

on. The general assembly possess competent authority to modify the county courts in such manner as they may think will conduce to the better administration of justice, and this power has been exercised. The power and authority of the plaintiff as chief justice of the fourth district, and his right to the office of chief justice, are created by and derived from the legislature, and the duration of his commission is limited by act of assembly. Upon his appointment by the executive, his acceptance of the commission and qualifying under the same, a right vested in him to hold the office for the term of years limited for the continuance of the law; which right was not to cease or determine but on his death, or on his being convicted in a court of law of misbehaviour.

Although in the opinion of the court the said repealing act, in depriving the plaintiff of his said office, is an infraction of his right and incompatible with the principles of justice, and does not accord with sound legislation; yet the said office, and the right to hold it being created by act of assembly, and not vested in the plaintiff by the constitution, and there being no clause or article in the bill of rights or form of government prohibiting or restricting the legislature in passing the said repealing act, the court are of opinion that the said act is not void. The court are also of opinion that the writ of assize of novel disseisin does not lie in this case to recover the said office, because the plaintiff has only an interest for a term of years in the said office determinable on the contingency of his being convicted of misbehaviour in a court of law; and that writ is not adapted to the recovery of any estate or interest in lands, or in an office less than a freehold, except in the case of a tenant by elegit, who has a chattel interest, or an interest less than freehold having a right to hold a moiety of the lands of the debtor, until the debt is satisfied by holding the land and perception of the profits, at the extended value.

The remedy by writ of assize of novel disseisin was given to the tenant by elegit, by the statute of 13th Edw. 1, C. 18, to recover the possession of the land in case he was ousted before his debt was satisfied, and this remedy has been extended in England to the tenant by statute Merchant and Statute Staple by equity of the said statute, from the similitude of their estates to that of tenant by elegit. But the court know of no other case in which that remedy has been allowed to recover an interest less than a freehold, and are of opinion that the writ of assize of novel disseisin cannot be extended to this case by equity of the said statute, there being no similarity between the estate of tenant by elegit and the interest which the plaintiff has in the office of chief justice of the fourth district: And besides the court know of no instance, in this state, in which the tenant by elegit has brought the writ of assize of novel disseisin to recover his possession, and none of the English statutes which passed anterior to the first emigration of the inhabitants of Maryland have been adopted by the constitution of Maryland, and incorporated with the laws, but such as have been found by experience to be applicable to our local and other circumstances. And it does not appear to the court there can be any other safe criterion by which the applicability of such statutes to our local and other circumstances can be ascertained and established, but that of having been used, and practised under, in this state.

For these reasons the court are of opinion that the writ of assize of novel disseisin cannot be sustained in this case; and order judgment of nonpros to be entered.

JEREMIAH T. CHASE,  
G. DUVALL,  
JOHN DONE.

June 8, 1802.

Test. JAMES EARLE, Jun. Ck.

BOSTON, June 11.  
MASSACHUSETTS LEGISLATURE.

Tuesday, June 8.

The following message was received from his excellency the governors:

"Gentlemen of the Senate, and  
"Gentlemen of the House of Representatives.

"I have received a report from the commissioners appointed on behalf of this state, in pursuance of a law of the commonwealth, passed in the year 1791, to ascertain together with commissioners on the part of Connecticut, the boundary line between the two states. It appears by the report of the commissioners, that they have not been able to affect the objects of their appointment, and that in their opinion there is no prospect of their agreeing with the commissioners of Connecticut, in running and establishing the line. The secretary will deliver to you the report, and the papers which accompanied it.

CALEB STRONG.

COUNCIL CHAMBER,  
June 8, 1802.

Wednesday, June 9.

A bill was received from the senate where it had passed to be engrossed to alter and amend the act districting this commonwealth for the choice of representatives in congress, which was read a first time.

#### STATUE OF WASHINGTON.

On Wednesday a resolution passed the house, appropriating a sum not exceeding 20,000 dollars, for the purpose of procuring a statue in Bronze of Gen. GEO. WASHINGTON. His excellency the governor is authorized to carry the resolution into effect,

in a manner that shall be thought most appropriate to the character of the man whose sublime virtues it is intended to perpetuate, and most honourable to the state.

It is a subject of pleasing reflection, and much to the honour of our legislature, that this lasting tribute of veneration is about to be paid to the Father of his country. We need not be told that he has already erected a monument.

*Aerâ perennius  
Regalique situ Pyramidum altius;  
Sped non imber edax, non Aquilo impotens  
Possit dirudire, aut innumerabilis  
Annorum series, and fuga temporum:*

As a reason for omitting this last office of gratitude, for in proportion as the force of this sentiment is felt, will be the desire to preserve it, glowing like the vestal fire, by some material exhibition of his character. It is the dictate of nature, it is a sentiment that ought not and cannot be smothered; that those whom we love and venerate, should be fastened to our hearts by some visible association, when they live to us only in memory.

Our intellect is not yet so pure as to demand no communications through the avenues of sense; our natural affections are not yet so sublimed as to require no impulses from their proper objects. But the voice of nature, in all ages and countries, is heard in the language of the poet.

"Yet even these bones from insult to protect,  
Some frail memorial still erected high;  
With uncouth rhymes and shapeless sculpture deck'd,  
Implores the palling tribute of a sigh."

It is therefore an unnatural refinement, a species of metaphysical depravity, that would cut asunder those threads of tender visible association, and leave us the mere creatures of abstraction. We are sensible that these ideas, however just, may be perverted; but we trust there is no necessity of discriminating, at this time, between a superstitious veneration, and the natural expression of the best feeling of the heart.

As the proposed monument is altogether a work of taste, no limitations were imposed as to its form, structure, devices or ornaments; but it was properly left with the governor to consult with European artists, and to adopt such as should be thought most expressive of the character. This is a subject for the fancy of a Fuseli, the strong expressions of an Angelo, and the sublime conceptions of a Raphael.

#### PHILADELPHIA, June 17.

HARDY, divisionary general in the north, died at Cape-Francois the 30th ult. Of the French generals he made the fourth victim to the yellow fever.

Letters from the Cape, by which we learn the above, add, that the violence of the disease is unprecedented. It is particularly mortal among strangers, few surviving its attack. Natives and others assimilated to the climate generally escape.

Letters from Cape-Francois state the death of three military officers of distinction of the French army, one of whom, an officer eminently distinguished in Germany and Italy; the name is either *Hardy* or *Hatry*, and his death is said to have been by his own hand, in consequence of some misunderstanding on the plans of the government. The other officers are said to have fallen victims to the yellow fever.

#### MELANCHOLY CATASTROPHE.

A most awful and singular death happened at West-Field, the latter part of February, which we have not seen mentioned in the papers. It was of the widow Abigail Ingersoll. Her family were all gone to one of the neighbours, except her eldest son, who went to bed between 7 and 8 o'clock. A little past 9 a little grand-daughter first coming home found the house on fire, and called her uncle in the chamber, who came down and extinguished it, and afterwards discovered his mother dead, or rather her ashes. It is supposed that while lighting her pipe, she was taken in a fit, and fell with her head and shoulders into the fire. One foot was found on the floor, which preserved its form; but no flesh of any other part was to be discovered. Her head was burnt off, both arms, one leg and foot, and one thigh bone, and all consumed to ashes; and in the space of one and an half hour. There were no remains of clothing or flesh to be found, and little or no fire on the hearth. Mrs. Ingersoll was very fat and corpulent, and it is astonishing that so great a quantity of flesh could have been so completely consumed in that short space of time. [Massachusetts pap.]

#### Means of preserving TIMBER in vessels and bridges.

A man who had been formerly concerned in ship building, but for thirty years past has been a bridge builder, had early in life observed, on examining worm eaten ships, that the worm never eat within the seams where the caulking chisel enters, and the oil, &c. He had also observed, that the whaling vessels would be eaten to a honey-comb, except a little above and below water, where the whale is brought into contact with the vessel and its beating till it is cut up.

A plank lying under water at a mill of his, had been obliged to be renewed annually, because eaten up by the worms within the course of the year; at length, a plank was accidentally put down, which for some purpose had been thoroughly impregnated with oil; it remained 7 years without being affected—hence he took the idea of impregnating the timber of his bridges thoroughly with oil, by heating the timber as deeply as possible; and doing it in that state with the liver oil of the cod-fish; he had practiced this for 30 years and there was no instance of the worm at-

tacking of his timbers, whilst those in neighbouring places were immediately destroyed. He had used the liver oil, because very thick; experiment, he said must shew whether other oils would do equally well. He observed that there would be no difficulty in heating the planks of a ship after they were put on as well as before—but I do not recollect his mentioning ever to have tried it in the case of a ship.

BALTIMORE, June 14.

Appointments by the President of the United States, General commissioners of bankruptcy.

Columbia district.

William Thornton, John M. Gantt, Tristram Dalton, and Samuel Hanson.

Rhode-Island district.

Constant Tabor, Samuel Vernon, Thomas Peckham, and Paul M. Mumford.

Kentucky district.

John Rowan, Daniel Weiger, John Inston, James Morrison, John A. Seitz, John Bradford.

Extract of a letter, dated Liverpool, April 24.

"I have been much diverted by seeing a woman sold at public auction. On the proclamation of peace and the discharge of the seamen from the fleet, three sailors who arrived here from London, found themselves all married to one female. They immediately put a rope about her neck, mounted her on a bench in a public place, and had her struck off by the public cryer.—She brought six-pence.—Several tuculard spectators attended."

June 16.

We are informed by a gentleman just from Eddyville, that the Indians have killed several families on the Ohio and Mississippi, and that the people generally retired into forts.

We are also informed the inhabitants are forced up about Fort Blount, on account of the whites having killed an Indian.

[Ten. Gaz. of May 12.]

Convention of the Medical and Chirurgical Faculty of Maryland, at Baltimore, June 1802.

Resolved, That the evidence of the genuine vaccine inoculation appears to them full and conclusive, and that they recommend it to their fellow-citizens to interest themselves in its propagation.

NATHANIEL POTTER, Secretary of the Medical and Chirurgical Society.

The masked prisoner of state, lately embarked at Cadiz, was, it is now reported, the unfortunate Don Urquijo. Many of our readers will recollect, that this nobleman resided for a considerable period in this country, as ambassador from the court of Madrid. His offence is said to have been an attempt to abridge the power of the inquisition. He is to be transported to one of the Philippine islands, there to remain in close confinement for life.

[London paper.]

PROVIDENCE, June 10.

Arrived brig Eliza, captain Manchester, 56 days from Marfeilles, via Malaga, 48 days from the latter place.

The third day after they left Marfeilles (being in sight of Barcelona) they were chased and brought to by a Barbary corsair, who came up with them just after the sun had dropped below the horizon; and when within a few rods, ran up her bloody flag, fired a gun to windward, and hailed, for some time, in a language which could not be understood; at length, in broken English, their boat was ordered out, and the papers brought on board. Before this could be done, the privateer had dropped considerably astern; and while capt Manchester, with two of the people, were gone in the yawl, the passengers (with Mr. S. Aborn, her supercargo, and three servants) got out the long boat, and under cover of the dusk of the evening, made their way to the Spanish shore; it being then calm, they rowed about a mile from the brig, where they lay on their oars for some time, impatiently waiting the result. At length they espied a lantern hung in the shrubs of the signal for their return—this having been previously agreed on in case the captain should return, and all prove well.

The papers of the Eliza were very closely examined, and for some time it was pretended that none of the counterparts would agree with the Eliza's Mediterranean pass, at length, however, the American one was brought forward, which exactly corresponded; after which they politely dismissed capt. Manchester, wishing him a pleasant passage. She proved to be an Algerine schooner of 16 guns, crowded with men, whose turbaned heads, shewing themselves above the bulwarks, had not the most agreeable appearance; she was 5 days out from Algiers on a cruise. The captain and passengers of the Eliza were at first apprehensive that she was a Tripolitan; it having been reported at Marfeilles, for some time previous to their sailing, that two Tripolitan corsairs were actually in quest of Americans, which was a circumstance of the most alarming sensation.

#### MUSIC.

FOR SALE,  
AN ELEGANT FINE TON'D  
PIANO FORTE. ✓  
Inquire of Mr. REINAGLE, at Mrs. BRYCE'S.

#### FOR SALE;

A NEGRO man, his wife, and five children: the four oldest are boys. The man is a good gardener, and the woman a good house wench. For terms inquire at this office. X