

appointments, possibly an hundred or more, may be agreed to in one morning, as the civil officers, with a few exceptions, must be re-appointed every year: A Clerk cannot possibly fill up the commissions as the appointments are made; he presents therefore a number of blanks to the governor, who signs them, and then he fills them at his leisure from his entries; some of these may not be wanting, and of course will be thrown aside generally into an old trunk, with the blank commissions, waste papers, &c. Out of these, possibly, at a future day, the signature of the present governor may be drawn, and with as much propriety, produced as evidence of his correct construction of the constitution: But it is hoped that no future Friend to Candour will arise, for our Friend, we suspect, is something like Blackmore's elephant—"none but himself can be his parallel."

With respect to the assertion of the Civil Officer relative to Mr. Henry, it was founded on the information of two gentlemen, whose names will not be here inserted, but will be communicated to the printer, that if this writer wishes information he may ask it personally; but it will be remarked, that the rank they hold in the public esteem can never be injured by a board of friends to candour: it may also be added, that the distinguished individual whom this writer has introduced, four and twenty years ago acted upon oath under the same formulary; giving it precisely the same construction that the governor of Maryland now does.

The name of Mr. Duvall has been also used; this gentleman, instead of being nineteen years a councillor, as was published by an anonymous writer, was a councillor one year, and being elected another year, resigned, assigning as a reason the unconstitutionality of a law of the preceding session, which certainly has no possible connexion with the present question: the deliberate opinion of that gentleman, on this or any other legal subject, will, when known, be respected beyond the limits of Maryland; and by none more than the Civil Officer.

Every information has been sought from those who have acted in the executive, and whose evidence must command respect; many of them relate, that a practice existed, and was continued without inquiry which seemed to have resulted from mutual accommodation: the governor commissioned those in whom a majority of the council concurred; but it is certain that the present chief judge, to whose words all parties subscribe, and who was six years a counsellor, has, on being asked, said, that during all the time he served, if the members of the council assembled, and the governor was not present, but at the seat of government, they never proceeded to business without him. General Stone, who was six years a counsellor, and three years a governor, on being asked declared, he could recollect nothing like the conduct of the present council; and every member of any former council with whom the Civil Officer has conversed, has related to him instances of their convening at the government house, when the governor from any cause could not conveniently attend at the state house.

But according to the Friend to Candour, if the governor is notified and will not attend, it is his own fault. Will the Friend to Candour deny that the council have met when the governor was in town—transacted business, and made appointments, without notifying him at all? It is certain, that if according to their construction of the constitution, they can act without the governor, and that when present, if all the council attend, or any number but four, he can do nothing: their notification and his attendance must be mere matter of civility and form; and it must be as well, or even better, to proceed without him, especially if they believe he is averse to their measures: Nothing farther is necessary but for them to shew, "that when the governor, by and with the advice and consent of council, is authorized and required to appoint," the council are thereby empowered to appoint, and to appoint without the consent or even the presence of the governor; if they can establish this, then they have acted constitutionally, and their incivility, to an individual, however felt by him, will not probably be much regarded by the public, and much less by themselves. But this is yet to be determined.

The Friend to Candour must have strangely misunderstood the Civil Officer respecting the resolutions; no particular allusion was made to those which originated in the senate; all the resolutions, those respecting the Susquehanna, and those explanatory of them, were contemplated by the Civil Officer, who would not consider himself as justified by any personal motive in publishing their history; but he has prepared it; and if, after this explanation, he is again invited to publish, it shall be furnished to the printer, and the Friend to Candour may have it published if he pleases, and the Civil Officer will give his name, and become responsible for the facts.

It yet remains to remark on the comments which the Friend to Candour has made on the assertion of the Civil Officer, that there was no precedent of an adjournment of the council to meet in the evening since the governor and they had acted together. This he has politely termed quibbling, a vulgar expression, heretofore considered as appropriated to the lowest pettifogging retainers of a county court bar; the Civil Officer will leave the term with those who have used it; but in reply he must take the liberty to prove, that the Friend to Candour has been guilty of a suggestion of what is not true, and it is feared with malicious prepense. He has suggested, that there had been an adjournment of the council in the morning to meet in the evening with the knowledge of the governor, before that of the Susquehanna appointment. This is not the fact. He could not have supposed that the Civil Officer meant that there could be an adjournment on one day to meet on the evening of the next day, this would be too absurd. The Civil Officer evidently meant, that the council had never done business twice a day to his knowledge; this not only appears from the entries on the journal, but it is the real fact. These expressions were used by the Civil Officer to avoid the following disagreeable detail; "that for the governor to meet the council in the evening at the state-house in the winter, (when this happened,) could not be reasonably desired; at that season it is expected he should entertain frequently; this seems indeed the principal object of his appointment, as the constitution is construed by the council, although it must be chiefly done at his own expense; as the public bodies sit till late before dinner, his company seldom disperses till long after candlelight, and although he may not entertain every day, yet his hours must be nearly the same every day; from this cause there never had been an adjournment to meet in the evening to the knowledge of the governor. The instances alluded to by the Friend to Candour happened as the year advanced, the days lengthened, and the public bodies had retired; and from the following cause, as far as the governor has been concerned. A member has been sent for from the county to make a board, he would be late the next day before he arrived, and a meeting has been therefore held in an evening, but there was then no meeting in the morning." From this detail of facts the public could determine where the imputation of quibbling and fabrication would attach, was either evidence wanting.

With the citizens of Maryland, and their representatives, it now remains to decide, whether the construction of the council is the real constitution of the state. They will naturally reflect, that if the governor is thus rendered a cy-

pher, and if he is to continue a mere dependant on the civility of the council, who may ask him or not to be present at their deliberations, where he must sit chiefly as an unconcerned spectator, no man of talents or worth will accept of the office on such conditions.—They must know, that when the head is insignificant, the body politic can never be respectable. The people have established the office of governor as the first in their constitutional compact; the power and authority they have attached to it are their power and their authority; it rests with their sovereign will to support this office, or to let others destroy it. As to the individual who now fills it he holds it but for a moment, and that as their trustee and servant. In determining the question they will only be guided by the interest of the state, and their duty to themselves and their posterity; in comparison with these objects, the officer of the day or the year will disappear from their view; he is but as a grain of sand on the shore of the ocean; but still the devotion to public service of more than eight and twenty of the forty-three years of his life that have now passed away, without any other reward, or hope of reward, than the good opinion and good will of his fellow-citizen, may excite an anxiety to explain the principles, and justify the motives of his conduct.

A CIVIL OFFICER OF MARYLAND.

BOSTON, May 16.

Latest from Europe.

By the arrivals on Saturday, we received Dutch papers to the 26th March, and London to the 5th April. The verbal advices by the several masters, are however, of later date, though not definitive, on the subject of either peace or war—they are from Hamburg, as late as the 1st, from Cadiz the 12th, from Bristol, (Eng.) the 14th, and from Gibraltar to the 18th April, which, although many days posterior to our other late accounts from Europe, furnish nothing more, than that the most active preparations for war were continued in all the ports of France and England, but that the public mind, unadvised of the exact state, in which the negotiation between the two rival countries, stood, was much embarrassed and perplexed. This state of doubt and uncertainty is evidenced by the subsequent statement of the fluctuation of stocks, both in France as well as England.

NEW-YORK, May 18.

Latest from England.

Captain Low, of the English ship Stranger, arrived yesterday from Hull, informs us that the 2d inst. on the Banks of Newfoundland, he spoke the British packet Lady Arabella, out 20 days from Falmouth bound for this port, to touch at Halifax, the captain of which communicated the following intelligence—That he sailed from Falmouth on the 10th of April, when the aspect of affairs was the same as stated by our last advices—Dispatches were frequently exchanged between the courts of France and England, but their contents was a profound secret, and the impression and preparations for war continued with unabated activity. Colonel BARCLAY, the British consul-general for the middle and eastern states, was a passenger on board the packet.

PHILADELPHIA, May 19.

From Gibraltar—Late.

The schooner Falcon, capt. Kenniston, arrived at Boston last Saturday, in 37 days from Alicant, and 27 from Gibraltar. The advices by the Falcon, are to the 18th April, which state, that "the Tripolitan ship, which has been blockaded at Gibraltar for a long time, has at length made her escape, having been claimed by the emperor of Morocco; she sailed for Tripoli about the 11th inst. The Adams frigate, with a convoy of merchantmen for the Mediterranean, sailed about the 29th March. Commodore Morris had been at Gibraltar with his squadron, to procure provisions, but left there the 15th April. No Tripolitans were supposed to be out the 7th of April.

FREDERICK-TOWN, May 21.

HAIL STORM.

Last Monday, the 16th, there happened the most tremendous hail storm, accompanied with thunder and lightning, that ever was witnessed within the memory of the oldest inhabitants of this place. The weather had been unusually cold for the season during the last five or six days of the preceding week, and there were several severe frosts, that entirely destroyed the fruit; but on that day it had suddenly become very sultry and warm. The storm advanced between three and four o'clock in a N. N. E. direction and lasted about twenty minutes, during which time the hail poured down incessantly as thick as flakes of snow. It was uncommonly large and some of it measured three inches and an half in circumference. It did very considerable damage: The windows in a northern exposure were almost broken to pieces. The rye crops have been entirely destroyed wherever it extended, the kitchen gardens have not escaped the devastation, and vegetation in general has suffered great injury. The hail fell with such violence as to leave marks on the roofs and planks wherever it struck, and clattered like a volley of pebbles upon the doors and windows.

It has not been exactly ascertained how far the hail storm extended it ravages; but there are certain accounts from the distance of eight miles in a S. and S. W. direction, where it raged with equal violence as here. Towards E. and S. E. it did not reach more than two or three miles, and towards the W. and N. W. it branched in various directions, leaving a stripe of country, in some instances not more than a mile or two in extent, untouched. We are happy to learn, that the state of the wheat crops is such, as not to have subjected them to the same fate as those of rye.

The scene was truly awful and terrific.—The elements seemed to war in dreadful conflict, threatening ruin and destruction to all the works of human art, and every heart, in affrighted dismay, throbb'd aght at this tremendous spectacle of Nature.
"At first, heard solemn o'er the verge of Heaven,
"The tempest growls; but as it nearer comes,
"And rolls its awful burden on the wind,
"The lightnings flash a larger curve, and more
"The noise astounds; till over head a sheet
"Of livid flame discloses wide; then shuts,
"And opens wider; shuts and opens still
"Expansive, wrapping ether in a blaze.
"Follows the loosen'd aggravated roar
"Enlarging, deepening; mingling; peal on peal
"Crush'd horrible; convulsing Heaven and earth,
"Down comes a deluge of sonorous hail,
"Or prone descending rain: Wide rent the cloud,
"Pour a whole flood; and yet, its flame unquench'd,
"Th' unconquerable lightning-struggles through,
"Ragged and fierce, or in red whirling balls
"And fires the mountains with redoubled rage.
"Guilt hears appall'd with deeply troubled thought."

BALTIMORE, May 18.

The United States frigate Chesapeake has arrived in Hampton Roads from Gibraltar; sailed from there the 6th April. Lieutenant Sterrett, of the Essex prize, came passenger in her, and arrived here this morning in the Norfolk packet. She brings nothing new.

May 19.

Extract of a letter from an officer on board the United States ship Chesapeake, dated Gibraltar, March 24, 1803.

"Captain Sterrett has taken a prize; she is an Imperial polacre, from Smyrna, bound to Tripoli with Tripolitan property on board—very valuable."

To the Editor of the Mercantile Advertiser.
NEW-YORK, 16th May, 1803.

SIR;

I am requested by our minister in France to communicate publicly, that he had on the 11th March received the most flattering letter in answer to one addressed by him to the first consul, on the subject of our debts; &c. in which the most full and complete assurances are given that every letter of the convention shall be punctually complied with—That their finances are in the best situation, and capable of meeting all engagements, and that even were it otherwise, and though it should subject them to partial inconveniences, he would strictly comply with the demand of justice, and calls upon the minister to make out the accounts of American claims, for which he promises a full and ready payment. The minister adds, that he gives this early intelligence, because it will probably come through other channels, as he intended to call the Americans at Paris together the next day, and communicate it to them, in which case he feared that interested persons might speculate on the want of those who have already suffered too much by the delay. He concludes by saying, that without being absolutely certain, he thought he might consider the promises so solemnly made, and that he would press eagerly for their execution.

EDWARD P. LIVINGSTON.

MR. DUPORT'S BALL.

MR. DUPORT, professor of dancing, presents his respectful compliments to the ladies and gentlemen of Annapolis, and begs leave to inform them that his LAST BALL, for this season, will be on FRIDAY EVENING, the 27th inst. at the assembly room.

The ball will open at 7 o'clock precisely by a plain minuet and perigourdine. Tickets, price one dollar, to be had at the printing-office and at Mr. Caton's.
May 26, 1803.

In CHANCERY, May 19th, 1803.

ORDERED, That the sales made by JAMES CAMPBELL, as stated in his report of the real estate of EDWARD WATTS, deceased, shall be ratified, unless cause to the contrary be shewn on or before the first day of July, provided a copy of this order be served on Charles Bennett, or John Watts and Adeline Watts; or published three times in the Maryland Gazette before the 18th day of June next.
Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can. 10th 7/6

In CHANCERY, May 11, 1803.

ON application to the chancellor, by petition in writing, of RAPHAEL SAXTON, of Saint Mary's county, praying the benefit of the act for the relief of sundry insolvent debtors, passed at the last session, and a schedule of his property, and a list of his creditors, on oath, being annexed to his petition, and the chancellor being satisfied, by competent testimony, that the said Raphael Saxton hath resided in the State of Maryland the two last years preceding the passage of the said act; it is thereupon adjudged and ordered; that by causing a copy of this order to be inserted three times in the Maryland Gazette before the tenth day of June next, he give notice to his creditors to appear before the chancellor, in the chancery-office, at ten o'clock, on the first day of July next, for the purpose of recommending a trustee for their benefit, on the said Raphael Saxton's petition, and there taking the oath by the said act required for delivering up his property.

True copy,
Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can. 10th 7/6