

From the Globe.

MR. JEFFERSON'S PROTEST.

The Editor of the Richmond Enquirer has obtained from Thomas Jefferson Randolph, Esq. the subjoined copy of an opinion and protest, prepared by his grandfather, (while Secretary of State,) for President Washington. Mr. Randolph, in his letter communicating them says,—

"The protest being a press copy (marked 'not sent') is between dates January 4, 1792, and January 10, 1792. These papers are in three volumes bound in marble paper; described in vol. 4, page 443, of his published works: to which description I must refer you. It gives the confirmation of his judgment to their contents, upon a calm revival twenty-five years after their dates, 'when the passions of the time are passed away, and the reasons of the transactions are alone on the judgment.'"

"With great regard, yours, &c.  
TH. J. RANDOLPH.

"THOMAS RICHIE, Esq. Richmond."

An adjustment of the difficulties between the President and the Senate by some tacit understanding, probably prevented the sending of the protest. That it was not delivered upon any consideration of a want of constitutional right in the President to defend the Executive authority from the encroachments of the Senate, is made manifest by the approbation given by the contemplated proceeding by Mr. Jefferson himself, twenty-five years after the event.

If the Executive Department were not competent to speak of the aggressions of that body, which participates in a share of its power, when transcending it, the consequence follows that the Senate might claim every thing, and the President could deny nothing. Who ever supposed, until the Senate imposed the gag-law, that one department was obliged to submit to the usurpations of another, without daring to assert its rights, however temperately.

(OPINION.)

The Constitution having declared that the President shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers, and consuls, the President desires my opinion, whether the Senate has a right to negative the grade he may think it expedient to use in a foreign mission, as well as the person to be appointed to fill that grade.

I think the Senate has no right to negative the grade. The Constitution has divided the powers of government into three branches, Legislative, Executive, and Judiciary, lodging each with a distinct magistracy. The Legislative it has given completely to the Senate and House of Representatives. It has declared that "the Executive powers shall be vested in the President," submitting only special articles of it to a negative by the Senate; and it has vested the Judiciary power in the courts of justice, with certain exceptions also in favor of the Senate.

The transaction of business with foreign nations, is executive altogether. It belongs, then, to the head of the department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly. The Constitution itself, indeed, has taken care to circumscribe this one within very strict limits, for it gives the nomination of the foreign agents to the President, the appointment to him and the Senate jointly, and the commissioning to the President. This analysis calls our attention to the strict import of each term. To nominate must be to propose. Appointment seems that act of the will which constitutes or makes the agent; and the commission is the public evidence of it. But there are still other acts previous to these acts specially, enumerated in the Constitution: to wit, 1. The destination of a mission to the particular country where the public service calls for it; and 2. The character and grade to be employed in it. The Natural order of all these acts is, 1st. Destination, 2. Grade, 3. Nomination, 4. Appointment, 5. Commission. If the appointment does not comprehend the neighboring acts of nomination, or commission, (and the Constitution says it shall not, by giving them exclusively to the President,) still less can it pretend to comprehend those previous and more remote, of destination and grade. The Constitution, analysing the three last, shews they do not comprehend the two first. The fourth is the only one it submits to the Senate, shaping it into a right to say "that A or B is unfit to be appointed." Now, this cannot comprehend a right to say "that A or B is not fit to be appointed, but the grade fixed on is not the fit one to employ;" or, "our connexions with the country of his destination are not such as to call for any mission."—The Senate, is not supposed by the Constitution to be acquainted with the concerns of the Executive department. It was not intended that these should be communicated to them: nor can they, therefore, be qualified to judge of the necessity which calls for a mission to any particular place, or of the particular grade, more or less marked, which special and secret circumstances may call for. All this is left to the President. They are only to see that no unfit person be employed.

It may be objected that the Senate may, by continual negatives on the person, do what amounts to a negative on the grades, and so indirectly defeat this right of the President. But this would be a breach of trust, an abuse of the powers confided to the Senate, of which that body cannot be supposed capable. So, the President has a power to convoke the Legislature, and the Senate might defeat that power by refusing to come. This equally amounts to a negative, or the power of conconvoking; yet no body will say they possess such a negative, or would be capable of usurping it, by such oblique means. If the constitution had meant to give the Senate a negative on the grade or destination, as well as the person, it would have said so in direct terms, and not left it to be affected by a side wind. It could never mean to give them the use of one power through the abuse of another.

(PROTEST.)

Gentlemen of the Senate:

Your House has been pleased to communicate to me their resolutions, purporting a decision by them, that it is expedient, &c. &c., from whence an implication arises, that in their opinion they might have decided that no such appointments were expedient.

After mature consideration and consultation, I am of opinion that the constitution has made the President sole competent judge to what places circumstances should render it expedient that ambassadors, or other public ministers, should be sent, and of what grade they should be: And, that it has ascribed to the Senate no Executive act, but the single one of giving or withholding their consent to the person nominated.

I think it my duty, therefore, to protest, and I do protest, against the validity of any resolutions of the Senate asserting or implying any right in that House to exercise any Executive authority but the single one before mentioned.

It is scarcely necessary to add, that nothing herein is meant to question their right to concur in making treaties—this question being considered not as a breach of executive, but of legislative power, placed by the constitution under peculiar modifications.

**Lithography.**—It will be seen, by the following paragraph, which we find in a recent London periodical, that the inventor of this ingenious and useful art is no more. His memory deserves our gratitude. Besides the utility of his invention by its application to mercantile purposes, in the facility it affords of multiplying copies of manuscripts, it has added to the sum of innocent pleasures by enabling us to obtain, at a price within the means of all, prints of the most pleasing objects in art and nature. The art of Lithography is yet only in its infancy.

"SENNEFELDER, the celebrated inventor of the art of Lithography, died at Munich (Bavaria) on the 26th of February last, in his 63d year."  
Nat. Intelligencer.

The third number of the Baltimore Medical Journal contains several engravings and wood cuts, one of which represents a singular case of deformity in a young woman, now twenty years of age, living in Ashville, North-Carolina. She was born completely destitute both of arms and legs, the situation of which is merely indicated by small rounded projections, thus being in fact, a mere human trunk surmounted by a head. She possesses however, a remarkable power of locomotion, and can transport herself over the floor with ease, by submitting her body to a kind of rotary motion alternately from right to left and the contrary. By confining the handle of a broom between her chin and shoulder, she can sweep the floor with considerable dexterity. She can also sit erect, lean back or rock herself in a chair as well as another person, and when any thing is given her she makes a sign for it to be placed on her shoulder. If it be any solid article of food, she eats it from that situation. She is of a full and plump habit, healthy, and possesses a remarkably lively disposition.

EFFECT OF OIL ON WATER.

The following is a secret worth knowing:—In rough weather they (the fishermen of the Bosphorus) spread a few drops of oil on the surface, which permits them to see clearly to a great depth. I was aware that oil would calm the surface of the sea but until recently I did not know that it rendered objects more distinct beneath the surface. A trinket of some value had been dropped out of one of the upper windows of our palace into the Bosphorus; which at this place, was ten or twelve feet deep. It was so small, that dragging for it would have been perfectly useless, and it was accordingly given up for lost, when one of the servants proposed to drop a little oil on the surface. This was acceded to, with, however, but faint hopes of success. To our astonishment, the trinket immediately appeared in sight, and was eventually recovered.—  
Dr. Dekay.

**A Whale in James River.**—The Petersburg Constitutionalist states that a whale, fully sixty feet long, driven perhaps, by the late tempestuous weather from his more capacious home, was seen a few days ago in James River, nearly as high as Fort Powhatan, above Jamestown. The contents of a musket, doubly charged, were fired at him from a schooner; upon which he turned to the right about, and put off to sea, leaving a wake behind him to be rivalled only by the majestic movements of the steamer Patrick Henry.

(From the Mobile Register, May 21.)

Outrage on the American Flag.—Capt.

M'Keidge late of the brig Industry, of this port, has just arrived in the schr. Elizabeth, from Havana, and is himself the bearer of the letter addressed to us from the prison of Tobacco, which appears below. This letter details the circumstances attending one of the most scandalous outrages on neutral rights that the American flag has been subjected to in many years, and one that calls loudly on the government for prompt redress and reparation. Capt. M'Keidge has shown us a letter from the American Consul at Tobacco, to Mr. Sibley of Blakeley, the owner of the Industry, which confirms his report in all its leading particulars.

TOBACCO PRISON, March 19th, 1834.

To the Editor of the Mobile Register.

The following circumstances I write to inform you of the outrage committed on the brig Industry and myself, the commander.

I arrived at Frontera, at the mouth of the Tobacco river—on the 9th was boarded by the Custom House officer, and according to custom, was sealed up with 11 seals—on the same day made sail and proceeded towards Tobacco, and arrived on the 25th Feb. I was again boarded by an officer to see if I was sealed, and also to see if none were broke, all of which he found correct. On going forward he perceived the fore scuttle was not sealed. He immediately said I had bribed the officer not to seal me so that I could smuggle. I denied it. The following day I began to discharge. I then thought no more of it. March 1st, they sent and took the depositions of my mate and crew; all testified on oath, the brig brought nothing but lumber. They then sent for the officer at the Bar, and asked him how much I had paid him not to seal me. The answer he made was, he could see the cargo and was well satisfied she had nothing but lumber, and for that he did not see fit to seal me, and for his neglect of duty I am detained.

On the 13th March I was taken, hove into prison—little or nothing to eat; and for water I suffer most:—an earth floor to lie on—at night confined in irons. My sufferings are insupportable, most, with what I have to undergo with heat and thirst. The Consul has done all a man can do, but all in vain—he has applied for my release to all the officers under the Government, but I am imprisoned by the opposite party. He can obtain no satisfaction any way why I am prisoner. On the 22d I was taken before the commandant, who asked me how much I would give for my release. I told him it was impossible to pay any thing, as I had nothing, and moreover I was ignorant for what I was in prison. All the reply he made me was, if I would pay him twenty doubloons I was released. He then ordered me back to prison. On the 23d I was taken down with a violent fever, and in the situation I was in, I sent him word to know the least cent he would take. The answer he made was ten doubloons, which I sent him, and on the 25th was set at liberty, and then not able to walk to the house. The day I was set at liberty they went on board and took my crew out and made them fight in an action that took place between the Government troops and the Commandants.

On the 25th, I was again arrested by the Commandant, because my sailors wanted their wages, and was only set at liberty by promising to pay as soon as I had funds from my consignee.

The brig they offered to give me up, if I would pay them fifty ounces in gold, which I shall not do. The Collector has granted her clearance, but the brig is detained by the Commandant, who has a thousand Indians to back him. Since the seizure of my vessel, they have seized the Pelicano, Edward, and Amethyst, all of which are detained, till the Captains pay a few ounces. The brig Onley Daughter, was to leave Frontera, March 1st, for New-York.

WM. M'KEIDGE,

Commander brig Industry.

**Lying Punished.**—One day there happened a tremendous storm of lightning and thunder as Archbishop Leighton was going from Glasgow to Dunblane. He was descried when at a distance, by two men of bad character. They had not courage to rob him; but wished to fall on some method of extorting money from him, one said: "I will lie down by the way-side as if I were dead, and you shall inform the Archbishop that I was killed by the lightning, and beg money of him to bury me." When the Archbishop arrived at the spot, the wicked wretch told him the fabricated story. He sympathized with the survivor, gave him money, and proceeded on his journey. But when the man returned to his companion, he found him really lifeless! Immediately he began to exclaim aloud, "Oh, sir, he is dead! Oh, sir, he is dead!" On this, the Archbishop discovering the fraud, left the man with the important reflection: "It is a dangerous thing to trifle with the judgments of God."

**How to get over a difficulty.**—A gentleman, whose name we shall call Smith, not long since was so enraptured with the character of the present Vice-President of the U. S. that he resolved to name his next son, Van Buren Smith. But his next son, happening to prove a daughter, he was at first not a little puzzled—but at length happily concluded to drop the V. and the young lady is now An Burns Smith.

From the Fayetteville Observer.

**The Execution.**—On Friday last, at the Jail in this town, Benjamin F. Seaborn suffered the dreadful sentence of the law for the crime of which he had been convicted—that of Arson in setting fire to the Store of Richard Smith of Raleigh, after having robbed it of a large amount of money. To the great surprise of every one, a few moments before his execution, he caused to be read, the following paper, which he had prepared, a day or two before, making a full confession of his guilt:

DEAR FRIENDS,—I will never die with a lie on my tongue. I do declare to you all that I am guilty of the crime I have to die for. I tell all I did do it. I went in with a key that was hanging up in the room where I slept. This is the way I got into the Store room; and I got all the money I could find, with the exception of some silver. My God knows I tell you the truth—the Negro is innocent of knowing any thing about it; for I told him on him to screen myself. I set the Store on fire with a candle. It was the devil that made me do it and nothing else but the devil; and he had like to have made me die with the excuse that Harry gave me the money. There was no one else that did have any hand in it but myself. I don't know any thing about who did do the other. Fires that have been since I was put in Jail. This I want you to lay open to the World. This is the truth. The execution I made was to try and get the people to get me relieved. I will not die with suspicion to be left on any one else. I will not. I did do it and no one else; though I gave up all the money I had or knew any thing about, without it was what I spent. This is the truth and nothing but the truth,—an help me God.

F. B. SEABORN.

This confession was entirely unexpected, for he had not only made a most solemn avowal of innocence at the time sentence was passed, a few weeks ago, but he had on numerous occasions since, persisted in that declaration. We understand that he professed himself ready to die, and had received the Communion at the hands of one of the Ministers who had been so often with him during the last few weeks. We are also informed that he exhibited great calmness at the awful period.

Thus, at the early age of 27, has terminated the existence of a man, who might have made a useful and respectable member of society; and in his course he has afforded another exemplification of the truth, that the criminal becomes such by degrees; that it is the first act of minor turpitude which is to be avoided, as leading to innumerable others.

There was a great concourse of people present on the occasion; and it is proper we should do them the justice to say, that we did not see any disorder or intemperance in our streets during the day.

The following is an extract of a letter from Gen. LAFAYETTE, dated Paris, 15th April, 1834. It contains the latest information from FRANCE, and from a source to which every American looks with reverence and affection:

"In my former letters, I have related to you how, to my great disappointment and chagrin, the American appropriation bill was rejected by a majority of a few votes. I believe that if the votes were again to be taken to-day, a different result would be produced.

"We are now in a state of great disturbance. The operatives at Lyons fought during four days against the troops of the line; and although the Government asserts that it is all at an end, the fact is not yet completely proved. The day before yesterday, and yesterday morning, there was here a small insurrection of some discontented persons, excited nobody knows by whom. The most ardent men of the opposition party were opposed to it. There has been blood spilt: some men of distinction (*quelques hommes marquants*) in the national guard, and in the line, have unfortunately been killed, and some of the insurgents were put to death (*égorgés*) in the houses where they were found. All this is greatly to be deplored. Much blood has been spilt at Lyons on both sides. They speak of new laws of repression (*lois d'exception*) in addition to those which have already been passed.

"My health is not yet restored, but I am in a fair way towards a complete recovery."

[By laws of *exception* is meant laws by which the constitutional rights of the citizens are temporarily suspended, as the suspension of the *habeas corpus* in England and the United States.]

**Go-Betweens.**—There is perhaps not a more odious character in the world, than that of a go-between—by which is meant that creature who carries to the ears of one neighbor every injurious observation that happens to drop from the mouth of another. Such a person is the slanderer's herald, and is altogether more odious than the slanderer himself. By his vile officiousness, he makes that poison effective, which else were inert: for three-fourths of the slanders in the world would never injure their object, except by the malice of go-betweens who, under the mask of double friendship act the part of double traitors.

**French Cake.**—Take five common sized tumblers full of sifted flour, three tumblers of powdered white sugar, half a tumbler of butter, one tumbler of rich milk or cream, and a teaspoonful of pearl ash, dissolved in as much lukewarm water as will cover it.—Mix them all well together in a pan. Beat three eggs till very light, and add them to the mixture. Throw in a teaspoonful of powdered cinnamon or nutmeg, and heat the whole very hard about ten minutes, butter a deep pan, put in the mixture, and bake it in a moderate oven.

AURARIA, (Geo.) MAY 24.—Indian

outrages.—We learn that the citizens of Etowah and its vicinity, are in a state of great alarm, from an apprehension of immediate Indian hostilities. It seems that this alarm has been produced from the following circumstances.

About a week since a Doctor Burns was travelling the road in the direction of the Village, he passed a few miles from it, several Indians seated near the road. After passing them thirty or forty steps, one of them called to him, and as he turned his head towards them, one of the party fired a rifle gun at him; the ball passed through the crown of his hat, and produced a slight wound on the side of his head.

Shortly after his arrival in Town, an Indian girl came and gave an additional alarm, by stating that the Indians had resolved upon an immediate attack upon the Village. Necessary measures were immediately taken for the protection of the defenceless citizens. Guards were kept out for several days, and we are happy to learn that no other symptoms of an immediate assault have been discovered. That the Indians have talked among themselves, of taking up arms against our citizens in the Cherokee country, we think is reasonable enough to believe. But we cannot believe that a serious and settled determination exist among them en masse, of making a general attack upon our citizens of this county. They are perfectly aware of their weakness and inability to sustain a measure of the kind; and that it could only result in their certain and speedy extermination from the country.

It is said that the Indian who committed the assault upon Doct. Burns, is one who murdered an individual several years ago in Carroll county, and has been ever since skulking through the country as an outlaw, and that his principle object was money.

**A striking contrast.**—The following is from the United States Gazette of Thursday.

"A friend who came into Albany last week from Schoharie county, mentions to us that the passengers were frequently invited to turn out and help the driver to get the stage through the snow drifts; and it was added, that a woman, on Thursday, the 15th of May, in attempting to go from one dwelling to another, on the Haedan barracks, became chilled, stopped on the road, and was frozen to death."

On Thursday the 22d (just one week after the above intense cold,) the heat was such in this city as to be quite oppressive. At sunrise the thermometer was up to 70, at 4 o'clock P. M. it stood at 84, and at 8 o'clock P. M. at 80.

The contrast was almost as great, however, between the weather here on the 15th and on the 22d, the difference of temperature, in the morning of those two days, being no less than forty degrees!—*Nat. Int.*

**The Comet.**—The Comet of 1756, whose periodical revolution Dr. Halley found to be once in seventy five years and three months, have successfully made four returns to the perihelion agreeably to his prediction, and as its fifth period will expire in the month of July of the present year, we may expect a very sublime view of it, while on its way through the regions of our planetary system. But as it has varied from its period a whole year, perhaps it will not return before 1835 or 1836, which will indeed be an accurate calculation, when compared with its irregular motion.

This comet in its course through the solar system, will cut in two different places, almost at right angles, the orbits of all the planets, and approach within 11,640,000 miles of the sun. It will pass between the sun and the orbit of Mercury, with the amazing velocity of upwards of 800,000 miles an hour, and then leave our system to travel again the unknown regions of the universe.

Much fear has been entertained that this comet will some time, while passing through the solar system, accidentally come in contact with the earth, and thereby bring the world unnaturally to an end. But we have no occasion for such fears; the projectile and centripetal forces with which the planets and comets are clothed, keep them in their orbits, and it is these very same properties that hinder them from coming together.

*Pantucket Chronicle.*

The Camden Republican speaks of a lady named Hannah Simpkins, aged 68 years, who a few days since left home on her twenty-third tour to the State of Ohio, where some of her children reside. She has visited them annually for the last twenty years, and in two instances has visited them twice in the same year, making forty-four times that she has crossed the Alleghany mountains. Within the last twenty years she has travelled thirty-one thousand miles, and what is singular, all these journeys have been travelled on foot, and she has subsisted principally by the charity of those benevolent people she has met with on her journeys.

In the course of a conversation with the venerable ARNER LACOCK, of Beaver county, it was mentioned to us by that eminent patriot, that he had crossed the Alleghany mountains forty times before there was any thing like a carriage track upon them. He was born West of the ridge.

*Philadelphia Gazette.*