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BY ELIHU STOUT.)

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Western Sun

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LAWS OF THE UNION.

PASSED AT THE

1st Session, 22d Congress

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION.

WHEREAS a treaty of Commerce and Navigation between the United States of America and the Ottoman Porte, was concluded and signed at Constantinople by the respective plenipotentiaries of the two powers, on the 7th day of May, in the year of our Lord 1830, and the said treaty was duly ratified by the President, on the part of the said United States, on the 2d day of February, in the year of our Lord 1831, in pursuance of the advice and consent of the Senate, as signified by their resolution of the first day of that month; And whereas, the ratification by the President, of the said treaty in the Turkish language, and in a translation thereof into the English, annexed thereto, was exchanged at Constantinople, on the fifth day of October, 1831, by David Porter, the Charge d'Affairs of the United States near the Sublime Porte, and Nejjib Effendi, Reis Effendi of the Porte, for the ratification of the Sultan; which convention, as ratified by the President, in the English version, is, word for word, as follows:

The object of this firm instrument, and the motive of this writing well drawn up, is, that—No treaty or diplomatic and official convention, having heretofore existed, between the Sublime Porte, of perpetual duration, and the United States of America, at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that power, and in consequence of the wish entertained by the Sublime Porte, to testify to the United States of America, its sentiments of friendship. If, the undersigned, Commissioner, invested with the high office of Chief of the Chancery of State of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty, to negotiate and conclude a treaty, and having thereupon conferred with our friend, the honorable Charles Rhind, who has come to this Imperial residence furnished with full powers to negotiate, settle and conclude, the articles of a treaty, separately and jointly with the other two Commissioners, commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon, and concluded, the following articles:

Article I.—Merchants of the Sublime Porte, whether Mussulmans or Rayahs, going and coming, in the countries, provinces, and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other powers, shall serve as a rule, & shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly powers, and they shall not in any way, be vexed or molested. On both sides, travelling passports shall be granted.

Art II.—The Sublime Porte may establish Shahbenders (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice Consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice Consuls shall be furnished with Berats or Firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection.

Art. III.—American merchants established in the well defended states of the Sublime Porte, for the purposes of commerce, shall have liberty to employ seimars (brokers) of any nation or religion, in like manner as merchants of other friendly powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman Empire, shall not be subject-

ted to greater visit, by the officers of the Customhouse and the Chancery of the port, than vessels of the most favored nation.

Art. IV.—If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed 500 piastres, shall be submitted to the Sublime Porte, to be decided according to the law, of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence shall not be molested; and even when they may have committed some offence, they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

Art. V.—American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to the vessels of rayahs. The Minister, Consuls, and Vice Consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down, and agreed to by mutual consent.

Art. VI.—Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usages; and towards merchant vessels they shall exhibit the same kind and courteous manner.

Art. VII.—Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black sea, either laden or in ballast; & they may be laden with the produce, manufactures and effects of the Ottoman empire, excepting such as are prohibited, as well as of their own country.

Art. VIII.—Merchant vessels of the two contracting parties shall not be forcibly taken, for the shipment of troops, munitions, and other objects of war, if the Captains, or proprietors of the vessels, shall be unwilling to freight them.

Art. IX.—If any merchant vessel of either of the contracting parties, should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul, nearest to the place of the wreck, to be, by him, delivered to the proprietors.

Conclusion.—The foregoing articles, agreed upon and concluded, between the Riasset, (Chancery of state) and the above mentioned Commissioner of the United States, when signed by the other two Commissioners, shall be exchanged. In ten months from the date of this *Temesueck*, or instrument of Treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force, and be strictly observed by the two contracting Powers.

Given the 14th day of the moon, Zilcaade, and in the year of the Hagira, 1245, corresponding with the 7th day of May, of the year 1830, of the Christian era. (Signed) MOHAMMED HAMED, Reis-ul-Kutub, (Reis Effendi).

Now THEREFORE, to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In Testimony whereof, I have caused the seal of the United States to be hereunto affixed, and have signed the same with my hand. Done at Washington this 4th day of January, in the year of our Lord, 1832; and of the Independence of the United States the 56th.

ANDREW JACKSON.

By the President.

EDW. LIVINGSTON, Secretary of State.

FROM THE PUBLIC ADVERTISER.

The President's letter to the republican members of New York Legislature, has fallen jarringly upon the nerves of the coalition. The "galled jades" are wincing, and uttering those piteous, desolate cries of distress, which we expected this "home thrust" would produce. Let them rave and murmur on; the President will not wear a padlock on his mouth, even should his voice disturb their repose. His letter cannot fail to make a deep and lasting impression upon the American people. Its style, its cogent and lucid argument, the calm, elevated spirit that pervades it, must exalt the character of the President, and place upon a firm basis the triumphant vindication of the instructions to Mr. McLane, which a bare recital of the facts connected with that negotiation, will always furnish. The even, dispassionate tone with which this transaction is viewed, rebukes and shames the peevish and boisterous assaults of his enemies. The contrast between them is "the keenest cut of all," and Mr. Clay and his wretched satellites blush to look upon it—they are stung to the quick—and a bitter sense of humiliation creeps about their hearts, so gnawed and tortured by ambition's gall. No gauntlet is thrown by the President—no feeling of resentment is expressed; no such exclamations as "I dare you, sir"—no attempt to swagger or to play the bully, is made.

The history of the negotiation for the

recovery of the West India trade is rapidly and vividly sketched, and the principles upon which the administration acted are set forth in a masterly, but plain and unobtrusive manner.

One fact of great importance, and hitherto unknown to the public, is disclosed by the President. It is, that, on opening the negotiation, the British government urged as an insuperable objection against treating upon the subject, the conduct of the late administration, in refusing to avail itself of the terms offered by the act of Parliament of 1825, and afterwards obstinately pressing demands known to be of the most unreasonable, extravagant and offensive nature. To obviate this difficulty, which threatened defeat at the threshold, it became necessary to allude to the late of the administration by which these claims were preferred, and to apprise the British ministry that they were abandoned by those then in power. This was done without any belief that it would be more discreditable to the character of our government, for Genl. Jackson to forego pretensions which he had never urged, than for Messrs. Adams & Clay to abandon the same pretensions, after having vainly insisted upon them throughout the progress of a long and arduous negotiation. This administration has yielded nothing which it ever claimed. Messrs. Adams & Clay surrendered the ground first assumed by them, and after having suffered all the humiliations which might accompany that surrender, were unable to secure, in return, a solitary commercial privilege. Upon the very terms on which they begged a treaty, and begged in vain, General Jackson demanded one, and succeeded in that demand.

The President assumes, with his wonted firmness of character, the responsibility of the instructions to Mr. McLane, stating that those parts which have been urged to justify the rejection of Mr. Van Buren proceeded from his own suggestions, and were the result of his own deliberate investigation and reflection, and that they have still his entire approbation. This was due to his own fame as well as to that of Mr. Van Buren. It is placing the responsibility of Executive action where the spirit and laws of our government require it should rest.—The same course is justly adopted in regard to the dissolution of the cabinet, which the gossip of the day has ascribed to the intrigues of Mr. Van Buren.

However much reproach may be heaped upon the President for having written this letter, his right thus to correspond with his friends is unquestionable, and surely no right was ever exercised in a less exceptionable manner. The right to assail and calumniate him, enjoyed and fully exerted by all his enemies, would seem to imply a right on his part to offer something in his own defence, if he should deem it proper so to do—certainly, since the humblest citizen is protected in defending his own character and motives from the aspersions of the vile pack that may be hissed on him, the President will not be denied a similar privilege. Shall he stand like "an ox led to the slaughter, which openeth not its mouth," while the curses of his enemies are ringing in his ears? A co-ordinate department of the government—the Senate—in solemn session, led on by his rival for the Presidency, has traced his conduct and sought to cover his administration with odium. To charges coming from such a source, he may well be permitted to indulge in a course of defence, which it would be indiscreet to adopt in reference to the common scandal of the day.

We are far from advocating the right of the President to throw himself upon the common electioneering arena; and the letter to his friends in New York cannot, by any in whom the sense of justice is not wholly deadened, be viewed in that light. When Mr. Adams, at a public dinner, made his "Ebony and Topaz speech," we thought he had better have been at Washington. When he travelled in his jockey cap, we pronounced it gross, vulgar electioneering, calling for public reprehension. Mr. Clay's tour of dinner eating and speech making, which lasted throughout the last administration, and is still unfinished, (though his appetite seems a little cloyed,) we condemned, as disgraceful to his high office and insulting to the people. We viewed it as the bold uncovered front of demagoguery, without a single pretext or palliation to relieve its hideousness—yet all this electioneering was applauded by the very men who think Gen. Jackson has offended without measure, in writing a plain, temperate letter, to his friends in New York, touching an act of his administration which deeply concerned, not only his own reputation, but that of one who is the pride of the Legislature and State to which his answer is addressed. Should Gen. Jackson travel through the Union, and deliver heated, intemperate invectives against his enemies, as the members of the late administration did, he would be severely reprehended, but the right of his fellow citizens, especially the Legislatures of the States, to address him upon topics in which they feel a lively

interest, and his duty to respond to such addresses, cannot be controverted.

Mr. Clay and his partisans contend that the three per cent stock ought not to be paid off by the government; and it is asserted by Mr. Clay that the Secretary of the Treasury ought to be impeached, if he should attempt to discharge that portion of the public debt which consists of three per cent stock. Two days after this silly assertion was made in Congress, the Commissioners of the Sinking Fund—the Vice President, Chief Justice Marshall, the Attorney General, the Secretary of State and Secretary of the Treasury—unanimously directed the Secretary of the Treasury to pay off the three per cent stock!—By this it would appear that Mr. Clay's opinions have had no influence whatever on the course of the Commissioners of the Sinking Fund.—(Ibid.)

The Baltimore Patriot expresses the hope, that the decision of the Supreme Court, in the case of Worcester vs. the State of Georgia, will "arrest the progress of the new-fangled doctrines of State sovereignty." If we understand the tenor and scope of the decision, it is, indeed, well calculated to render the very idea of State sovereignty ridiculous. If the States cannot legislate over the territories within their acknowledged limits, whether occupied by white, black or red men, it must be conceded that the progress of the doctrine of State sovereignty has been most effectually arrested.—(Ibid.)

The Supreme Court of the United States has decided the case of the Missionaries vs. the State of Georgia. The decision pronounces the law of Georgia, (under which the Missionaries were confined in the penitentiary,) unconstitutional, null and void, and a mandamus has been issued to the State Court, directing it to reverse its judgment and requiring the liberation of the prisoners. This decision, (which has not yet reached us,) produced great excitement at Washington, and we shall be deceived if that excitement does not become general.—(Ibid.)

PARIS, JAN. 8, 1832.

To the Editors of the Courier and Enquirer:

GENTLEMEN:—It would be impossible to give you an idea of the sensation which your President's Message has produced throughout England, France, and Germany. It was scarcely received in Paris, than one of the most distinguished and illustrious Germans translated it, with orders to have 10,000 copies of it printed for distribution in his country. In England it is the same—There is not a paper of any standing which has not given it entire—a thing unheard of, for heretofore the English papers were satisfied to give their readers some garbled extracts. Now mark it well, you are acknowledged as the great Republic by all—Tories and Ultra Tories, Whigs and Radicals. This is a splendid testimony, and there is no American in Paris who does not feel proud of this award, extorted as it were, by the force of conviction from all parties. The moral influence of this document in the present state of things, cannot be calculated; and if the Reform Bill be eventually carried, it will owe much to this Message—which has, as I understand, already greatly reanimated the drooping spirits of the Whigs, exhausted by the long resistance they have met.

Common Schools in New York.—An abstract of the report of the Secretary of State to the Legislature of N. York respecting common schools, appears in the public prints. The following are the facts of chief interest:

There are fifty five organized counties, and seven hundred and ninety three towns and wards in the State. Returns have been received from all the county clerks, containing copies of the commissioners' reports from every town in the State.

These returns show that in the several towns of the state there are 9,333 school districts organized, and that of this number 8,835 have made reports to the town commissioners, accounting for the money previously received by the districts, and showing that a school has been taught in each district for at least three months by an inspected teacher.

In the districts from which reports have been received, there were, on the last day of December, 1830, five hundred and nine thousand seven hundred and thirty one children, over five and under sixteen years of age; and that five hundred and six thousand eight hundred and eighty-seven scholars were taught during the same year in common schools of the state; and that 8,833 district schools have been kept open for the reception of scholars, an average period of eight out of twelve months.

The following account of the miserable condition of Spain is taken, (says the

N. Y. Daily Advertiser,) from a letter to a gentleman in this city, dated

MADRID, Dec. 14, 1831.

"The country is so completely overrun by robbers, that nothing goes safe. Not a diligence has gone from this to Seville, for some weeks past, without being stopped and plundered by these banditti. Indeed, it was never worse than at present. Dr. Wilson, an English gentleman, and his lady, left here about four weeks ago for Andalusia. The diligence was stopped by Jose Maria, with a band of sixteen. He says they were fine looking men, mounted on handsome horses, and armed each man with a brace of pistols, gun, broadsword and dirk. They were very polite, not obliging them to get down with their faces to the ground, as is usual, but gave them some brandy and water to drink; and when they left, shook hands with the passengers, wished them a pleasant journey, and begged pardon for having been obliged to put them to so much trouble and inconvenience. They took every thing in the way of money, watches, &c. and all the gentlemen's clothes that were worth taking, even their cloaks and umbrellas; and also all the ladies' dresses, leaving them a few night-gowns, caps, &c. This is what has happened to every diligence or coach that passed on that route. In fact the travelling in that direction is entirely stopped."

Congressional.

From the Globe.

March 5.

The Senate did not sit on Saturday. In the House of Representatives, Mr. Clayton's resolution in relation to the Bank of the United States, was postponed until Monday. After the presentation and adoption of various resolutions, the House resolved itself into committee on the claim of Mrs. Decatur. An animated discussion ensued, when at a late hour, the Committee rose, asked leave to sit again, and the House adjourned.

March 6.

In the Senate, yesterday, Mr. Chambers gave notice of his intention to ask leave to bring in a bill to improve Pennsylvania Avenue. Mr. Smith offered a resolution proposing an inquiry into the expediency of suppressing the circulation of notes of a less denomination than five dollars within the District of Columbia. The apportionment bill was taken up, with Mr. Webster's amendment, and it was discussed till the Senate adjourned.

In the House of Representatives Mr. Adams presented a memorial of certain citizens of the city of New York, in favour of the Cherokee Indians, and the missionaries recently imprisoned for disobedience of the laws of the State of Georgia, which he moved to refer to a Select Committee. A debate, which occupied the whole day, ensued, in which Messrs. Adams, Bell, Wayne, Clayton, Pendleton, Thompson, of Geo. Beardsley, Ellsworth, Foster, Dickson, Dryton, Davis, of Mass. Cabanell, Dredge, Clay, Burges, Stewart and Wardwell participated. Mr. Thompson, of Geo. moved to lay the memorial on the table, which was rejected—yeas 91, nays 92. The question "will the House commit the petition?" was subsequently agreed to, yeas 96, nays 93. It was finally committed to the same Committee of the Whole on the Union, to which various petitions of a similar character were heretofore committed.

March 7.

In the Senate yesterday, Mr. Benton, from the Committee on Military Affairs, reported a bill to increase the pay of the Surgeons and Assistant Surgeons in the United States' Army, which was ordered to a second reading. Mr. Smith's resolution proposing an enquiry into the expediency of suppressing the circulation of bills of a denomination less than five dollars, was adopted. The consideration of the Apportionment Bill was renewed, and the discussion was continued by Messrs. Clayton, Tazewell, Ewing, and Webster,—but no question was taken.

In the House of Representatives, Mr. Wardwell presented resolutions adopted by the Legislature of the State of New York, in opposition to the re-charter of the Bank of the United States. Mr. Wickliffe, from the Committee on the Public Lands, reported a bill for the final adjustment of private land claims in the State of Missouri. The resolution for the appointment of a select committee to examine the affairs of the Bank of the United States, was again taken up. Mr. Clayton resumed and concluded his remarks in favour of the resolution, in a speech of about three hours' length. Mr. Root has the floor for to day.

March 8.

In the Senate, yesterday, the resolution submitted by Mr. Sprague, calling on the President for copies of the correspondence between Mr. McLane and the British Government was adopted, after having been so modified by the mover as to apply only to the correspondence respecting the Colonial trade.—