

Maryland Gazette.

ANNAPOLIS: THURSDAY, JULY 15, 1824.

HYMENEAL.

Marrried, on Tuesday evening last, by the Rev. Mr. Griffith, Mr. Nelson Nichols, to Miss Elizabeth Grammer, all of this city.

Anne Arundel county, July 8, 1824.

Mr. Jonas Green, There appears in your paper three advertisements, against Messrs. John, Washington and Thos Hammond, at the suit of Young Wilkerson. I do hereby certify, that at the time they were published, I had not levied the same, nor were they ever levied by me. When I called on the Messrs. Hammonds with said executions, they produced a certificate that said judgments were superseded according to law, payable on the 21st of August, 1824. I then called on Mr. Augustine Gambrell, who was the acting agent for Young Wilkerson, he then told me he was satisfied, and I had nothing more to do with it; and after that he had it published in the public papers, contrary to my consent. I asked him why he had done so; he then declared that he had done it to expose said Hammonds, as they had tried to do the same with him. I then requested Mr. Augustine Gambrell not to make use of my name in that way, for I certainly should endeavour to bring him to condign punishment, and every person that did; and the matter ended at the time.

OWEN DISNEY, Constable.

Adjutant-General's Office, Annapolis, July 12th, 1824.

The late supplement to the Militia Law of Maryland requires the Adjutant General to forward to the Colonels of Regiments, and Majors commanding Extra Battalions, Blanks necessary to enable them to make their returns to his department. It also requires those officers to report themselves to his department before the 26th of August 1824. As the Adjutant is anxious that a complete return of the militia should be obtained, he requests all those officers who have not already done so, to report themselves, that he may know to whom he may send Blanks; as, according to the law, no officer will be considered in commission who does not report himself. Printers might do a service who can conveniently give this notice an insertion.

Richard Harwood, of Thos. Adj. Gen M M.

3d Regimental Cavalry District, Maryland Militia.

ORDERS.

In compliance with the provisions of the act of the general assembly of Maryland passed at December session, 1823, the commissioned officers of cavalry in the 3d Regimental Cavalry District M. M. are hereby ordered to assemble for drill and instruction at Mr James Williamsons, in the city of Annapolis, on the second Saturday of August next, at 10 o'clock, A. M.

Officers to appear in uniform and fully equipped.

Captains of Troops, are also ordered to make out and deliver, or cause to be delivered, to the Adjutant before the 15th of October next, a complete and full return of all the officers and men under their command, together with the number of their arms and equipments belonging to the state of Maryland.

All commissioned officers attached to the 3d Regimental Cavalry District (Anne Arundel and Calvert counties,) are further ordered on or before the 20th of August next, to report themselves to the Adjutant General, by letter, post paid, otherwise they will be considered as having resigned, and their names will be stricken from the rolls of the militia of this state. All absentees will be dealt with according to law.

By order of Col. Charles Sterrett Ridgely. SAMUEL BROWN, Jun. Adjutant, July 8th, 1824.

The packet ship Bayard, Capt. Robinson, arrived at New York from Havre on Friday morning, whence she sailed on the 1st June. Gen. LA FAYETTE was to have embarked in this vessel, but could not get ready in time. Captain Robinson informs that he would take passage for New York or Boston, if a suitable vessel offered, about the 1st of July, with his son, GEORGE WASHINGTON LA FAYETTE.

Gaseous baths are now adopted by the French and German Physicians, in all cases of disease of the skin, and in all chronic affections. Baths of a similar nature have now been established in London. It is said that chlorine, mercury, sulphur and opium, can be administered with more safety and expedition through the pores of the skin, than through the medium of the stomach.

COURT OF APPEALS, W. E.

Thursday, July 8.

The case of Lamont's heirs and devisees vs. Bowly's heirs was opened by Williams for the appellants.

Friday, July 9.

The argument in Lamont's heirs & devisees vs. Bowly's heirs, was continued by Williams for the appellants, and by R. Johnson for the appellees.

Saturday, July 10.

The argument in Lamont's heirs, &c vs. Bowly's heirs, was further continued by R. Johnson and Wirt (Attorney General of U. S.) for the appellees.

Monday, July 12.

EARLE, J. delivered the opinion of the court in Jarrett's Lessee vs. Cooley, et al. JUDGMENT REVERSED AND PROCEEDING AWARDED.

MARTIN, J. delivered the opinion of the court in The State vs. Dashiell. JUDGMENT AFFIRMED.

EARLE, J. delivered the opinion of the court in Knott vs. Digges. JUDGMENT REVERSED AND PROCEEDING AWARDED.

The argument in Lamont's heirs and devisees vs. Bowly's heirs, was concluded by Toney and Harper in reply.

The case of Hurn's Lessee vs. Soper, was opened by Ridout for the plaintiff in error.

Tuesday, July 13.

The argument in Hurn's Lessee vs. Soper, was continued by Ridout, for the plaintiff in error, and by T. B. Dorsey, (attorney-general), and Magruder, for the defendant in error, and concluded by Mayer, for the plaintiff in error, in reply.

The case of Martin vs. The Mechanics Bank of Baltimore, was opened by Frick for the appellant, and by Stricker, for the appellees.

COURT OF APPEALS, JUNE TERM, 1819.

COOME'S et al. vs. CLEMENTS. APPEAL from a decree of the Orphans Court of Anne Arundel county. The case was this: F. T. Clements, (the husband of the appellee,) by his will dated in 1817, disposed of the whole of his estate, both real and personal. A part of the real estate he devised to his wife, but he did not bequeath to her any portion of his personal estate. She renounced the will, and claimed one half of the personal estate, the testator having died leaving no child or descendant. The orphans court decreed, that the widow was so entitled. From which decree the appellants, claiming as legatees under the will, appealed to this court.

The case was argued before CHASE, CH. J. JOHNSON, MARTIN and DORSEY, J. by Winder, Chapman, and Marriot, for the appellants, and Pinkney, Taney, Magruder, and Stephen, for the appellee.

CH. J. JOHNSON. The common law of England is the common law of Maryland, excepting such changes as have been made by the acts of the legislature of Maryland. The common law pervaded the whole realm of England, and was co-extensive with its limits. Some peculiar local customs prevailed within the realm in certain cities, places and districts, in derogation of the common law, and were considered as privileges appertaining to each city or district, and were of no validity elsewhere. The origin of these customs cannot be well ascertained, but were claimed and pertinaciously adhered to as the law of each respective city or district.

I consider it established by the decision in the case of Griffith vs. Griffith's executors, 4 Harr & M-Hen. 101, that it was the common law of England at the colonization of Maryland, and long antecedent to that time, that a widow was entitled to her reasonable part of the goods of her husband, his debts and funeral expenses having been first deducted; and that reasonable part was one third, or one half, according to the pecuniary condition in which she stood at the time of the death of her husband; that this reasonable part was not subject to the dominion or control of her husband; that her right was paramount to his power, and that he could not, by his will, deprive her of it.

Although the common law did undergo some change in England, by imperceptible degrees as to the reasonable part of the children, yet to the time and manner of such change cannot be defined with any precision, or in a satisfactory way. It is certain, beyond a doubt that no change ever took place in the common law, as to the reasonable part of the widow, before the colonization of Maryland. The right of the widow stands on the immutable principles of justice, and has been repeatedly sanctioned by the various acts of the legislature, modifying the right at some times without making any essential alteration.

As soon as the marriage is solemnized, all the personal property of the wife, by operation of law, is vested absolutely in the husband, no longer subject to her control or disposition. She cannot dispose of any part by her will, nor even to her child, friend, or dearest relation, without the assent of her husband. This is the fair, the good consideration on which the right of the wife is founded. She, which, gives all, is well entitled, when her husband can enjoy it no longer, to a third or one half.

The several acts of assembly relating to the right of the wife to a part of the personal estate of her deceased husband, commencing with the act of 1692, down to the act of 1798, contain a clear, unequivocal, and explicit recognition of that principle of the common law, which allows to the wife a reasonable part of the personal estate of her deceased husband. The following deductions are plainly inferable from the said acts. If the deceased dies intestate, leaving a wife, and without a child, the widow shall have one half of the personal estate. If the deceased makes a will, and makes no bequest of any part of his personal estate to his wife, or an invalid or incompetent wife, and she survives him, she shall have one half of the personal estate. If he dies intestate, and she survives him, she shall have one half of the personal estate. If he dies intestate, and she survives him, she shall have one half of the personal estate.

We are with great respect, gentlemen, your humble and obedient servants. (Signed) JOHN QUINCY ADAMS, J. C. CALHOUN, JOHN M'LEAN.

which declares, that it is consonant to justice that a widow accepting or abiding by a devise, in lieu of her legal right, shall be considered as a purchaser with a fair consideration, if the devise proves invalid or inoperative. A purchaser of what her share or legal right; because that which was intended as an equivalent for her personal estate as to her wife; her share, or legal right, depends on the predicament in which she stands at the time of the death of her husband, which will be one half, or one third; one half if he died leaving no child, and of that she is declared to be a purchaser with a fair consideration.

I am of opinion, that the decree of the orphans court ought to be affirmed.

JOHNSON, J. FRANCIS T. CLEMENTS, by his last will and testament dated the 8th of March 1817, after the death of his wife, bequeathed to her one half of his personal estate, the whole of his personal estate to his nephews and nieces. On the death of the testator, the widow renounced the will. The testator left no children, nor descendants from them. The widow having renounced the will, applied to the orphans court of Anne Arundel county for an order directing the distribution of the personal estate; and after the hearing of all persons interested, that court adjudged that she was entitled to one moiety. From that decision a case has been made to this court.

By the decision in the case of Griffith vs. Griffith's Executors, as reported in 101, Harr. and M-Hen. 101, the common law of England, as it existed on the settlement of Maryland, was adjudged to give to the widow a portion of the personal estate, whether the husband did or did not leave a will.

The various acts of Assembly passed in Maryland, recognize the right of the widow, the extent of the interest in certain instances has been ascertained and where specified cases, the widow's interest must be governed by them.

The act of 1798, ch 101, passed before the will in question was made, restricts the widow's interest, whether children or not, to one third in the cases in which the restriction applies. The case before the court does not come within the restricted exception mentioned in the act; and as the testator died without leaving children, or their representatives, I am of the opinion the decision of the orphans court, giving her one half, was correct.

MARTIN, J. Concurred.

DORSEY, J. I consider the case of Griffith vs. Griffith's Executors, as establishing principles by which the controversy in this case must be settled. If the point had been res novum, I should have pondered before I decided that the common law of England, at the time of the settlement of Maryland, gave to a widow a part of the personal estate of her husband in opposition to his will; but as that and other points directly leading on the question now before the court, have been settled in the case referred to, I must bow to its authority. I am therefore of opinion that the decree of the orphans court ought to be affirmed. BUCHANAN and EARLE, J. absent.

DECREE of the orphans court affirmed.

The N. Y. Evening Post states that Lady Mary Rosse, of Thelton Hall near Wolverhampton, in Ireland, has presented Bishop Chase, in addition to a former donation of two hundred pounds sterling for the Theological Seminary of Ohio, with one hundred pounds for his own personal use, which he has declined accepting, and has requested of her Ladyship that it might be appropriated for the erection of a chapel for the use of the Seminary.

The Russian Navy now consists of 70 ships of the line, 10 frigates, 25 cutters, 7 brigs, 54 schooners, 20 galleys, 25 floating batteries, 121 gun boats, and 143 other small armed vessels, in all 464 sail, carrying 5,000 guns, and manned with 33,000 sailors, 9000 marines, and 3000 artillery.

FROM THE NATIONAL JOURNAL. To the Hon. John Quincy Adams, J. C. Calhoun and John M'Lean. Washington City, July 3, 1824.

Gentlemen: The Committee of Arrangements for celebrating the approaching Anniversary of American Independence, have instructed us to say that they regret the withdrawal of your subscriptions to the Anniversary Dinner, and the more so, as that withdrawal seems to have been induced by a misconception of the motives which governed the Committee in the course they deemed advisable to pursue in the case of Mr. Edwards.

We have the honor to be, with great respect, your obedient servants. (Signed) THOMAS CARBERRY, Char'n

To Thomas Carberty, Chairman, and Jos. Gales Jr. Secretary of Committee of Arrangements for celebrating the Anniversary of American Independence. Washington, July 5, 1824.

Gentlemen: We have had the honour of receiving your letter of the 3d inst. and request you to present to the Committee the assurance that we cordially regret the incident which has deprived us of the pleasure we had promised ourselves in uniting with them and the rest of our fellow citizens, subscribers to the Anniversary Dinner, at the social board on the day peculiarly devoted to generous and patriotic feelings. We wish you to hold, with the tender of our respects, that the determination to withdraw our names from the subscription, was taken from the convictions of our own duty, without enquiring into the motives of the Committee, or reference to them.

We are with great respect, gentlemen, your humble and obedient servants. (Signed) JOHN QUINCY ADAMS, J. C. CALHOUN, JOHN M'LEAN.

EXTRAORDINARY HAIL STORM.

The New York papers contain an account of a hail storm experienced on Wednesday, 23d June, in the lower end of Putnam county, N. York. The cloud from which the hail descended, passed from north west to the south east, and extended about a mile and a half in width. The storm was most severe in Peekskill Hollow, in the neighbourhood of Col. Buckbee, where the hail fell to the depth of full eight inches on a level, and in some places to the depth of more than eighteen inches. The size of the hail stones was most extraordinary, generally as large as a hen's egg, and in many instances much larger. The day after the storm, the hail still remained upon the ground in quantities to be shovelled up, and quantities were carried to Peekskill, and notwithstanding it had been exposed twenty-four hours without any means used to preserve it from wasting, the lumps of ice, or hail stones, were then much larger than usual. It is hardly necessary to observe that every species of grain growing, grass, fruit, &c. was literally and entirely cut down and destroyed within the compass of this dreadful storm, as also much injury to dwelling houses. How far the hail extended in an easterly and westerly direction, we have not been informed.

We regret to learn that the U. S. brig Spark, which arrived at New York on the 7th, lost two officers and four men on her passage from Havana. One of the officers was Lieut. James Clinton, a son of the Hon. Dewitt Clinton. We understand that the officers and four seamen who have died, were the only persons that went ashore at Havana while the Spark lay there; and that none other of the officers or crew of the Spark are unwell. The fact that all who went ashore at Havana have fallen victims, is a proof of the dreadful malignity of the atmosphere of that place.

DISTRESSING HEAT. Charleston, (S. C.) July 1.

Our city has for four days past suffered under an intenseness and continuation of heat, seldom, if ever, experienced here before. We have endured, almost literally, an atmosphere of fire. Several valuable lives have fallen victims to the excessive warmth—and the poor, who are compelled to labour, find the chance of sudden death, added to their overwhelming toils.—All are alike annoyed, and all must devoutly repeat the prayer, that Heaven, in its mercy, would mitigate the solar beams, and gladden us again with refreshing showers.

If the present weather shall continue, we confidently hope that Gen. Geddes will countermand the order for parade on the 11th inst.—which, in our opinion, would be universally acknowledged a wise and salutary measure.

EXTRAORDINARY HOT WEATHER.

Cheraw, (S. C.) July 2.

The excessive heat that has been experienced in this town, during the last six days, we presume is altogether unparalleled in this country. The Mercury in an excellent Fahrenheit Thermometer, stood at 3 o'clock, P. M. exposed to the air in the shade, on Saturday last at 93°—on Sunday at 94°—on Monday at 103°—on Tuesday at 103°—on Wednesday 103°—and on Thursday at 100°. During all this period we have had no rain, and the heat still continues to be distressingly oppressive. Should this weather continue, it would not be surprising if the Town of Cheraw should ere long be found completely evaporated, the citizens all having evaporated by sudorifics.

FROM ENGLAND.

The ship Bivalitch has arrived at Boston from Liverpool, bringing London dates to the 1st and Liverpool to the 3d June. They furnish the following items:—

The London Courier of June 1, says, "The question of the recognition of South American Independence continues most anxiously to occupy public attention, particularly in the city. We can venture to state, that previously to the close of the present session of parliament, a communication will be made on this question to the House of Commons."

The prorogation of parliament was expected to take place about the 20th of June.

On the 31st of May, Mr. Canning laid upon the table of the House of Commons, copies of two commercial treaties, with the governments of Prussia and Sweden.

Two catholic petitions were presented to the House of Lords. They contained some insinuations that the Duke of York was the patron of the Orangemen. On account of some informality they were withdrawn.—Mr. Brougham presented a counter petition, which was read.

Another was also presented, praying for the suppression of the catholic association.

Mr. Goulburn gave notice that he should move the next day for the renewal of the insurrection act.

FROM SPAIN.

By the ship Sabina's New York, Cadiz, papers to the 30th May have been received. An order had been issued by Ferdinand for the re-organization of the Spanish militia, and directing that none were to be enrolled but such as were devoted to his royal person; and as to those who had countenanced the Constitutionalists, they were to be thoroughly "purified" from that atrocious crime, before their services could be accepted. Another decree denounced as an abuse of the royal prerogative, a Convention entered into by Pereira at Paraguay with the government of Buenos Ayres, in the name and of the King of Spain, by which a friendly understanding was intended to be established, and the latter province was said to be declared free and independent of the mother country.

The Cadiz papers also contain an article from Odessa of the 11th April, which states that in one day all the foreigners found in the coffee houses and taverns at Constantinople, were compelled to enter on board the Turkish fleet, there to serve as common sailors against the Greeks.

Flour at Cadiz was 810 a barrel.

PORTUGAL—IMPORTANT.

The accounts by the ship Mary, Beach, at Portsmouth, in 32 days from Lisbon, would seem to warrant the conclusion that the King of Portugal was about to open his ports to all nations, and grant a charter or constitution to his people. He is stated to have called on his ministers to present him a draught of regulations for making Lisbon free port, and that the 5th of June had been fixed on as the day for issuing a decree taking off the duties on salt and wine.

Fred. Shaffer Littig,

Has added to his former extensive stock of Dry Goods, Glass and Queens Ware, Water-proof Hats, Shoes and Boots.

A choice assortment of GROCERIES,

Consisting of Brandy, Gin, Wine and Whiskey, fine flours, and warranted pure, selected with care by a good judge. Also Cider Vinegar, Spices, Patent Starch, Brown Sugar, Rice, Jamison Crackers, Segars, Chewing Tobacco, Coffee, Rye Coffee, Chocolate, Soap, Candles, &c. &c.

Also a choice assortment of FAMILY FLOUR

Of the 1st, 2nd and 3d quality, by the Barrel or pound. N. B. Taverns and Stores supplied with Liquors by the gallon, at Baltimore prices. July 15.

NOTICE.

The subscriber having obtained from the Orphans court of Anne Arundel county, letters of administration on the personal estate of William Taylor, late of the city of Annapolis, deceased, requests all persons having claims against the estate to bring them in, legally authenticated, and all persons indebted to the said estate to make IMMEDIATE payment, to REBECCA TAYLOR, Adm'x. July 15.

50 Dollars Reward.

Runaway from the subscriber living near Queen-Ann, Prince George's County Maryland, NEGRO JOHN, A black boy aged 19 years, upwards of five feet high, and has lost two of his toes nearest to his large toe, I think from his right foot. The above reward will be paid if taken 30 miles from home, and twenty dollars if taken nearer home and secured so that I get him again. W. M. D. CLAGETT. July 15.

Woodland for Sale.

The subscriber will sell, without reserve, at public auction, at Williamsons Hotel in the city of Annapolis, on Saturday the 31st July, at 12 o'clock, two hundred and thirty-five acres land, lying within a mile of the city of Annapolis. A great part of this land is heavily wooded, it abounds in springs of good water, and is in every respect a desirable property. It is confidently believed, that the wood alone will greatly more than pay the amount required for the purchase of this land. Any person disposed to purchase can view the premises by application to R. I. CRABB. July 8.

Cheap Lumber.

Just landed, from Port Deposit, a Quantity of White Pine Plank, which will be disposed of low, for cash. Apply to Mr. WALTER BENTON. July 8.

RAGS.

Clean Linen and Cotton Rags, will be purchased at the Store of the subscriber. July 8.

COURT OF KING'S BENCH.

The Lord Chief Justice sat at Nisi Prius until eleven o'clock yesterday, and proceeded to the DEBATE OF THOMAS AND DOB (ON THE DEWIS OF THOMAS AND WIFE.) O. ACKLAND.

The Court gave judgment in this case, which, it may be remembered, was argued in the present Term—by Mr. Tindal for the lessors of the plaintiff; and by Mr. Park for the defendant. The question was, whether a lady who was born in Rhode Island, after the acknowledgment of the independence of the United States by England, and who was the daughter of a natural-born subject of Great Britain, was capable of inheriting lands here. The treaty by which the United States were declared independent was signed on the 3d of September, 1783. The lady in question was born in Rhode Island after that period, and though her father (James Ludlow) was a natural-born subject of this country, yet the Court held that it was necessary that he should be a subject, as well as a natural-born subject of this country, at the time of the birth of the child. The Court were clearly of opinion, that, by the effect of the treaty of 1783, James Ludlow ceased to be a subject of this country, after that treaty was signed; for by that treaty England relinquished not merely dominion over the soil of the United States, as was contended at the Bar, but also dominion over the people of those States. The Court was therefore of opinion that James Ludlow ceased to be a subject of Great Britain before the birth of this child, and that consequently she was not entitled to inherit lands in England. The Court felt great satisfaction in finding that their opinion was conformable with a decision which was given upon a similar question affecting a British subject by the Supreme Court of Pennsylvania, in judgment for the defendant.

SULPHATE OF QUININE.

This new preparation of Quinine, so just celebrated, is the most effectual remedy ever offered to the public for the cure of intermittent fevers; no article of medicine has, with more propriety, been so happily distributed; its efficacy, in all cases, where it has been administered, has had the most salutary effects, and proved its superior excellence as a tonic.

The various qualities of the Quinine do not oppress the stomach like the Peruvian Bark, but strengthen the system without any unpleasant sensation.

I have known many very obstinate cases of the ague and fever, which have been completely removed by this grand remedy, when all other medicines commonly given in such complaints, have been administered in vain; one of those cases particularly attracted my attention, the patient (a Lady) had been lingering nearly 12 months under this direful disease. I frequently visited her Peruvian Bark, Prussiate of Iron, Fowler's Mineral Solution, &c. were prescribed, all of which proved unsuccessful—at length I gave her an emetic, and requested her to take the Sulphate of Quinine, every hour during the intermission of the fever—my advice was pursued, the chills and fevers disappeared, and in a few days she was restored to perfect health.

A PHYSICIAN. Queen Anne's Co. Md. July 6th, 1824.

To Rent this Fall,

A fine farm in Anne Arundel county, binding on Patapsco River, and within 10 miles of Baltimore, containing nearly 50 acres of land, with four large corn fields that will bring from 150 barrels of corn to 200 each. I have raised upwards of 300 in several of the fields in a seasonable year. There is about 50 acres of fine market land, a great part of which brings fine cabbage, some weighing from 10 to 12 pounds each when trimmed. There is one great drive tag containing the place, viz. you may haul from two to 300 cart loads of manure from the river shore; the grass that beats up being equal to anything for Potatoes, or Wheat or Corn; you can make hay enough to winter 8 or 10 head of horses, and cut 4 or 5 large stacks of marsh grass that is fine for cattle.

The farm affords two tenements, and will suit two brothers, or two friendly neighbours, with about 10 or 12 hands. This market land all enclosed in different lots, partly with paling. The improvements are a good dwelling house, with three rooms below stairs and three above, with a good pantry, passage and kitchen, all attached to it; and a most excellent barn, with other necessary houses sufficient for any place. This farm abounds with good fruits, such as peaches, apples, plums of different kinds, damsons, and choice pears.—There is a good spring near the house, with a spring house in which to place milk and butter—there have made 400 gallon from the fruit in one season. The rent will be made easy to a good tenant, who must work the place as I do, that is to say, each field and lot in rotation, and not raise any corn on the market land. It will be rented for a term of years.

JAMES P SOPER. July 5, 1824.

St. John's College.

The Visitors and Governors of this Institution, have resolved to appoint a Teacher, whose duties shall be, to teach the English Language, grammatically, Writing, Arithmetic, Geography, Book-keeping and to carry students through the Latin Grammar, and the elementary Latin Books. The salary is fixed at \$300 per annum, together with one half of the whole amount of Tuition money. The price of Tuition is fixed at \$20 per annum. Candidates must make personal application, and undergo an examination with respect to their qualifications. The appointment will be made on the 29th inst. but applications may be made at any time, until that day.

By order of the Board, William E. Pinkney, Sec. July 15.

NOTICE.

The Commissioners of the Tax for Anne Arundel county, will meet at the Court House, in the city of Annapolis, on Monday the 9th of August next for the purpose of hearing appeals and making transfers. By order, E. J. DOWMAN, Clk. July 15.