. States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied."

To secure to the government of the United States, forever, the power to execute these compacts in good faith, the Congress of the Confederation as early as July 13th, 1787, in an Ordinance for the government of the United States northwest of the river Ohio, prescribed to the people inhabiting the western territory certain conditions which were declared to be "articles of compact between the original States and the people and States in the said territory" which should "forever remain unalterable, unless by common consent." In one of these articles it is declared that—

"The Legislatures of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers."

This condition has been exacted from the people of all the new territories; and to put its obligation beyond dispute, each new State, carved out of the public domain, has been required explicitly to recognize it as one of the conditions of admission into the Union. Some of them have declared through their Conventions in separate acts, that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day—in legislating for the Territories and admitting States into the Union—the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings it plainly and certainly results:

1. That one of the fundamental principles on which the confederation of the United States was originally based, was that the waste land of the West within their limits, should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted, on the express condition that they should be disposed of for the common benefit of the States according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That in execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands and put the avails into the common Treasury; and, under the new constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which, I think, cannot be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several States and the Acts of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress, may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debts the compacts remain in full force, and the obligation of the United States, to dispose of the lands for the common benefit, is neither destroyed nor impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several States "according to their respective and usual proportion in the general charge and expenditure." The cessions of Virginia, North Carolina, and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare, that they shall be "faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the Government, the proceeds of the public lands have not been set apart *as a separate fund* for the payment of public debt; but have been and are now paid into the Treasury, where they constitute a part of the aggregate of revenue upon which the Government draws as well for its current expenditures as for payment of the public debt. In this manner, they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt and the usual expenditures attending the civil and military administrations of the Government; but of the amounts paid to the States with which these compacts were formed, the amounts paid the Indians for their right of possession, the amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, &c. employed in preparing for market and selling the western domain. From the origin of the land system down to Sept. 30, 1832, the amount expended for all these purposes has been about $49,701,280—and the amount received from the sales, deducting payments on account of roads, &c. about $38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury which have grown out of them, by about $11,314,656. Yet, in having been applied to lessen those charges, the conditions of the compacts have been thus far fulfilled, and each State has profitted according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them, and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been, by reducing the price, and hereafter, as heretofore, bringing the proceeds into the Treasury. Indeed, as this is the only mode in which the objects of the original compacts can be attained, it may be considered for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western domain, and treats the subject as if they never had existence, and as if the United States were the orignal and unconditional owners of all the public lands The first section directs—

"That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of twelve and a half per cent. upon the net amount of the sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said States; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement or education within the said States under the direction of their several legislatures."

This twelve and a half per centum is to be taken out of the net proceeds of the land sales before any apportionment is made; and the same seven States which are first to receive this proportion, are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made; that it abrogates the condition upon which some of the States came into the Union; and that it sets at nought the terms of cession spread upon the face of every grant under which the title to that portion of the public lands is held by the Federal Government.

In the apportionment of the remaining seven eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure, provided by the compacts, it adopts that of the federal representative population. Virginia, and other States, which ceded their lands upon the express condition, that they should receive a benefit from their sales, in proportion to their part of the general charge, are by the bill allowed only a portion, of seven eighths of their proceeds, and that not in the proportion of their general charge and expenditure, but in the ratio of their federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "shall be so construed as to prejudice any claims of the United States, or of any particular State," it virtually provides that these compacts and the rights they secure, shall remain untouched by the Legislative power, which shall only make all "needful rules and regulations" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that

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