

The Maryland Gazette.

Annapolis, Thursday, May 22, 1828.

No 21.

VOL. LXXVIII.

Harris & Johnson's
REPORTS.
The 7th Volume is now complete and subscribers are respectfully requested to transmit the amount due by them for subscription.
The 1st, 2d, 3d, 4th, 5th, 6th & 7th Volumes of the REPORTS for sale by the subscribers, in 18, bound in calf, or at 54 per cent in boards.
GEO SHAW, Publisher, Annapolis, Jan. 17.

PRINTED AND PUBLISHED BY
Jonas Green,
CITICH-STREET, ANNAPOLIS.
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Three Dollars per annum.

MISSOURIANS.
THE SWORD—BY MISS LARDON.
The battle field, and the cold pale moon looked down on the dead and the dying, as they passed o'er with a dirge and a wail.

For Sale.
A Philadelphia Built Gig.

Which has been in use, and the same harness nearly new, will be sold low for CASH, or on a credit of three months, the purchaser giving security. Enquire of the Editor.

PROPOSAL

FOR PRINTING
The Journals of the Conventions of the Provinces of Maryland.

Held in the City of Annapolis, in the years 1774, 1775 and 1776.

If sufficient encouragement be offered, the Subscriber proposes to publish, in one volume octavo, the Journals of the Conventions of the Provinces of Maryland in the years 1774, 1775 & 1776. It is believed that there are more than two copies of these Journals now extant; and from the circumstances that they were printed in pamphlet form, and unbound, it may be concluded that they, too, must in a few years be destroyed by the mere decay of time. These Journals are the authentic evidence of the Political History of Maryland, during that interesting and unquiet period. Also, we have, in abundance, histories of Maryland, as connected with the Colonies, that time formed, for mutual protection against the improper assumption of power on the part of the Mother Country, but none of these works embrace what may be termed its Domestic or Internal Political History.

This part of the history of Maryland should be her pride to look down to posterity, not only on account of its deep interest, but as a public deposit in the public stock; for, State Record of the voluntary sacrifice, daring spirit, and determined resolution of her citizens, during that period of doubt and disaster.

In the confident expectation that citizens of Maryland will consider the proposed publication of sufficient importance to entitle it to their patronage, the Subscriber is induced to lay these proposals.

The Price per Copy, not to exceed \$2 00.

J. GREEN.

DECISIONS

OF THE
Court of Appeals of Maryland.

PUBLISHED
By Subscription.

THE DECISIONS

OF THE
COURT OF APPEALS OF MARYLAND.

To be Reported by Thomas Harris Esquire, Clerk of the Court of Appeals, and Beverly Johnson, Esquire, Attorney at Law.

These Decisions will form a continuation of the first volume of Reports already published by Messrs. Harris and Johnson, which closes with the year 1805. It is proposed to publish the Decisions in a Series of Numbers, each to contain not less than one hundred and twenty five pages, and so many numbers to constitute a volume.

The last number of each volume will contain a full and complete Index to the mode of publication, it is conceived possesses advantages which give it decided preference to that of publishing the Reports in bulky volumes.

It ensures the earlier publication of Reports, and as not more than five numbers will be published in a year the expense will not be so sensibly felt.

TERMS

The price of each number of Reports will be \$1 25, payable on delivery.

Subscriptions to the above work are received at GEO. SHAW'S, Store, the Maryland Gazette Office, and the respective Offices of the County Clerks of this State.

for he was ignorant of those domestic ills which, when broken, leave the heart desolate, but as long as they exist, fortify the mind against "a sea of troubles." He had never experienced a parent's care, the sacred love of a wife, nor the affection of a child. He had struggled alone through the world from infancy; had gone from climate to climate, and in the tough encounter, the better feelings of his heart were crushed.—Self became the sole motive of actions; and as virtue and vice too frequently depend upon the optics by which they are viewed, he had prescribed to himself a straight course, without caring by what appellation his conduct might be defined. Self was his polar star.

Though the better feelings of his heart had been chilled by the atmosphere of the world, when budding, they were not totally destroyed, and those affections which might have made the hearts of others glad, were now lavished on a favourite dog. This dog was his constant companion; had travelled with him for years, and many a time did he divide his scanty rations, rather than his favourite should suffer from hunger.

Our little garrison was literally in the midst of a wilderness, surrounded by a savage enemy, from whom we were daily liable to attack, from which we apprehended the most melancholy result. The soldiers were worn out with fatigue and privation; we had not drawn full rations for some time, and the militia, of which the garrison was partially composed, were in a complete state of insubordination, which increased as the expiration of their term of service approached.

Many deserted, and Pierre, who called me his friend, urged me to the same measure. He contended for the principle of free agency in our conduct both towards man and God, and that as soon as we cease to enjoy this birthright to the fullest extent, we approach a state of subjection which no one of God's creatures has a right to exercise over another. I listened to him, but a sense of right and a dread of the consequences of a departure from my duty soon prevailed his sophistry. Not with Pierre he thought not of consequences, but acted as if the whole world were his own, and he were alone in the world.

When the roll was called on the morning following this conversation, the little Frenchman and several others were missing.

A detachment was ordered out in pursuit of the deserters. I was among the number. We soon got upon their track, and pursued them into the recesses of the wilderness. They concealed themselves in caverns in order to elude our search. Following the course of a winding stream, we came into a wild dell where we halted to refresh ourselves. The soldiers were seated on the ground, taking their hasty meal, when the low growl of a dog was distinctly heard. It awakened our attention. It was repeated, and we approached the spot whence it proceeded, which was a cavern formed by huge projecting rocks. We entered and discovered Pierre and another deserter at the extremity. When brought into the open air the latter appeared an affrighted being from what he was. He also belonged to the same mess with myself; a young man, a good soldier, and full of animal spirits. He had hitherto viewed life as a May-day upon the green where the villagers are assembled for a festival; but now the storm had lowered; a full sense of his situation flashed across his mind, and he stood before his companions crestfallen, and dejected and silent.

Pierre was not in the least abashed. He stood erect as usual, and maintained his customary placid expression of countenance. I stood beside him, and of the two, might well have been mistaken for the offender. I loved the man, and my heart bled for him. He looked at me and then upon his dog, and said:

"I have fed and caressed that creature for years. He has been my travelling companion throughout Europe, and on this side of the Atlantic, and if I were weak enough to permit the conduct of others to wound my feelings, I should certainly experience a pang at being thus betrayed by him I consider my fastest friend." He patted the dog—and added—"but it was unconscionable done." "He might have read as much in the eyes of the dog."

We returned to the garrison, and the prisoners were confined in the guard house. A court martial was held, they were tried and sentenced to be shot.—After the sentence, I visited Pierre in his prison, to console with him on his approaching fate. He smiled at my approach, and exclaimed:

"Why should I be distressed at the prospect of dying? What is this world to me, or to the world, since there is no one to shed a tear for my sufferings? By death I escape from an order of things marked for injustice, ignorance

and superstition. I was born where the light of the gospel shed its holy influence, and where the blessings of your social compact were acknowledged and enjoyed, and yet I have been an object of persecution from the cradle to the grave. I have been stationed here, patiently to endure unavailing wretchedness, and pass through existences without performing one single act that goes to answer the question, 'for what great end was I created?' My nature is as frail as the reed upon the margin of the stream, and yet it is an offence if bent when the tempest passes over me. I am filled with passions, not for my gratification, and to throw a ray of light across the cheerless path I am condemned to travel, but to increase my torments by abstinence. What am I to think? How am I to act? I see the partridge rolling in luxury; best with a heart of flint, he scoffs at the fate that binds man to man; and while he spits at the face of heaven, he seems to be the choicest care of an ever watchful Providence; and the lowly wretch who crawls through the world in meanness and humility, who, in the benevolence of his heart, shares his last crust with his faithful dog, steeped in tears of gratitude for the bounties of heaven, is soffered to perish by the way side begging charity. Such is the equity of your system! I have visited the couch of sickness, where he who had cooled his grief from the tears and blood of his fellow mortals, lay in state, with luxury around him, while all the restoratives in nature were sought for to prolong his useless life; and I have been in the miserable hovel, where he whose life had been one unvaried scene of abstinence and self-mortification, whose every act had been to exalt his nature, and leave some glorious monument behind, that he had not lived in vain; but I have seen him stretched on his pallet of straw; comfortless—with burning brain—broken heart—feverish—dying—and no other moisture on his parched lips, than that which his eyes distilled as being obliged to leave the few he loved to the cold charity of an unfeeling world. These are the benefits conferred on man by his social compact—then, why should I deplore being about to escape from such an incomprehensible and inequitable order of things?"

The morning fixed for the execution of the deserters arrived. At day-break we were roused from our beds of straw by the beat of the drum. There was an unusual stillness observed throughout the fort, every word spoken was in an under tone, and scarcely a sound was heard, except that which proceeded from the band. Even the music seemed to partake of the prevailing melancholy; for never before had the ravelly fallen on my ear like notes of sadness.

The morning was intensely cold. A heavy sleet had fallen during the night, and every object that the eye beheld, was covered with ice. The trees glittered brilliantly, and bent beneath their weight of encasement. The piercing wind moaned through the desolate forest, and I thought to myself that the melancholy sound was well adapted to the sorrowful occasion. As I looked around and beheld all nature, as it were, in her hour of adversity, I for a moment questioned whether I was still in that world so bright, luxuriant and joyous in spring time. But when the sun rose in cloudless splendour, and his rich beams gave colouring to every glittering object, well might I have questioned the identity of the orb I tread upon. The scene, indeed, was brilliant beyond description, and all around was fairy land.

On my way from my quarters to the parade ground, I had to pass the small log cabin in which the prisoners were confined. A sentinel was stationed at the door. There was a crevice between the logs, which had been lately piled in building the hut. I could see the inmates from where I stood. I drew nigh, and asked permission of the sentinel to speak to Pierre.

"Impossible," he replied.
"But one word."
"Not a syllable."
"He dies in less than an hour."
"True."

"And lone as he is in the world, there may be something he would have a friend do for him after his death."
"Perhaps so; approach and speak to him for a moment, but no longer."
I drew nigh the crevice. Pierre was seated in a corner of the hut, fondling with his dog, with a little concern as if he had a life of joy before him, instead of a death of terror. I called to him—he raised his head, and on recognizing me, came to the spot where I stood.

"Is there any thing, I asked, that I can do for you before you die? And wish you would have fulfilled afterwards?"
"Nothing," he replied. "I have always confined my wish in this world, within my own powers of performance; and beyond it, man can do little that will afford me either pleasure or pain."

"Is there no one to whom you would have your dying blessing conveyed?"
"Ay, to all mankind if it will avail them any thing, but if not, convert it all to your own especial use."
He smiled and stretched forth his hand; I grasped it and he returned the pressure. The sentinel called to me that the line was forming; I again pressed the prisoner's hand, and was hurrying away when he called me back.

"Stay," said he, "I had forgot, I have one request to make—Will you fulfil it?"
"Unquestionably."
"On the honour of a soldier."
"And the sincerity of an honest man; be it what it may, I pledge myself to perform it."
"It is not much," said Pierre, "no more than this, should it fall to your lot to be one of my executioners, remember I have a heart." He perceived that I did not comprehend his meaning and continued, "Let your musket ball find the way to it, for though I am a soldier, I would avoid unnecessary pain in dying."

Having arrived at the place of parade, the line was formed and a guard of six chosen to do the work of death. It fell to my lot to be one of the number. When my name was called, my heart leaped as it were to my throat; inspiration was suspended and I nearly fell to the ground—Pierre was my friend. God only knows what I endure at that moment! My feelings were not to be envied even by him whose life I had been called upon to destroy, but I knew that the painful duty must be performed, though it snapped my heart strings in the execution.

We were stationed in front of the line; the band commenced the dead march, and on turning my eyes towards the hut in which the prisoners were confined, I beheld them approaching under a guard. The step of the little Frenchman was firm and steady, and he kept time with the solemn beat of the drum. He appeared as cheerful as if he had been going to parade, and never looked more like a soldier than on that occasion.

Not so his companion. All his senses appeared to be alive to the terror of his situation. As they marched in front of the garrison, a dead silence was observed; the soldiers were as fixed as statues, and deep sorrow was depicted in every countenance. The solemn beat of the drum, and the mournful note of the piercing fife, were echoed by the most distant hills. Various and indescribable feelings rushed in rapid succession on me. As I gazed on the extended and unpeopled waste around, and heard the only sound that proceeded from the garrison lazily blooming over the ice clad plain, I felt to the full extent of the wilderness, I gazed on my sorrow stricken comrades until I almost fancied we were beings of another region, and when my eye fell upon those who were destined to die, the execution seemed to me even more terrible than deliberate and cold blooded murder. The responsibility was appalling. "The act of a few isolated beings, and not the act of the world. It was the slaying of a sharer in our dangers; one who was bound to us by every social tie; by the indivisible link of privation and misery. It struck me as being more horrible than fratricide."

The prisoners moved on in front of the line towards the spot appointed for the execution. It was beneath an old oak in the eastern corner of the garrison. Every eye was turned towards them, and sadness dimmed every eye. When they came to the spot where the guard of six was stationed, they paused for a moment; Pierre gave me a look full of meaning and smiled. It was not in pride or affectation, nor yet in scorn of mankind, but it was a smile of general benevolence; one in which the brightness of his soul shone forth, like the beams of the sun when setting.—Not so his companion. Terror and distress were depicted in his countenance. He looked at us as if supplicating our mercy, and the look was mingled with the thought that the deed our hands were about to perpetrate. It was agony to behold him, and terrible as was the thought that I was about to shed the blood of my friend, it was not half so painful as the idea of violently taking the life of one who manifested such terror at dying. Pierre marked the agitation of his companions; he seemed to read my feelings too; and as they moved on he pronounced the word "remember," his dog followed at his side, and even to that hour he was not unmindful of the affection of his dog.

They approached the old oak, beneath which the graves were dug and two rough coffins placed. We marched behind the prisoners to the solemn beat of the drum, and I could not shake from my mind the recollection that we

had often marched side by side to more spirit stirring music.
We arrived at the spot and a brief prayer was offered, when Pierre's companion was led to the grave and desired to kneel upon the coffin. His animal functions had forsaken him; he shook like an aspen leaf, and wept like a child. There are some men who remain children in their feelings to the close of life; whose minds have not grown in proportion with the body, and whose nervous systems are controlled by the feebleness of the mind.

He knelt, and the cap was drawn over his eyes. The music ceased, the sergeant gave the word of command, and the poor wretch sobbed audibly. Pierre stood hard by with his arms folded, a mute spectator of the painful scene. Not a sound proceeded from the soldiers, arrayed to witness the fatal consequence of insubordination.—We passed through the preparatory evolutions, the word "fire," was given, and the deserter fell dead across the coffin, perforated by six wounds, each of which would have been mortal. Pierre looked upon the corpse, but betrayed no emotion. He stepped forward and stood beside the grave destined to receive his own mortal remains. The sergeant would have him kneel, "no," he replied, "I have always met my enemies face to face, when they assumed the most threatening attitude, and can I do less to my friends?" The officer again urged him. "No, if I must die you shall shoot me down and let me die as a soldier, and not as a criminal." He stood erect with his face towards us, and his faithful dog at his feet. I never beheld him more calm and indifferent than he appeared to be at this moment. He caught my eye and placed his right hand upon his heart. I understood the motion. My brain was on fire.—Thought succeeded thought in rapid succession, but nothing was distinct, for they passed off without leaving an impression, even more rapidly than a flash of lightning. All was confusion. I felt not what was passing. I saw nothing but the figure standing before me, & was so completely bewildered that I was unconscious of his being my friend. The word was given. Every muscle was braced with determination. I raised the musket deliberately to my shoulder; the only thought, the only wish that entered my mind at that moment, was to hit the mark. It seemed like an age between the words, take aim, and fire. At length it was given. I heard the report of the muskets, saw Pierre fall, but nothing more. Darkness came over me; I sank to the earth, and when I awoke I found myself on the straw in my tent and one of the mess bathing my temples.

I enquired for Pierre.
"He is in his grave," said the soldier.
"Did he die in agony?"
"No, on the spot. There was a ball right through his heart."

I felt as if a ball had struck my own and laughed wildly. The man thought me mad, and I was so. I knew who had inflicted the wound; the thought was hell to me, and I cursed the hand that had inflicted it. The curse fell on me, and to this day I feel as if I were unabsolved. The deed was done in mercy, in compliance with his dying wish, but even that reflection cannot assuage the poignancy of my feelings.

I did my duty as a soldier, but destroyed myself as a man. A thousand times I have wished myself in the grave.

I was seized with a raging fever, succeeded by delirium, which confined me to my tent in a hopeless condition. During my illness Pierre's dog was a faithful attendant at my side. I felt reproached by his presence through his looks were those of sorrow and affection. At night he slept on the grave of his master, and by day-light he would crawl to my tent. I never beheld a poor animal so stricken. When his master was buried I was told that the whining of the dog touched the heart of the roughest soldier. He did not mourn long. I had been confined about two weeks when the faithful creature neglected to pay his accustomed visit, and on enquiring for him, he had not been seen.

I was at this time convalescent, and on leaving my tent I considered it my first duty to visit the grave of my friend. I did so, and on it lay the dead body of the dog. I dropped a tear on discovering the stiff and frozen corpse of the affectionate animal. How few are mourned so sincerely by those whom God has endowed with reason, and who acknowledge the force of natural and factitious ties! A plain man would say he died of a broken heart, but metaphysicians may give the cause of his death some more learned appellation, what, I know not, but assuredly one that would not be as generally understood, and which I have assigned. I had the dog buried at the feet of his master. The garrison was broken up shortly afterwards, and the worn out soldiers re-

turned to the Haunts of man. Many had fallen victims to the hardships they endured, but none were so fond and generally deplored as poor Pierre de Luce. How wonderfully and inexplicably is the mind of man organized! My friend died cheerfully, the victim of a departure from the line of duty, and I live in wretchedness for having fulfilled what my duty enjoined. "His was a life free from anxiety, though he acknowledged no earthly power paramount to his will; whereas mine has been a pilgrimage of daily solicitude, notwithstanding I have fulfilled to the utmost of my strength, every obligation enjoined by my country and my God."

R. P. S.

ALLEN.—A SKETCH.

From the "Scenes and Thoughts" of Washington Irving.

I endeavoured to learn the story of the ill-fated Ellen, and the interesting mourner whom I had beheld hovering over her ashes; and I found that they were indeed the pangs of a mother's heart which caused the grief I had witnessed; she had attended her husband abroad through many a scene of trial and hardship; she had dressed his wounds upon the day of battle, and she had watched the soldier's couch lowly, with firm and unremitting tenderness; but his wounds were healed, and he arose from his sick bed, astonished at her magnanimity, and grateful for her affection. They returned to their native country; that they might seek a reward for their past sufferings in the bosom of the country that gave them birth; and in the happy retirement they bestowed. Several children blessed their union but some were nipped in the bud of infancy, and the rest were prematurely destroyed ere yet they were fully unfolded into blossoms. One beloved daughter—their beautiful Ellen—remained to them. All the tender shoots were withered, save this one; and her, they cherished as their sole pride, their only surviving progeny. That child grew up all that her dutiful parents wished, and lovely in mind as in person, constituted their sum of happiness on earth. But, alas! the sweetest and most delicate flowers are often nipped the soonest by the chill-wind, or the blighting mildew. Her fragile form but too easily sunk under the pressure of disease; and like a tender reed, bent beneath its own supported weight. Her eyes, indeed, sparkled with unusual lustre, but it was no more like the brilliance of health than the false glare of a wandering meteor resembles the clear and steady effulgence of the meridian sun; & though a bright bloom coloured her cheek, it was not the rosy tint of vigor but the harbinger of approaching ruin. The terrified parents beheld, with horror, the dreadful symptoms. In an agony of mind, which none besides can fully appreciate, they tried all that nature dictates, or art devised, to stop the progress of the fatal malady. But it was too late. It made rapid and gigantic strides; and hope itself was soon obliged to droop into anguish. The lovely victim saw her fate before her, but her wings were plumed for heaven, and she wished no longer to hover upon the earth. While her body drooped and languished, her mind became strengthened and fortified; and the undecaying spirit seemed to shine forth, more visibly, and more beautifully, when the moral shroud which enveloped it was gradually falling, and length of life gradually waned—and waned, until its lamp shot up one bright, but quivering gleam, and was then darkened forever. She was dead—but the rose still lived on her cheek, and a smile still played upon the half closed lips, whose last accents had breathed the Todd name of mother! All those who looked upon her could scarcely believe but that she sweetly slept.

The Vermont Salt Company furnish an instance of perseverance deserving all praise, in their attempt to obtain water by boring.

On the 7th of March, at the depth of 249 feet, the chisel became fast, and the pole, which is three inches in diameter, broke 25 feet from the bottom.

After considerable time they succeeded in twisting off the pole down to the joint, 8 feet. They then, by means of an iron rod 14 inches in diameter, 240 feet in length, weighing 1600 pounds, unscrewed the first joint from the drill. They then screwed on to the chisel, and drew with such force as to draw off the thread of a 1/8 inch screw, 60 feet from the surface. On the 1st of April another screw was procured when they succeeded in drawing the chisel by a draft which was thought to be equal to 40,000 pounds. Thus have the company surmounted the obstacle which has for several weeks interrupted their progress, and which was thought by many most inevitably put an end to their enterprise, and defeat their laudable object.

REMOVAL.
The subscriber has removed to Store Street, No. 23, where he will be found, a whole collection of the latest French, Irish and American DRY GOODS, which he is determined to sell at a bargain, and on liberal terms. He therefore invites his friends and the public to call and examine his Stock before they purchase.
THOMAS BRAGG,
Baltimore, Dec 2.

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