RALEIGH, (N. C.) November 30.

We have notified, in our minutes of the proceedings of the general assembly, that the report of a select committee, recommending it to the governor to pardon Mr. Stanley for having killed general Spaight in a duel, was rejected. The grounds on which a concurrence with the report was objected to (as the Editor hath understood, not having been present himself) were in substance the following:

That the memorial, at first blush, carried a strong and direct distrust of the relations of the deceased, that they would not rest contented, but that they would carry on a legal prosecution. It was believed, that there was not the least well founded apprehension that such a prosecution would be attempted; that, on the contrary, sufficient assurances had been given the memorialist that nothing of this sort would be done: That therefore it would ill comport with the delicacy of the house to take a measure which might add to the distress of the unfortunate, and wound their sensibility, by involving, perhaps in their opinion, an imputation to their honor: The sensibility of Mr Stanley might be deserving of regard, but it was not to be soothed or quieted by injury or outrage to that of others. In a case circumstanced as this case was the general assembly ought not to extend the aid and sympathy to either party that should observe a strict and impartial neutrality.

It was further contended, that as it was believed that there was no real ground of danger or an apprehension of a prosecution of the memorialist, whatever might be his merits, it would be particularly unwise and impolitic in the legislature to interfere in the case of duel. It might, and would be probably construed into a side-wind countenance of a practice which the laws of all well regulated communities condemned, but which unfortunately for the interest of reason, if not humanity also, they had been hitherto unable to explode. Ill would it comport with the dignity or duty of the legislature, considering the frequent instances of duelling with which our newspapers for some time past have teemed, to take any step which would possibly be construed into an indulgence of this irrational mode of determining disputes. On the contrary, the house was under the strongest obligations, both of policy and sound morality, to do every thing to suppress it.

It was lastly argued, that it was not consonant to the genius of the constitution, that the legislature should interfere. The constitution has expresly said, the governor shall have the power of pardon, except where the prosecution is carried on by the legislature or the law shall otherwise direct. It would seem therefore, that the constitution did not contemplate that the general assembly should exercise the power of pardon; but that the governor exclusively should, in all cases except in those saved by the constitution, or otherwise directed by law. In answer to an argument raised by the friends of the memorial, that the legislature had interfered formerly in cases of duel, particularly in the cases of Bradley and Swan, and Sneed and Mitchell, it was said that the interference of the legislatnre was much murmured at, at the time. It was true, the legislature in that instance had proceeded to pass an act of pardon before conviction: but the case was an extreme one. There the utmost rigor of the law was not only menaced, but a prosecution was actually begun and depended. It was true, in the present instance, the memorial only prayed a legislative recommendation for executive clemency; but considering the relation of the executive and legislative departments under our constitution, there would be too much reason to apprehend the recommendation of the legislature would be equivalent to a mandate. Hence the necessity of cautiously avoiding to extend the influence of the one department on the acts of the other. Though perhaps it might be going too far to deny the right of the legislature to exercise the right of pardon, and of consequence that of recommendation to executive clemency; yet it must be acknowledged, it should only be in cases of great pressure and extremity. This, at all events, was not an extreme case, and therefore they ought not to interfere.

The report was supported, on the ground that the applicant and the circumstances of the unhappy affair, rendered this a proper case for executive clemency, and because a recommendation from the legislature was more respectful to the executive, and of more weight than from any number of individuals however dignified their stations. The distinction taken between recommendations to pardon before and after conviction was said to be substantial. The offence, in one case, is found by jury; in the case before the house it is confessed. The supporters of the report expressed their respect for the character and services of the deceased, and their deep regret at the circumstances of his death: but still believed that a prosecution would subject the applicant to inconvenience and distress, which they presumed no gentleman acquainted with facts could say he meritted. They would not assert that the family of the deceased desired a prosecution, because they held such a disposition no less dishonorable to the memory of the deceased than to the prosecutors, but such a measure was in the power of any individual, and they had authority to believe was contemplated by some.

The question was taken, and the report disagreed to as stated in the minutes.

On the failure of Mr. Stanly's application to the legislature, we understand that several of his friends, members of the general assembly, prepared an address to the governor, recommending Mr. S. as a proper object of executive clemency, which was signed by a considerable majority of both houses. A similar address was presented, signed by the officers of government, and a respectable number of the citizens of Raleigh. We are informed that the governor has issued a pardon; and that Mr. Stanly is now on his way to Washington City, to attend his duties in congtess.

IN PRIVY-COUNCIL.

December 2d, 1802.

Present,—The hon. John Lambert, V. P.
Mr. Pennington, Mr. Welch,
Mr. Little, Mr. M'Cullough,
Mr. Parret.

The vice-president having informed the council that the legislature had adjourned without day, and without having chosen a governor, and suggested that some doubts had arisen on the construction of the constitution as to the extent of his authority in the present vacancy of that office, and therefore he had considered it as his duty to convene the council and to take their opinion on the subject—whereupon after mature consideration it was *unanimously*

Resolved, As the opinion of this council, that the vice-president, is in consequence of the existing vacancy of the office of governor, the supreme executive power of state—the office of chancellor of the state, and the office of commander in chief of the militia of the state; and hath authority to keep and use the great seal of the state, and to commission all officers appointed by the council and assembly jointly—and all sheriffs and coroners duly elected, in the several counties of the state.

That the office of *ordinary*, not being specifically enumerated in the powers given to the vice-president, in case of the vacancy of the office of governor; or as it is expressed in the constitution, *absence of the governor*, some doubts have arisen in the minds of the members of the council relative to the authority of the vice-president, with respect to that office; but on viewing the constitution in all its parts and aspects, the minds of the members of council are strongly impressed with an intention in the framers of the constitution to substitute the vice-president in the place of the governor, *in all cases of a want of a governor* to fill the office and execute the duties thereof. The uniform practice, that hath obtained in the state commencing the next year after the adoption of the constitution, and continuing on till this time without hesitation or doubt, for the vice-president to exercise the office of ordinary, in all cases of the vacancy of the office of governor, from whatever cause it hath happened, furnishes in the minds of the members of the council, an instructive commentary on the constitution itself; and when the members of council add to the foregoing, the consideration of the great inconvenience and injuries, the inhabitants of the state must unavoidably be exposed to, in case of a suspension of the due and regular exercise of the office of ordinary; they do *unanimously* advise the vice-president to take upon himself the authority of *ordinary* and to exercise and perform all the duties and functions appertaining to that office.

I certify the foregoing to be a true copy, taken from the minutes and published by order of the council.

JOHN BEATTY, Clerk,

In consequence of the foregoing advice, and the determination of the vice-president to exercise the office of ordinary; I am directed to notify the surrogates of the counties respectively, that they are to consider themselves as continued in office, and acting under the authority of the hon. John Lambert, Esq. until his further pleasure be known. The surrogates will therefore proceed to execute the duties of their offices, in all respects as heretofore, taking administration and other bonds in the name of John Lambert, acting as ordinary or surrogate-general of the state.

JOHN BEATTY, Register.
Register's Office,
Trenton, Dec. 2, 1802.

(Trenton True American.)

MR. ADAMS'S BIRTHDAY.

Mr. *Adams's* answer to the birthday address, is perhaps a more faithful and candid developement of his feelings, than any thing which transpired in the course of his administration. Unshackled by the parade of office, he probably spoke in the language of his soul. From a part of his answer, we may fairly infer his disapprobation of many of the measures, to which he had given his official sanction; and his regret at some of the hasty and precipitate measures, which he himself had adopted. "Some measures (says he) were the effect of imperious necessity, *much against my inclination*. Others, were the measures of the legislature, which, although approved, when passed, *were never previously proposed or recommended by me*. Some of them, left to my discretion, were never executed; because no necessity for them, in my judgment, ever occurred." This hallway apology is, we presume, intended to shift off from himself, to the legislature, the odium of the *army*, the *seventy-fours*, and *perhaps* the sedition law. If he has spoken his sentiments, we have only to regret, that he had not firmness enough to refuse his sanction to any measure, "*which was against his inclinations*," and to deny his signature to any act which he did not in his conscience approve.—Had he pursued this course he might have saved his own reputation, and arrested the "*mad-career*," which had well nigh ended in the ruin of our country.

Mr. *Adams* appears also, to be sensible, that he has committed himself, by some hasty and intemperate expressions. "Under the continual provocations, breaking and pouring in upon me, from unexpected as well as expected quarters, during the two last years of my administration, he must have been more of a modern Epicurean philosopher than I ever was or ever will be, to have born them all, without some incautious *expressions* of an *unutterable* indignation. I have no other apology to make to individuals or the public." We are at a loss what words Mr. *Adams* could have used, to *express* an *unutterable* indignation. At any rate, he seems to be sensible that *some* apology is due from him, both "*to individuals and the public*." If he had apologised for some "*deeds*," as well as "*words*," towards the close of his administration, "*the public*" might have thought as well of his candor. His *midnight* appointments, and his *midnight* retreat from *Washington*, might have been well explained, by ascribing them to the influence of *passion*. This concession, at any rate, amounts to an acknowledgment of his unfitness for the elevated office he once sustained. If a man must be "*a modern Epicurean philosopher*," that he may be able to refrain "*from incautous expressions of unutterable indignation*, because TIMOTHY PICKERING, may censure him, or ALEXANDER HAMILTON may write him an insolent letter; if this necessary moderation and contempt for abuse, is only to be learnt by becoming a "*modern Epicurean philosopher*;" we do not hesitate to pronounce, that none but "*a modern Epicurean philosopher*" is fit to be *president of the United States!!*

Ægis.

LEGISLATURE OF MARYLAND.

REPORT

On the GOVERNOR'S Communication.

The joint committee to whom were referred the communications from his excellency the governor, have taken the different subjects therein mentioned under consideration, and report, that it appears expedient that the militia system should be revised, but that the sense of the legislature on this important subject may be obtained when the detail presents itself for their consideration, the committee are of opinion that leave should be given to bring in a bill to regulate the militia of this state. The propriety of placing our military stores in the best situation for public use, and the necessity of remedying any injury the powder may have suffered, as to them may seem the most expedient; but as money must be drawn from the treasury for this purpose, a law or resolution ought to originate in the house of delegates.

The interest of this state in the bank stock of England has long engaged the attention of the legislature, various acts have passed on the subject, and different means pursued, hitherto ineffectual; the aid of the United States may expedite its recovery, and the executive appears to your committee the regular department to request that aid; they are therefore of opinion, that the governor and council should be authorised and requested to take such measures as to them may appear most advisable to obtain the interference of the executive of the United States for the recovery and transfer of said stock, the transfer to be made according to, and under the provisions of, the act, entitled, an act relative to the stock of the bank of England belonging to the state of Maryland, passed at last session.

It appears from the communications of the governor, thot a difference of opinion exists between the states of Maryland and Pennsylvania, relative to the navigation of the Susquehanna river, but as that subject is now before the legislature, it is not necessary that your committee should express an opinion thereon: they trust it will be amicably adjusted to the satisfaction of the two states, and of the proprietors of the canal company.

The attention of the governor to the tranquility and interest of the state, the full and impressive disclosure of the various objects of this message, the clear and concise point of view in which he has placed our military and financial situation, in the opinion of your committee, highly merits the approbation of the legislature.

By order,

J. HARWOOD, clk.

On further progression on reading the said report, the question was put that the house concur in the last part thereof—The yeas and nays being required, appeared as follow:—

Affirmative—Messrs. Angier, Hatchison, A. Stuart, Dorsey, Harwood, Merriken, Hall, Blake, Moore, Stansbury, Lemmon, Rose, Nabb, Martin, Williams, Sheredine, Miller, Veazey, Bowie, Wood, Van Horn, Quynn, Quinton, Nelson, Hawkins, Shriver, Kemp, Montgomery, Forwood, E. Davis, Lytle, Orrell, Young, Hardcastle, Purviance, Dickson, Kershner, and Smith—38.

Negative—Messrs. R. Neale, Barber, Wheale, Grahame, Somervill, Bourne, P. Stuart, Jones, Chapman, M'Pherson, Dashiell, Cottman, Hyland, S. Frazier, Steele, Purnell, Wilson, Mitchell, T. Davis, Vearch, Bayard, Simkins, Tomlinson, and Cresap—24.

So it was resolved in the affirmative.

To the ridiculous stage-play rant of the last *Centinel* in favor of its boasted list of representatives for the next congress, we have nothing to oppose but truth, reason and justice. As to young Mr. *John Q. Adams*, he was scarcely out of his cradle, when Dr. EUSTIS was in the field fighting for the union, the independence and liberty of his countrymen. As to *Timothy Pickering*, if a man will particularise a single brave or good action that he has performed, from the battle of Lexington to this moment, it is more than has been generally known. With respect to the other candidates, they are opposed by better men, both for private and public characters. We say that the ex-president and his family, have received more pay for fewer services, than any other family in the United States ever received; and that if *Alexander Hamilton* can be credited, he was as avaricious unsteady and incapable of directing our public concerns, as any man in America. We call for proof that Mr. Adams saved the fisheries of this country, or that his son knows any thing about them. Assertions go for nothing. That Mr. Adams was the enemy of the *sainted* Franklin is well known; and if he was the personal or political friend of WASHINGTON, during the revolutionory war, he took effectual care to conceal his attachments. We wish to know who made, or proposed in a former congress to make, the motion to displace the commander in chief! Let Mr. Adams unveil that mystery which the late General WASHINGTON represented to the last moment of his life. Is it not enough to use a few electioneering expressions. The public requires evidence. A history of WASHINGTON is about to be published—let that dark intrigue be probed to the bottom, and we shall then see who were his real friends and who would have followed him to the grave with more pleasure than they ever took in contemplating his boundless popularity. A popularity which, after all, was not "a tide or a whirlwind," although it has been so insinuated in a letter, the authority of which the warmest friends of Mr. John Adams have never contested. *Bost. Chron.*

The *tory Gazette* is very anxious for Mr. Jefferson's reputation—it deplores the circumstance of his having condescended to speak to Mr. Paine; not reflecting that Mr. Jefferson and the other patriots who survive the revolution in particular, and all friends to the rights of man are bound to respect him for those services which received and merited the applause of all independent Americans. *Aurora.*

The *tory Gazette* is astonished that a president of the United States should notice Mr. Paine—but they forget how intimate several members of the last administration were with the avowed agent of the British *Cobbet*—how convenient a *bad memory* is to the tories. *ibid.*

The arrival of the asserter of the rights of man gives as much *pain* now to the *tories* as his *common sense* did during the war. The *tories* of that time denounced Mr. Paine for his political writings, and would have distroyed him as they did others, for his *whigism*—the *tories* of this day would do the same and for the same reasons, they now cloak their hatred under pretence of revering *religion*, but *tories* will be *tories*. *ibid.*

It is but natural that *tories* should hate Mr. Paine, him they can never forgive; but the clamor which is raised on his arrival is by no means on Mr. Paine's account alone, no more than dread for religion is the motive for hostility, it is hoped to prejudice the president in the eyes of his constituents because he has not treated with indifference or contempt a man whose political services Mr. Jefferson had so good an opportuuity to be acquainted with during the revolution: but liberal men of all parties, for it would be prejudice to say there are not some among those who have been seduced from the whig interest, will view Mr. Jefferson's conduct in its true light—he has seen many good effects from Mr. Paine's early writtings, he has seen him devoting his time, health, and talents to promote freedom, he has seen Mr. Paine's return to his country with pleasure, and will not by a line of conduct recommended, and which could only be pursued by *tories*, send him in his old age with sorrow to his grave; but by shewing a respect, merited from Americans, will evince the goodness of his own heart, and fulfil the wishes of his constituents. *ibid.*

WILKESBARRE, (Penn.) Nov. 27.

A few days ago, a child, about two years old, of Mr. Humphrey Brown, of Wyalusing, was lost. After a long and ineffectual search the mother chanced to look into the well, where she beheld her infant standing in the water. Mr. B. immediately descended, and released his child from its watry prison.—On examining it no marks of injury appeared although the well is 45 feet deep, and very roughly stoned.

EPILEPSY.

A few days ago, a woman passing along the streets of Bordeaux, was suddenly attacked with a fit of epilepsy, having at the moment a child of six months old in her arms. Such a distressing situation speedily attracted a crowd of spectators who were however, unable to yield the woman any relief. At that moment, a young sailor breaking through the crowd, called for some grains of salt, which he forced into the woman's mouth. This immediately had the effect of restoring the woman's sensations and speech, and her convulsions were at once put a stop to. The young man who had been at Madagascar, said that he there saw this remedy applied to persons in epilepsy with wonderful success.

[Scotch paper.]

BOTANY-BAY.

Such is the *improving* state of this colony, that a man just returned from transportation to a village near Halifax, in Yorkshire, having served his time is preparing to go to Botany-Bay, with his wife and children. He was transported for sheep-stealing, and went to return thanks to his prosecutor, for being the means of sending him to the only country where he could ever do any good.

FRANKFORT, (K.) Sept. 22.

Extract of a letter to the Editor, dated St. Vincennes, 10th September, 1802, evening.

"The council with the Indians was opened this morning. The chiefs and many of the warriors of the Miami, Pian, Siak, Wian, Kashan, Patawatamie, Kickapoo, Kaskaskias, and El-River nations, have come in, accompanied by about five hundred young men, women and children. They are, I believe, well disposed, and highly gratified with the attention paid them since their arrival.—The views of government towards them are truly magnanimous. It is ardently wished to ameliorate their savage, barbarous state, and place them in the ease and enjoymont of civilited life.

"The Indians have been grossly imposed upon with regard to the United States. In a drunken frantic fit, they view us as old women; in their cooler reflective moments, as ploting their destruction. Those settled on the Wabash and White rivers, have since the establishment of a government here, been principally under the influence of the intendant of Indian affairs; but those on the Mississippi, Oninischousin and Illinois river, and the lakes, have been and are still under the controul of British agents. That treacherous hypocritical nation has now its engines spreading desolation throughout the western country. The most active measures have been taken to frustrate the assembling of the Indians; persuasions and presents have been disseminated with the most vigilant industry, and some have been taught to believe they were only invited here to be inhumanely butchered. The noted M'Kee, shaved, painted, &c. &c. has recently had a war dance with the Indians that live in our territory, a thing unprecedented in time of peace. The Indians towards the Mississippi and the lakes, visit him annually, are loaded back with presents, &c. and call him the best of men; and I will venture to predict, that if the prayers of old England prevail, the knife and the tomahawk will ere long evince to us the energies of "secret service money."

We with pleasure notice the appearance of a new republican paper, in Frederik Town;—its editor is Mr. John B. Colvin, a Baltimorean by birth. His abilities as a writer the citizens of Baltimore can properly appreciate, from the specimens he has produced on different occasions: and we can venture to add, that his energies, if brought into complete operation, will constitute him a lacerating scourge to the disorganizing tories of Frederick Town and county.—By him, both the *Herald hero*, and the *forger* of *presidentiol messages*, the renowned *Cataline*, may be *shorn* of the *menial* glories they have obtained in the cause of infamy—and indecent opposition to a virtuous administration.

American.