

# Maryland Gazette.

ANNAPOLIS, Thursday, August 23, 1827.

No. 31

## Court of Appeals

Lewis Duval and wife, vs. Richard Harwood, of Thos. and Henry H. Harwood, Adm'rs of Benjamin Harwood. This cause being submitted to the Court, has been considered.

It is, thereupon, this 23rd day of July, in the year 1827, by the Court of Appeals, adjudged, ordered, decreed, that the decree of the Orphans' Court be reversed, with costs to the appellants.

It is also adjudged, ordered and decreed, that in the distribution of the personal estate of Benjamin Harwood, the intestate in the proceedings named, the children of his sister, who died before the intestate, receive the share to which such sister or brother, if he or she had survived the intestate, would have been entitled, and to the exclusion of the grand children of such sister or brother of the intestate, such grand children being the children of a son or daughter of said sister or brother of the intestate, and who died before the intestate.

All those who are entitled to a distributive share of the personal estate of Benjamin Harwood, late of the city of Annapolis, are requested to call on Henry H. Harwood, of the Farmers' Bank of Maryland, on or after Thursday the 26th instant, when a distribution will be made of all the personal estate, then in possession of the administrators, according to the direction of the above decree.

**RICHARD HARWOOD, of Thos. and Henry H. Harwood, Adm'rs. of Ben Harwood.**  
July 19.

## Public Sale.

Subscribers will offer at public sale to the highest bidder, on Monday the 29th day of September next, at Tavern, Rising Sun, 60 acres of land, or less, this land is a part of a tract conveyed by Elizabeth and John Talbot, junior, of Anne Arundel county, praying for the benefit of the debtors, passed at November session, eighteen hundred and five, and the several supplements thereto, a schedule of his property, and list of his creditors, on oath, as far as he can ascertain them, being annexed to the petition, and the said John Talbot, junior, having satisfied me that he has resided in the State of Maryland two years immediately preceding the time of his application, and that he is in actual confinement for debt, it is therefore ordered and adjudged by me that the said John Talbot, junior, be discharged from his confinement, and that he (by causing a copy of this order to be inserted in one of the public newspapers printed in the city of Annapolis, once a week for three successive months, before the third Monday of October next) give notice to his creditors to appear before the County Court of Anne Arundel county, on the third Monday of October next, for the purpose of recommending a trustee for their benefit, on the said John Talbot, junior, then and there taking the oath by the said acts prescribed, for delivering up their property, and to show cause, if they have, why the said John Talbot, junior, should not have the benefit of the said act, and supplements thereto, as prayed.

**THOS. DORSET, of M. S. Green, Test.**  
May 14, 1827.

## State of Maryland, Sc.

Anne Arundel County, Orphans Court, July 31st 1827.

On application by petition of Wilson Waters, administrator of John Linthicum, late of Anne Arundel county, deceased, it is ordered, that he 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.

**Thos. H. Hill, Reg. of Wills, A. A. C.**

## Notice is hereby given,

That the subscriber, of Anne Arundel county, hath obtained from the orphans court of Anne Arundel county, in Maryland, letters of administration on the personal estate of John Linthicum, late of A. A. county deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof to the subscriber, on or before the 2d day of February next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 31st day of July 1827.

**Wilson Waters, Adm'r.**

## Notice is hereby Given

That the Board of School Commissioners of Anne Arundel county, will meet at the residence of John F. Wilson, in the first election district, on the first Monday in August next, for the purpose of commencing the arrangements of the school districts of said county.

**John F. Wilson, Secy.**  
July 26.

## Laws of Maryland,

PRINTED AT LAST SESSION,

AT THE OFFICE—Price \$1 50.

## PRINTING

Every description executed at this office with neatness and despatch.

## 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 Tuesday the 4th day of September next if fair, if not, the next fair day thereafter, all that part of a

## Tract of Land,

lying and being on the North side of Severn River, in Anne Arundel county, called "Hammond's Security," containing 629 acres, more or less, whereof Allen Warfield, and Louisa his wife, died seized; and which said land was heretofore allotted to the said Louisa, by a decree of the court of chancery to divide real estate of Rezin Hammond, deceased. It is deemed unnecessary to give a further description of the above land, as it is presumed those inclined to purchase will view the same previous to the sale. Terms of Sale—Fifteen hundred dollars of the purchase money to be paid on the day of sale, or on the ratification thereof, and the balance to be paid within three years from the day of sale, with interest from the day of sale, the interest on the whole to be paid annually; to be secured by bond with good security. On payment of the purchase money and ratification of the sale, the subscriber is authorized to execute a deed. Sale to commence at 12 o'clock.

**Louis Gassaway, Trustee.**  
August 9.

## Public Sale.

Will be offered at public sale on Thursday 30th August, at 12 o'clock meridian, if fair, if not on the next fair day thereafter, on the premises, A VALUABLE FARM, lying in Broad Neck, about 7 miles from Annapolis, near the estates of Horatio Ridout and James Mackubin, equires, and adjoining the lands of Mr. Henry Mayer and Robert Bryan. The tract contains between two hundred and fifty and three hundred acres, with a sufficient proportion of woodland, the growth of which is principally oak and hickory, with a mixture of walnut, locust and poplar. This estate is beautifully situated on the bay shore, possessing the advantage of a convenient water conveyance to market, and under proper management would make a first rate market farm. The soil, which is naturally of an excellent quality, can be conveniently and easily improved by sea oys, marsh manure, &c. The terms, which will be liberal, will be made known on the day of sale—a long credit will be given on the principal part of the purchase money. Any person wishing to view this property before the day of sale, will please apply to Colonel Henry Maynard, or to the subscriber at William's Hotel, Annapolis.

**DAVID R. GIST, Trustee.**  
August 9, 1827.

## Public Sale.

By virtue of an order from the orphans court of Anne Arundel county, the subscriber will offer at public sale, on the 3d September next, near the head of South River, at the late residence of Capt. James Sanders, the

## Personal Estate

Of William R. Frailey, deceased, consisting of one negro woman, a negro boy, stock, one horse, two cows, a chest of carpenter's tools, &c. Terms of sale. A credit of six months will be allowed for all sums of twenty dollars or upwards, under that amount, cash to be paid. Bond and security, with interest from the date, will be required. Sale to commence at 11 o'clock.

**Edward Harvey, Adm'r.**  
Aug. 9

## In Chancery,

7th August, 1827.

Ordered, That the sale made and reported by Louis Gassaway, trustee for the sale of the property in the cause of Philemon Warfield against Francis Gartrell, be ratified and confirmed, unless cause be shewn to the contrary before the 12th day of September next, provided a copy of this order be inserted once in each of three successive weeks in one of the Annapolis newspapers, before the 7th day of September next. The report states the amount of sales to be 500 dollars.

**True copy,**  
**Ramsay Waters, Reg. Cur. Can.**

## RAGS.

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

**G. S. HAW.**  
Jan. 4, 1827.

## MISCELLANY.

### WILLIAM WALLACE.

#### The Hero of Scotland.

Never perhaps was the fame of any man more cherished by the people, than that of William Wallace by the Scottish nation. His exploits have been for ages the darling theme of all ranks of the people; and in those parts of the country where his adventures chiefly lay, there is scarcely a lofty rock, high fall of water, lonely cave, or other remarkable object in nature, which is not designated by a name dear to every romantic, youthful and patriotic mind. The recorded feats in the life of Wallace, rank him not only among the first patriots of his nation, but among the first of all who have deserved that honorable appellation. He made his appearance in the theatre of active life, at a most interesting period. A disputed succession to the Scottish crown, had been submitted to the decision of Edward the First of England. The office of umpire, gave the English King a fatal ascendancy over the Scottish nobles, and especially over the competitors for the crown. Baliol was preferred, on condition that he would acknowledge the dependence of Scotland upon the British Crown; but at last, under the mortification of repeated insult, he resigned the crown altogether into the hands of Edward, on the 3d of July, 1296. All Scotland was now overrun by the English army, and the government fled into the hands of the English deputies, who made it odious to the people by their exactions and oppressions. At this critical moment was the standard of freedom first unfurled by William Wallace, the younger son of a private gentleman Wallace of Ellerslie. To great bodily strength and activity, and a courage which delighted in danger, he united an inventiveness of enterprise, a fertility of resources, and a generous gallantry of manner, well calculated to gain him an authority over the rude and undisciplined multitude, who answered his patriotic call. In May 1297, he began to infest the English quarters, and soon made his numbers appear formidable. The first person of note who joined him, was Sir William Douglas, while holding a court at Scoon; but a precipitate flight disappointed them of their expected prey. After this the patriotic band roved over the whole country, assaulted castles and slew the English wherever they met with them. Several men of the highest rank now joined the standard of freedom; among others Bruce the steward of Scotland, and his brother Sir Alexander de Linsay; Sir Andrew Murray, of Bothwell, Richard Lunden and Wishart, bishop of Glasgow.—But unfortunately they brought more splendour than real strength to the cause.

Wallace, though the master-spirit of the whole enterprise, was of too humble a rank among the gentlemen of Scotland, to be readily acknowledged by them for their chief; and where merit like his was not entitled to the supreme command, it is easy to conceive that the conflict of pretensions must have been endless. All the leaders claimed to be independent of each other; and to nothing, even of the most obvious advantage, could their common consent be obtained. While the Scottish army, thus enfeebled by disease lay posted near Irvine, a chosen and numerous body of forces which had been sent from England by Edward, approached to give them battle. All the nobles and barons who had joined the party of Wallace; Sir Andrew Murray of Bothwell, alone excepted, consented to treat with the English; and for themselves and their adherents made submission to Edward. Wallace and Murray refused to have any concern with the ignoble capitulation; and collecting together a few faithful companions of their fortunes, retired indignantly towards the north. Under the conduct of these two able leaders, the patriot band soon recruited its numbers; & when the English advanced to Stirling was prepared to dispute with them the passage of the Forth.

**Warren, Earl of Surrey, the English general, imagining that Wallace**

might still be won over, dispatched two agents to the Scottish camp proffering terms. 'Return,' said Wallace, 'and tell your masters, that we came not here to treat but assert our rights, and to set Scotland free.' 'He defies us!' cried the English, and impatiently demanded to be led on. The Scotch were encamped on the opposite side of the river to the occupied by the English; who to approach them had to defile over the long narrow bridge.—As soon as the van of the English had crossed the bridge, and before they could form themselves in order of battle, Wallace rushed down and broke them in a moment. Many thousands were slain on the field, or drowned in attempting to recross the river. A general panic instantly seized the main body of the English; they set fire to the bridge, abandoned all the baggage, and did not cease their flight till they had reached Berwick, which they also speedily evacuated. The loss of the Scots would have been inconsiderable, had they not numbered among their slain, Sir Andrew Murray, the gallant and faithful companion of Wallace.

Scotland was thus once more free; but in consequence of bad seasons and the disorders of war it suffered severely from famine. With the view of procuring sustenance to his returning followers, Wallace marched his army into the north of England; and for upwards of three weeks the whole of that wide tract of country from Cockermouth and Carlisle to the gates of Newcastle, was wasted with all the fury of revenge, license and rapacity.

Wallace now assumed the title of 'Guardian of Scotland, in the name of King John (Baliol) and by the consent of the Scottish Nation.' That he was virtually so, there can be no doubt; and we ought therefore to be the less scrupulous in inquiring as to the forms which attended his investiture with this high dignity. With the aid and countenance of only one of the Scottish barons, the lamented Andrew Murray, and supported by the lower order of the Scottish people alone, he had freed his country from English thralldom, and restored it to its ancient independence. A service so great and unexampled, gave him a claim to the appellation of Scotland's Guardian, which wanted neither form nor solemnity to make it as well founded as any title that ever existed.

The barons who had stood aloof during the struggles for liberty now began as before to intermeddle with the fruits of the conquest so gloriously achieved. Of Wallace, they speedily evinced the utmost jealousy. His elevation wounded their pride; his great services were an unceasing reproach to their inactivity in the public cause. Strife and division was again introduced into the Scottish camp, at a time when more than ever unanimity was necessary to the establishment of the national independence.

Edward had again invaded Scotland with a powerful army, & Wallace had to risk a general battle for freedom. In the neighbourhood of Falkirk the hostile armies met.—Wallace had now around him a Cumming, a Stewart, a Graham and Maeduff, and other names of equal note in Scottish chieftainship; but feebleness through the distrust of so many rivals, than when alone with the gallant Murray, he led his countrymen to the battle, victory deserted his plume. The Scots were defeated with great slaughter; & though for some time after they kept up the war in detached parties, they were no longer able to muster any army in the field. Edward with his victorious troops, swept the whole country from the Tweed to the Northern Ocean; and there was scarcely any place of importance, but owned his sway.

Yet amid this wreck of the national liberties, Wallace despaired not. He had lived a freeman, and resolved to die one. All his endeavours to rouse his countrymen, were however, in vain. The season of resistance, was for the present past.—Wallace perceived that there remained no more hope, and sought out a place of concealment, where eluding the vengeance of Edward he might silently lament over his country.

Nothing now remained in Scotland unconquered, but the castle of

Stirling, which was at length compelled to surrender. But Wallace still lived; and while he existed, though without forces, and without an ostensible place of residence, his countrymen were not absolutely without hope, nor Edward without fear. Every exertion was made to discover his retreat; and at length he was betrayed into the hands of the English. He was brought to Westminster, arraigned there as a traitor by Edward, and as having burnt villages, stormed castles, and slaughtered many subjects of England. "If a traitor!" exclaimed Wallace indignantly. "What injury I could do to Edward, the enemy of my liege sovereign, and of my country, I have done, and I glory in it." Sentence of death was pronounced against him, and he was immediately executed, with that studied rigour in the circumstances of the punishment, which while seeking to make expressions of terror, excite pity. His head was placed on a pinnacle at London, and his mangled limbs were distributed over the land.

Thus cruelly perished a man whom Edward could never subdue, and whose only crime was an invincible attachment for freedom and independence.

### Jan Schalken's Three Wishes.

#### A DUTCH LEGEND.

At a small village in Dutch Flanders, there is still shown the site of a hut which was an object of much attention whilst it stood, on account of a singular legend that relates to its first inhabitant, a kind hearted fellow who depended on his boat for subsistence, and his own happy disposition for cheerfulness during every hardship and privation. Thus the story goes: One dark and stormy night in winter, as Jan Schalken was sitting with his godnatured buxom wife by the fire, he was awakened from a transient doze by a knocking at the door of his hut. He started up, drew back the bolt, and a stranger entered. He was a tall man, but little could be distinguished either of his face or figure, as he wore a dark cloak, which he had contrived to pull over his head, after the fashion of a cowl. "I am a poor traveller, (said the stranger,) and want a night's lodging. Will you grant it to me?" "Aye to be sure, (replied Schalken,) but I am afraid your cheer will be but sorry. Had you come sooner you might have fared better. Sit down however, and eat what is left." The traveller took him at his word, and afterwards retired to his humble sleeping place. In the morning, as he was about to depart, he advanced to Schalken, & giving him his hand, thus addressed him: "It is needless for you, my good friend to know who I am; but of this be assured, that I can and will be grateful; for when the rich and the powerful turned me last night from their inhospitable gates, you welcomed me as a man should welcome a man, and looked with an eye of pity on the desolate traveller in the storm. I grant you three wishes. Be they what they may those wishes shall be gratified." Now Schalken certainly did not put much faith in these promises, but still he thought it the safest plan to make a trial of them; and accordingly began to consider how he should fix his wishes. Jan was a man who had few or no ambitious views, and was contented in the way of life in which he had been brought up. In fact he was so well satisfied with his situation, that he had not the least inclination to lose a single day of his laborious existence; but on the contrary, had a sincere wish of adding a few years to those which he was destined to live. This gave rise to wish the first. "Let my wife and myself live (he said) fifty years longer than nature has designed." It shall be done cried the stranger. Whilst Schalken was puzzling his brain for a second wish, he bethought him that a pear tree which was in his little garden, had been frequently despoiled of its fruit, to the no small detriment of the said tree, and grievous disappointment of its owner. "For my second wish, grant that whoever climbs my pear tree, shall not have power to leave it without my permission be given."

This was also assented to. Schalken was a sober man, and liked to sit down and chat with his wife of

an evening; but she was a bustling body, and often jumped up in the midst of a conversation that she had only heard ten or twelve times, to scrub the table or set their clay platters in order. Nothing disturbed him so much as this, and he was determined if possible, to prevent a repetition of the nuisance. With this object in view he approached close to the stranger, and in a low whisper told him his third and last wish; that whoever sat in a particular chair in his hut should not be able to move out of it until it should please him so to order. The wish was agreed to by the traveller, who after many greetings departed on his way. Years passed on, and his last two wishes had been fully gratified by often detaining thieves in his tree, and his wife in her chair. The time was approaching when the promise of longevity would be falsified or made manifest. It happened that the birth-days of the fisherman and his wife were the same. They were sitting together on the evening of the day that made him 79 and Mietje 73 years of age, when the moon that was shining through the window of the hut seemed suddenly to be extinguished, and the stars shined down the dark clouds and lay glaring on the surface of the ocean, over which was spread an unnatural calmness, although the skies appeared to be mastered by the winds and were heaving onward with their mighty waves of clouds. Birds dropped dead from the boughs and the foliage of the trees turned to a pale red. All seemed to prognosticate the approach of death; and in a few minutes afterwards sure enough he came. He was however very different from all that the worthy couple had heard or fancied of him. He was certainly very thin and had very little colour, but was well dressed and his deportment was that of a gentleman. Bowing very politely to the ancient pair, he told them he merely came to give notice that by right they should have belonged to him on that day, but a fifty years respite was granted, and when that period had expired he should visit them again. He then walked away, and the moon and the waters regained their natural appearance.

For the next fifty years every thing passed on as quietly as before; but as the time drew nigh for the appointed advent of Death, Jan became thoughtful, and he felt no pleasure at the idea of the anticipated visit.

The day arrived, and death came, preceded by the same horrors as on the former occasion. "Well good folks (said he,) you now can have no objection to accompany me; for assuredly you have hitherto been highly privileged, and have lived long enough." The old dame wept and clung feebly to her husband, as if she feared they were to be divided after passing away from the earth on which they had dwelt so long and so happily together. Poor Schalken also looked downcast, and moved after death but slowly. As they passed by Jan's garden, he turned to take a last look at it, when a sudden thought struck him. He called to death and said, "Sir allow me to propose some thing to you.—Our journey is a long one, and we have no provisions. I am too infirm, or I would climb yonder pear tree, and take a stock of its best fruits with us; you are active and obliging, and will, I am sure Sir, get it for us." Death, with great condescension, complied, and ascending the tree gathered a great number of pears which he threw down to old Schalken and his wife. At length he determined upon descending, but to his surprise and apparent consternation, discovered that he was immovable; nor would Jan allow him to leave the tree until he had given them a promise of living another half century.

They jogged on in the old way for fifty years more, and death came to the day. He was by no means so polite as he had formerly been, for the trick that Schalken had put upon him offended his dignity and hurt his pride not a little. "Come Jan," said he, "you used me scurvily the other day, [Death thinks but little of fifty years,] and I am now determined to lose no time—come." Jan was sitting at his table busily employed in writing, when death entered. He raised his head sorrowful.