

25. We now see we have been...  
26. This acknowledgment...  
27. They beset them at home and abroad...  
28. All this, however, did not prove...  
29. Nevertheless the people were disposed...  
30. He saw they were oppressed from the...  
31. Call to mind the scenes of former times...  
32. These were days of happiness; but the...  
33. They have disregarded the precepts of...  
34. The land has been defiled with their...  
35. "Woe unto that nation whose king is...

COMMUNICATED.

Died, on Tuesday September 1st, at Mulry Grove, Charles county, ROBERT FERGUSON, sen. Esq. an old and respectable inhabitant of that county.

Mr. Ferguson was a native of Scotland, where he received a liberal and useful education. He had scarce emerged from the control of his tutor, when he turned his attention to America, as a suitable theatre for his enterprise and activity of his genius. Accordingly he renounced the strong ties of country and friends, and embarked for America. Here he was led by the geographical situation of the country, the adventurous and hardy temper of the people, and his own corresponding disposition, to pursue the speculations of commerce. Having thus made choice of a profession, he prosecuted it with all that patient industry and unrelenting perseverance, so characteristic of his countrymen, until the American revolution swallowed up all private interests in one general concern. This was the period of trial—this the time to show men's preference for their adopted country. At this time, then, we see our young adventurer lose all recollection of Scotland, that gave him a birth-place, in gratitude to America which afforded him an asylum and a sphere of action. Mr. Ferguson was the friend of America, and the advocate of her rights. He risked his rising fortunes on the same bottom with her liberties, and determined to rise or fall with her. At the close of that ever memorable struggle, which gave a character to this New World, Mr. Ferguson resumed his original occupation, which he pursued until the operations of his industry were crowned with affluence. He never sought the shades of retirement, in the bosom of a people who knew and revered his worth. In privacy he was no less useful than he had been when engaged in a more active intercourse with the world. The friend of justice, he watched with paternal care over the rights of the fatherless, and with scrupulous exactitude fulfilled the duties attached to the office of Chief Judge of the Orphans Court. To this interesting station he was appointed many years since, and there lives not one who can charge him with "slumbering in his post." On the contrary, many, with grateful recollection, can testify, that they have abundant cause to embalm his memory in their affections. From none did he withhold their due, whilst to many he imparted his bounty. In the relations of husband and father, of neighbour and friend, he was alike exemplary—alike honest, faithful and true.

But perhaps in no character is he more to be admired, or in none is his loss more to be lamented, than in that of citizen. His example was a model worthy of imitation to the growing generation. Cool, but zealous, mild but determined, he lived and died a true disciple of WASHINGTON. The whole honour of his conduct was his recommendation to favour—his evidence of patriotism, his love of country, shined itself in the acts of his life—he was honest, sincere, industrious, sober, discreet, and public-spirited. It did not evaporate in the fumes of profession, or the idle blusterings of a grog-shop politician. It was a substance and not a shadow—it was virtue and not the affectation of it. Seven years had not shed their snows on his locks, vain—they had brought, with them a rich experience—they had taught him how to discriminate between realities and shades—between truth and artifice. They had taught

him that experimental was better than theoretical perfection. He therefore suffered others to preach, whilst he practised what was right. Social duty, and practical honour, were the lessons of his youth, and the practice of his subsequent life.

A consciousness of these, armed his mind with fortitude to meet the most solemn dispensation of Providence—a final separation from all we hold dear on earth. His farewell scene, like that of every virtuous man, shed lustre on a retiring world. He sunk into eternity as the great orb of day below the horizon, with majesty and effulgence.

From the Freeman's Journal of Sept. 11. U. STATES FRIGATE ESSEX.

Mr. Saunders a pilot arrived here in the pilot boat Louisiana, from the Capes, brings account that the U. S. frigate Essex, captain Porter, came into the Delaware Bay on Monday last, from a successful cruise of 70 days. On the Banks of Newfoundland, captured the British sloop of war Alert, rates 16, carries 20 guns, (18 pound carronades) and 130 men, having been sent out expressly for the purpose of capturing the Hornet. The action was very short, the Alert poured a broadside into the Essex, who gave her in return a discharge from her quarter-deck guns and a volley of small arms, when the Alert struck her colors. The Alert had seven or eight wounded. Not one hurt on board the Essex. The Essex had the Alert in tow for several days, when the disabled, manned, and sent her to St. John's (Newfoundland) as a cartel, with prisoners. During the cruise, capt. Porter captured (besides the Alert) a British transports which he renamed, burnt two brigs and captured six merchant ships in which he put prizes, officers and crews, and ordered them for the U. S. The crew of the Essex are remarkably healthy, but one man having died with sickness. Mr. Saunders left the Essex at anchor on Tuesday evening, having come up with two of the officers, (Lieut. Gamble of the marines, and the Purser) whom he landed at N. Castle. On Wednesday morning Mr. Saunders saw the Essex getting under way for the purpose of coming up to Chester, where he will most likely be to night or to-morrow morning.

From the Philadelphia Gazette.

Another wreath is added to the laurels of our gallant navy, by the successful cruise and safe return of the frigate Essex, captain Porter. She entered the Capes of Delaware on Tuesday afternoon.—An officer belonging to her came up to town this morning. We understand she has made several captures; among them is the British sloop of war Alert, of 20 18 pound carronades.

The Essex was disguised as a merchantman, (she is a very small frigate,) with but few of her men on deck, and in her rigging, when the Alert came and made the attack. The ports of the Essex immediately flew open, and her gallant crew returned the fire with such vigour and effect, that the Alert soon struck to the American commander.

The Essex intended making New-York, but a few days since the deferred two large ships of war, and presumed them to be British in pursuit, she dodged into Delaware. We are happy to add, that the whole of her officers and crew are in perfect health and spirits.

From a New-York paper. HONOUR TO THE BRAVE.

At a meeting of the Common Council yesterday, the following resolution, brought forward by Mr. Lawrence, and seconded by Mr. Alderman Buckmaster, unanimously passed the Board.

"The Common Council of the city of N. York, considering a naval establishment all important to the protection of our country, and viewing the recent capture of the British frigate Guerriere by the American frigate Constitution, as not only illustrating the advantages of a navy, but as reflecting the brightest honour on the intrepidity and skill of captain Hull, his officers and crew, esteem it their duty as the municipal government of their great commercial city, to express their sentiments on this occasion, and to present the thanks of the citizens of N. York to the gallant officers and seamen who achieved this splendid victory.

"Resolved, That the freedom of the city be presented to capt. Hull in a gold box, with an appropriate inscription, and that his honour the mayor be requested to forward the same, with a copy of this resolution."

From the Federal Republican.

Our opinion is requested upon the following points: I. Whether Mr. Hanson and his friends, under the circumstances in which they found themselves in Baltimore on the 27th of July last, were justifiable in law in repelling by force the attack made upon them, and in killing the assailants upon the ground of self-defence. II. Whether the presentment against Mr. Hanson for manslaughter, and the indictment which will be found on it, can disqualify him in law for a seat in Congress. On the first point we hold it to be clear law: I. That Mr. Hanson had a complete legal right to exercise in Baltimore the business of

publishing a news-paper, or to distribute it there, when published elsewhere; being liable to indictment if he published any thing contrary to law.

II. That every man, in the prosecution of his lawful business, has a right to defend his house and person by force if necessary, against unlawful violence; and to provide himself before hand with the means of defence, if he should have good reason to apprehend such violence.

III. That consequently, as Mr. Hanson had good reason, from what had happened to his office, to apprehend such violence, he was justifiable in law in furnishing himself with the means of repelling this violence should it be attempted.

IV. That the attack on Mr. Hanson's house having been made with stones and other dangerous weapons, and with the avowed purpose of breaking and entering it, for an unlawful object; and the house having been actually broken, and in part entered before any resistance was made, or any provocation given from within, he and those with him had a legal right to kill the assailants in self-defence; that being the sole remaining mean of protecting their own persons from violence, and indeed of saving their own lives.

The second point is too clear to admit of the least doubt. The constitution is explicit. It prescribes the qualifications for a seat in congress, and consequently the disqualifications. To those found in the constitution none can be added; and to be under presentment or indictment for any crime whatever, is not one of the disqualifications to be found in the constitution. Even conviction for an infamous crime would not be a disqualification; though if the crime were committed, and perhaps if the conviction took place, after the election, it would be a good ground of expulsion.

But an indictment is only an accusation, the truth or falsehood of which is established at the trial. To admit a mere accusation, which may on trial appear to be false, as a disqualification for a citizen to be elected as a member of congress, would be equally contrary to every principle of justice, law and common sense. It would be also of a most dangerous tendency. Very slight testimony will often induce a grand jury, and properly too, to put a man on his trial, by finding a bill against him. No defence can be made before them. The party accused cannot appear or produce his witnesses. Consequently, the grand jury, for the most part, can hear but one side. Even where they send for witnesses to explain the matter more fully, it will often remain doubtful; and if the fact or the law appear doubtful to them, they have a right, and perhaps it is their duty, to find a bill; to the end that a more complete investigation of both may take place, in the trial before the court and petty jury.

It is easy therefore, to perceive, how readily a candidate might be excluded by a profligate competitor, if an indictment were a disqualification. A single false witness, fabricating a plausible tale, might induce a grand jury very honestly to find a bill; and this bill would disqualify the candidate. Nothing of this sort has taken place, or can be suspected in the present case, but a principle so liable to abuse ought not to be admitted.

It is however, sufficient to state, which we do with confidence, that the constitution and the laws preclude every idea of such a disqualification.

Robert G. Harper, Philip B. Key, Walter Dorsey, Thomas Buchanan.

Baltimore, Sept. 3d., 1812.

A man may defend his house, as his castle, against any unlawful assailant, and may assemble his friends to aid him in his defence.

The extent of the means which may be used in this defence, depends upon the nature and urgency of the assault. If the assailant persists in his unlawful efforts, the means of defence may be increased with the violence of the attack, even to the taking of life.

It is without question absolutely justifiable to kill one who assaults the dwelling of another with intent to commit a felony; and it is not necessary to wait until the felony be committed, but the assailant may be killed in the attempt. Thus, for example, if a man is in the act of breaking a house in the night, to commit a burglary or other felony, the owner may kill him before the burglary or felony be completed. So if a man assault my house with intent to take my life, which may be inferred from his conduct, his declarations and the weapon and numbers employed; I may lawfully kill him in my defence. If a tumultuous assembly of people attack my house, with weapons and in a manner which endanger not only the safety of the property but of my life, if I persist in retaining the house, I am not bound to avoid the danger to myself by giving up my house to their fury, but may keep and defend it at the expense of the lives of those who thus assault me.

E. Tighman, W. Lewis, W. Rawle, Jos. Hopkinson, Hor. Binney.

Philadelphia, Aug. 15, 1812.

MEDICAL.

The following recipe is said to be a speedy and effectual cure for the Dysentery. Take one pint of good vinegar, and half a pint of loaf sugar, and simmer them together a convenient time in a pewter vessel, with a pewter cover. Let the patient drink of this during the day, a small quantity at a time, either clear or accommodated to the palate, by diluting it with water.

The person who first made use of this prescription, was restored to perfect health in one day, and afterwards recovered his strength with a rapidity that astonished both himself and friends. Many persons of the first respectability have since been relieved from the greatest distress and weakness, to which this complaint had reduced them, and cured in the same astonishing manner. This simple remedy, so potent in its effects, is remarkably pleasant to the taste, more agreeable than lemonade, and, on being swallowed, seems to reach the seat of the disease with the velocity of electricity.

Annapolis Races.

The Jockey Club Purse of about Three Hundred Dollars, will be run for over the Annapolis course, on Tuesday the 20th October next—Heats four miles each. On Wednesday the 21st, a Purse of about One hundred and Fifty Dollars, will be run for—Heats two miles each. September 17. 3w.

To the Editors of the Whig.

Gentlemen, In obedience to a resolution of the Senate, I send you a copy of a bill which was under the consideration of the General Assembly of Maryland at November session 1811, but which did not become a law, with a request that you publish the same twice a week for the space of two weeks.

THOS. ROGERS, Clerk of Senate.

AN ACT

To incorporate a company to make a turnpike road leading to Cumberland, and for the extension of the charters of the several banks in the city of Baltimore, and for other purposes.

Be it enacted by the General Assembly of Maryland, That a company shall be incorporated for making a turnpike road commencing at some point to be determined on by commissioners herein after mentioned, on the west branch of Big Conococheague, thence on to Hancock and thence on to Cumberland in Allegany county, pursuing as near as practicable the route as located by Messrs. Moor & Williams.

And be it enacted, That the stockholders in said company shall be, and they are hereby incorporated and constituted a body politic, by the name of the President, Managers and Company of the Cumberland Turnpike Road, and by the same name the said subscribers and their successors, shall have succession during the continuance of this incorporation, and shall be and hereby are invested and clothed with all and singular the privileges, rights, immunities and advantages held, used and possessed by the several turnpike companies incorporated by an act passed at November session eighteen hundred and four, chapter fifty-one, entitled, "An act to incorporate companies to make several turnpike roads through Baltimore county and for other purposes," to be governed by the several regulations and restrictions as are therein, entitled to the same tolls, adopting the same times and periods as to the election of their managers, president and officers.

For the purpose of raising a fund to complete said road, Be it enacted that the charters of the several banks now established in the city of Baltimore, shall be and hereby are extended to the first day of January eighteen hundred and thirty five, upon condition of their subscribing for as much stock as will raise a fund necessary and sufficient to finish and complete the said road, each bank subscribing in proportion to the amount of capital actually employed, subscribed up, or in operation by them, and to be paid or advanced in due proportion to the amount by each bank subscribed, in such periods and at such times as the same may be wanted, and any increase of capital made by any of the said banks shall at all succeeding payments thereafter, be taken into consideration and be considered as a part of the capital contemplated under the act.

And be it enacted, That as soon as the stock aforesaid shall have been subscribed, or an amount sufficient to commence with, that then the president and directors of each of the several banks so subscribing, shall choose one manager out of the stockholders in their respective banks for every twenty-five thousand dollars worth of stock by them subscribed, leaving however to each bank one manager should its proportion of stock not amount to that sum; and said managers shall choose from among themselves a president, and the said president and managers, or a majority of them, shall appoint a treasurer, and such other officers as may be deemed necessary, and shall hold their places until their annual election on the first Monday in October thereafter.

And be it enacted, That in no place shall this road rise or fall more than will form an angle of five degrees with an horizontal line.

And be it enacted, That if the before mentioned company shall not proceed to carry on the said work within eighteen months from the passage of this act, and shall not complete the same in six years thereafter, the right of the said company to the said road shall revert to the state, and this act shall cease to operate and have effect.

And be it enacted, That the said banks in the city of Baltimore, before this act shall be considered in operation and enuring to continue the said charters, shall elect and bind themselves to pay into the treasury of the Western Shore, the sum of seven thousand dollars for each and every year during the continuance of their respective charters as aforesaid under this law, the sum so as aforesaid to be paid by the said banks, shall be in proportion to their respective capitals actually paid or to be paid in, and which sums as aforesaid shall be and they are hereby pledged as a fund for the purpose of supporting county schools.

And be it enacted, That it shall be the duty of the treasurer of the Western Shore to demand of the said banks their respective quota of the said sum on the first day of January in each and every year during the continuance of this act after the first day of January eighteen hundred and sixteen.

And be it enacted, That if the banks aforesaid shall comply with the terms herein as aforesaid provided, by reason whereof the said charters of the said banks shall be revived as aforesaid, that then and in such case all the banks in this state, without the city of Baltimore, now incorporated and all banks that may be incorporated during this session of the General Assembly, whose charters may or shall expire with the session of the General Assembly which shall be in the year eighteen hundred and fifteen, or the end of the session of the next General Assembly that shall happen hereafter, shall be, and the same are hereby continued until the year eighteen hundred and thirty-five, and the end of the next General Assembly that shall be thereafter.

And be it enacted, That James M. Lingan and Upton Beall of Montgomery county, and two other persons to be designated and selected by the directors of the company created by this act, shall be commissioners to select and agree on the point from which the said road shall commence as aforesaid, and if the said commissioners so as aforesaid appointed cannot agree, that then and in such case the said persons shall proceed to select some other fit and proper persons to aid and assist them in the selection of the point from which the said road shall commence, and if they or a majority of them cannot agree to the choice of such person, then and in that case the said persons or a majority of them shall proceed to draw lots for such persons, and that if the said James M. Lingan or Upton Beall, or either of them, shall depart this life, or refuse to act, that then it shall be lawful for the directors of the Potomac Company for the time being to fill up such vacancy, who shall be vested with all the powers which the said Lingan and Beall are hereby vested with.

The editors of the American, Sun and Federal Gazette in Baltimore; of the Maryland Republican and Maryland Gazette at Annapolis; of Bartgis's paper at Fredericktown; of the Maryland Herald at Hagerstown; of the National Intelligencer at Washington City; and of the Star at Easton, are requested to publish the above agreeably to the above direction, and to forward their accounts for settlement to the Committee of Claims at the next session of the legislature.

T. R. 4t.

Sept. 11. Wanted to Purchase, Either for Life or a Term of Years, A NEGRO WOMAN, who understands House Work, for which a liberal price will be given. Inquire at this Office. Sept. 17. J. White.

Wanted TO HIRE, BY THE YEAR, A negro woman, who can come well recommended as a washerwoman. For such an one liberal wages will be given. Apply at the Maryland Gazette Office. Sept. 17. J. H. Bowen.

Sheriff's Sale. By virtue of three writs of Fieri Facias to me directed, out of Anne Arundel county court, will be Exposed to Public Sale, on Friday the 25th of September, at 3 o'clock, P. M. (at James Hunter's Tavern in Annapolis) for Cash, All the right, title, interest and estate, of captain David Stewart, in and to three tracts or parts of tracts of land, called Sanders's Chance, Vell-Meade and Water Ford; situate, lying and being, in Anne Arundel county, near Queen Anne. The above is taken as the property of captain David Stewart, and will be sold to satisfy a debt detained from Lewis Duvall, administrator de bonis non of Nicholas Harwood, and debts due to the State of Maryland, at the instance and for the use of Lewis Duvall, administrator de bonis non of Nicholas Harwood. Solomon Groves, Sheriff, A. A. County. Sept. 10, 1812.