

The intelligence received from Spain at different periods since the French invasion of that country, has been so contradictory in its character, that after wading through it with diligence and patience, we have often been at considerable loss about what was to expect for the present of our readers. Indeed, we have observed that the common newspaper paragraphs relative to her condition and affairs are entitled to but little credit, and that the only information which appears to merit the notice or credence of readers on this side the Atlantic, is that occasionally furnished in private letters, or in the statements of constitutional officers.

This, however, is not at all to be wondered at, since the country is so overspread with French troops, that it is utterly impossible without jeopardizing their lives and their property, for the friends of the constitutional system who superintend public press, to disseminate correct information. For these reasons we have heretofore been particular in giving foreign extracts, to confine them, as much as possible, to letters and official papers.

For the Md. Gazette.

The last time I saw Will Westcott, was during the summer of 1813, at Venice. It was an accident that one morning some Russian and Americans met beneath the colonnade before St. Mark's. We walked up and down the place several times, occasionally stepping into a coffee room or a shop, till Will proposed to take a row in a gondola, and to row ourselves, for a few hours at least, from a palace and a prison on each hand. Young Lardoff, a Russian officer of some distinction, happened to be of the party, and after having amused ourselves for some time on the briny element, he invited us to his house. A Russian, fond of conversation by birth, and having grown up as he travelled through England, he gave us a real British repast, and the quality of the food introduced soon brought the laughing gods of jolly merriment and boisterous glee. Various subjects were discussed with much animation, and among young men it would have been unnatural had those of women and love escaped our attention. As usual the different opinions were scarce any thing but a transcript of the feelings occasioned by the last passion of him who delivered his sentiments, and the disappointed swain was as ready to condemn the whole sex as the prosopopeic lover was ardent in extolling them. I observed, however, that Will had for some time not taken part in the conversation, and knowing him to be a great admirer of the sex I was anxious to hear him communicate his experience. Contrary to my expectation, for his conversation was usually calm, he seized upon the subject with great animation, or rather with wildness. He depicted the occasional strength and devotion, of female attachment with a glow of enthusiasm that in an instant hurried our noisy discussion, and riveted every eye on the speaker, and we treated the perfidy of men with the pungency of satire and a bitterness of sarcasm which could proceed only from a heart, that grating beneath the consciousness of guilt, vents upon others the torrent of acrimonious feeling that undermines its own life. However, he continued with a sneer at the appearance of a large glass of brandy which he quaffed off plain, it must be acknowledged that we, even the noblest part of the creation, have occasionally our rubs to bear, and that the treatment we receive from the gentle sex is sometimes hard enough, to irritate the most amiable disposition, and to what with the perfidy of our sex and the fickleness of the other, this same creation of ours and its happy period of youth, afford a most glorious and enviable spectacle. Gentlemen, suffering me to explain the case to you I scorn the doll jargon of prose. I feel myself moved with an impulse from above and I'll give you a ballad rung hot from Pegasus' cockpit, and made pungent withal by a sly ingredient of youth; and then he sang the following lines; the melody of which was equally eccentric with his sentiments, being a most melancholy adagio, interrupted at periods by a wild irregular and gay chorus, which contrasted strangely with the preceding part: I remember the time when my Flora's blue eyes

Shone like the stars that deck Italy's skies
When lighting your path thro' the whisper of night
To bowers of love and hush scenes of delight
Too soon were they doomed in deep sorrow to weep.
Sing heigho, sing heigho, bo peep.
Say did not the roses which blushed on her cheek,
Like heralds of peace—her contentment bespeak?
They did—but alas! their bright glory is gone;
And over the cheek where fair roses once shone,
The worm of despair, all destroying did creep.
Sing heigho, sing heigho, bo peep.
I knew when her words ev'ry power combated
Her magic of fancy each bosom entwined—
And I knew the draged gir, when through night
A maniac forsaken on her lone floor she lay
And with lullaby murmurs—she sang her sleep
Sing heigho, sing heigho, bo peep.
My Flora I loved once, but soon did forsake
And sent her to sleep, where no longer she waked
Thescene, 'pon my soul, was so romantic
enough.
But then, ah remember, I'd treated her rough,
And girls when they love, will the mark o'erstep.
Sing heigho, sing heigho, bo peep.
He was going to continue with another stanza, but his voice failed him and he bowed on the floor, overpowered either by his feelings or the potent libations.

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We are requested to state, that JOHN W. BEARD will be a Candidate for a seat in the Board of Common Councilmen, of this city, at the approaching election.

Bolton Jackson vs the President and Directors of the Union Bank of Maryland. Appeal from Baltimore County Court.

[Argued by Mayer and Winder for the appellant, and Mitchell and Taney for the appellees.]

The opinion of the Court was delivered by BUCHANAN, J. It is contended by the part of the Defendants, that the provisions of the bill of exceptions, do not correspond with the agreement set out in the declaration, and that for the variance between the *allegata* and the *probata*, the plaintiff is not entitled to recover. It is not necessary to examine this technical objection to the Plaintiff's right of recovery there being quite enough without to defeat the action. John Chalmers, on whom the bill of exchange was drawn, resided in the city of Washington, in the District of Columbia; and it is stated in the declaration, that the defendants undertook and promised to collect the amount, according to the usages and customs of merchants and Banks in the city of Baltimore. Now what is that usage; why it is stated in the bill of exceptions to be the universal custom of the Banks in the city of Baltimore, that collect for their customers, (who are the Merchants,) notes or bills payable at a distance from Baltimore, to make use of other Banks as their agents in making such collections. So far then, as respects the finding of the bill of exchange in question to a Bank in the district of Columbia for collection, the defendants acted in strict conformity with their engagement, and having received on the first of May 1810, and enclosed it on the day following to the Cashier of the Bank of Columbia, their established agent for the transaction of all such business in the city of Washington and George Town, by mail, in a letter, which according to the regular course of the mail, would reach its destination on the third day of May, two days before it became payable, according to its tenor, and the law merchant of this state, surely no negligence or inattention is imputable to them in relation to that part of the transaction; nor is it pretended that any loss was sustained by reason of delay in sending on the bill.—They sent it for collection in convenient and reasonable time after it was received by them, to a respectable agent, an institution of high standing; and dealt with it, as it was their known and established custom to deal, with all notes and bills, to be collected in the district of Columbia, without any imputation of unfairness in the course they pursued.—But it is urged in behalf of the plaintiff, that in consequence of the demand on the acceptor of the bill for payment, and protest for non payment being made on the fourth day of August, he has been unable to recover against the endorser, who lives in the city of Baltimore, and that the defendants ought to be answerable for the negligence of the Bank of Columbia in not making the demand and protest on the third day of August, according to the Law of this state. But it appears to have been the uniform custom of all the Banks within the district of Columbia, to cause demand and protest to be made on the fourth day, and that the Bank of Columbia in this instance pursued the settled custom. How far that custom is to be regarded as the law of the district, it is not necessary in this case to inquire. It was the universal custom of the Banks in Baltimore to collect notes and bills for their customers, payable at a distance, by the agency of other banks. The plaintiff was a customer of the Union Bank of Maryland, established in Baltimore, made all his deposits there, and placed there for collection, all his notes and bills, whether payable in Baltimore or elsewhere; he was a merchant extensively engaged in commerce and must be presumed to have had a knowledge of the uniform and established mode of making such collections by the Banks, and particularly the Union Bank of Maryland, in which he did all his business of that character. This bill of exchange was payable in the district of Columbia, and the placing it with the defendants for collection, was equivalent to an agreement that it should be sent by them for that purpose to some bank in the district of Columbia, to the Bank of Columbia, their established agent, this being the usual mode of transacting, and if that agent did, in conformity with the custom in the district of Columbia, neglect to cause demand and protest to be made on the proper day, the defendants are not chargeable with any negligence, or other improper conduct. If they are to be presumed acquainted with the custom of the Banks in the District, the same may be predicated of the plaintiff, and that he placed his bill with them, for collection, according to that custom, as was their practice to do, in relation to all notes and bills payable there. This transaction is not affected by the general law of bailment, except so far as concerns the transmitting of the bill to the Bank of Columbia; and if it had not been transmitted in due time, the defendants would be answerable for any loss, sustained by reason of such negligence.—But the bill was sent on, in good time, and no negligence chargeable to the defendants. Suppose a foreign merchant sends goods to his consignee in Baltimore, with instructions to dispose of them for him to the best advantage; the consignee sends them to auction for sale, and the auctioneer makes way with the goods, or sells them and makes way with the money, and fails.—In such a case, (to which this in principle may be aptly likened,) the consignee would clearly not be answerable.

JUDGMENT AFFIRMED.

GREAT FIRE IN MAINE.

Extract of a letter to the Editors of the Boston Palladium, dated Wiscasset, Saturday morning, September 5, 1823.

"I write a few lines to acquaint you with a most distressing calamity, which rages in this town and vicinity. On Thursday morning a severe gale of wind commenced at 11 o'clock, P. M. which continued with great violence during the day; when fires, which had been previously set in the woods, spread in many directions towards this place, consuming every thing of combustible nature in their course.—At 4 o'clock, P. M. this village was a general scene of flames. The fire within a mile of us in various directions, & broke up thick as almost to smother those who went to try to

NO SCARCITY OF LAW.

By Mr. Wilson's Dublin Directory for the year 1822, it appears that there are in the city of Dublin no less than 805 barristers and 1,393 attorneys.

Newport, Kentucky, Aug 26, 1823.

I have this day read in "Niles Register" of the 10th inst. that the hottest day of this summer occurred just six months from the coldest of last winter—as recorded by a gentleman in Philadelphia—and, that the hottest summer day occurs precisely six months after the coldest winter day. This led me to reconsider a conclusion I arrived at and recorded in 1819, namely, that a remarkable cold period in summer occurs about six months from a remarkable warm period in winter, as I found by a comparison of the "February thaw," and a period of cold which occurs annually between the 20th and 24th of Aug. compared on several Meteorological Registers. From whence, I ask do these regular facts arise, unless the equal periods of weather are owing to the advancement of one or more vibrating spheres progressing from or towards the North, in obedience to the regular passage of the sun from one tropic to the other, or the progress of the sun alone, or from both? [Such sphere or spheres must be hidden from us by some law of retraction as completely as a needle is hidden from our distinct view when held very near the eye.] The mornings of the 22d, 23d and 24th inst. were here so cold, that parlour fires were desirable—kept on all day, both on the 22d and 23d, as I did also on one or both of those days, for several years past; on each of those three days we had a dry north wind and excessive dazzling and hot sun, and the sky and atmosphere was intensely clear, both by night and day, the air during several of the preceding days, was damp and nonelastic. The Martins were missing, in this region, on the morning of the 22d inst. but were seen late on the evening of the 21st. My previous observations and deductions enabled me to anticipate this period of cold, and the simultaneous departure of the Martins.

THE MARTINS APPEARED AT CINCINNATI.

The Martins appeared at Cincinnati on the morning of the 1st of April last, and at Newark, Ohio, on the succeeding morning, this was directly after the termination of the remarkable Northeast storm of the 30th and 31st of March. Hence, it appears that these birds do not remain with us fully five months; some Martins leave their boxes early in August, or sooner, and congregate in particular neighbourhoods, until they all go.

JOHN CLEVES SEMMES.

A PRESENT.

Admiral Sir Isaac Coffin, member of the British Parliament, has, in regard to his native state, and with a wish to promote its agriculture, purchased at a great expense a Bull of the first breed in Great Britain, and sent him as a present to the trustees of the Massachusetts Society for promoting Agriculture.—N. E. Farmer.

OBITUARY.

Died, in this city on Saturday night last, Mrs. JANE WARD, at an advanced age.—At the head of South River, on the 11th instant, much regretted, Mrs. ANN S. WELSH, consort of Thomas Welch, Esq. formerly of Middle Ferry, about 6 miles from Baltimore, on the 9th instant, in the 58th year of her age. Mrs. ANN SWETZER, consort of Mr. Seth Sweetser, formerly of this city.

Land to Rent.

The subscriber wishing to live a less irksome life, by relieving himself of some of his temporal cares, is desirous to farm out, or let on rent, for one or more years, the

PLANTATION OR FARM

on which he now resides, either with or without the stock and hands, as may be desirable. To a good and careful tenant, the terms would be advantageous. Or, with a view to effect the same object, would engage as a manager or overseer, a steady and industrious man of sober habits, capable of taking the entire direction and management of this agricultural concerns. Persons wishing to engage in either way, will please to make application to the subscriber, Charles county, Maryland, about five miles below Pica-taway. PHILIP L. FORD, Sept. 18.

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LATE AND IMPORTANT FROM CADIZ.

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The situation of this city is neither better nor worse than when I last wrote you. The French have been 4 months in the country, and I conceive their cause daily loses ground. The character of the Spaniards is not to brook subjection to a foreign power; and though they have in the first place yielded, it has been more the effect of the seductive arts of their own countrymen than by the force of the enemy's arms.—A reaction will ultimately produce the effect of their total destruction.

In Catalonia there is no end to the fighting; the Spaniards always successful in this province Ballasteros is now gaining ground, and we look to active measures soon. A sally that was made here from the lines, showed that our men know how to fight. They marched up to the enemy's parapets without firing a shot till they reached them. All the force employed on our side was not more than 3000 men. The French however, in their bulletins stated our loss to have been from two or three thousand, limiting them to five hundred—the latter part I believe to be our side had killed about 20, and wounded about 200—no prisoners. There are accounts that day of the advanced guards of Ballasteros and Gen. Mollino having met, who victory decided in favor of the former. The decision of Mollino is quite an extraordinary

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Anne Arundel AND CALVERT DIVISIONAL LINE.

Friendship, September 5, 1823. The commissioners appointed by the General Assembly of Maryland, to ascertain the divisional line between Anne Arundel and Calvert counties, met this day by appointment: Present, Virgh Maxcy, Esq., Dr. James P. Rogers, Esq., Richard Ireland and Thomas H. Willifson, Esq. they in the first place qualified by taking the oath as prescribed by the act of assembly before Lewis Sutton a Justice of the peace.

The commissioners proceeded to appoint a chairman, when Dr. Wm. Howard was unanimously chosen chairman of the commissioners. In the absence of the chairman, Capt. Richard Ireland was appointed chairman pro tem.

Dr. Ireland was appointed to act as clerk to the commissioners. Ordered by the commissioners, that Doctor Wm. Howard be, and is requested to get from the records at Annapolis, or elsewhere, copies in full of all the records concerning the boundaries of Anne Arundel and Calvert counties, and any and all other laws, orders, records, or other documents he may deem necessary to give information to the commissioners on the subject of the line between the two counties, and that a copy of this order be remitted to him by the clerk.

Resolved by the commissioners, &c. that they will meet on the 19th inst. at Friendship to take testimony in relation to the said line.

Ordered, That the clerk cause the above resolution to be published in the Maryland Republican and Maryland Gazette, and to be set up at Herring Creek Church, Friendship, Tracey's Landing, Big Point, Lower Marlborough, Calvert Church, and such other places as he may deem proper, that such other persons as have any knowledge or information respecting the said line may attend and give their testimony, and bring with them patents, deeds, and other such documents as may be in their possession, and are calculated to throw light upon the subject.

Adjourned until Friday 19th, 10 o'clock Sept. 7. LEWIS SUTTON, Clerk.

Public Sale.

By order of the Orphans court of Anne Arundel county, the subscriber will expose to Public Sale, on Saturday the 3d day of October next, at 10 o'clock, A. M. at the residence of Benjamin Sewell deceased—All the Personal Property of said deceased, consisting of a quantity of ready made coarse shoes, beds & bedding, household and kitchen furniture, &c. Terms of Sale, a credit of six months for all sums over twenty dollars, with bond and security, bearing interest from the day of sale, and for all sums under twenty dollars, the Cash to be paid.

Sept. 11. 2. J. Sewell, Adm'r.

Chancery Sale.

By virtue of a decree of the Court of Chancery the subscriber will expose to public sale at Hunter's Tavern, in the city of Annapolis, on Wednesday the first day of October next, if fair, if not, the next fair day thereafter

The farm or plantation whereon William Hall Jr now resides, called "What you Will, and White Hall," containing 242 acres more or less. This farm adjoins the lands of Mr. Joseph Evans, on the Head of South River, and perhaps is not inferior to any farm in the county; the buildings are in good order, and the land is well covered with timber. It is deemed unnecessary to give a further description of the above property, as it is presumed those who wish to purchase will view the same previous to the sale. Terms of sale, cash to be paid on the day of sale or on the ratification thereof, on the payment of the purchase money and ratification of the sale, the subscriber is authorized to execute a deed. Sale to commence at twelve o'clock.

Louis Passaway, Trustee. Sept. 11. 2.

State of Maryland, sc.

Anne Arundel County Orphans Court, Sept 9th, 1823.

On application by petition of Frances Moxley, administratrix of JOHN MOXLEY, late of Anne Arundel county, deceased, it is ordered that she give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week, for the space of six successive weeks, in the Maryland Gazette.

Isaac Holland, Treasurer. Subscribers to the Jockey Club, are requested to call and pay their subscriptions.

The members will meet at William son's tavern the evening previous to the race. Sept. 18.

ANNAPOLIS JOCKEY CLUB RACES.

Will be run for over the Annapolis race course, on Wednesday, the 5th day of November next at Jockey club course of not less than \$250, heats four miles each, carrying weights agreeably to the rules of the club. On Thursday, the 6th a colts purse will be run for of not less than \$150, two miles each. And on Friday, the 7th, the city purse will be run for, three miles, each free for any horse, mare or gelding, the winning horse on