

MARYLAND GAZETTE.

THURSDAY, NOVEMBER 2, 1786.

[Concluded from our last.]

To DANIEL of St. Tho. JENIFER, Esquire.

S I R,

CONTRARY to your own knowledge of facts, you have taken infinite pains to induce the public to believe, that the commissioners had intentionally delayed the settlement of their accounts, to avoid the scrutiny of the intendant. To give this charge an appearance of plausibility and show of truth, you have published my letter of the 1st of September 1784;—You have alleged that the commissioners knew that they were indebted to the state in the year 1784;—And then proceed, with a string of favourite questions, with as much seeming simplicity and ignorance, as if you really were not sensible that the answers which the questions must receive, will evince the truth of facts, the reverse of which you are so anxious to establish.

For the information and satisfaction of the public, I will give a candid narrative of facts, which will enable them to form a proper opinion on the subject. The board of commissioners of confiscated estates consisted of different members at different periods of time. The great sales of confiscated property was made, as you observe, in 1781, 1782 and 1783. Most of those sales were made upon the spur of the occasion, to answer the most pressing and important public services; and I believe that it will be acknowledged, that during that period, the commissioners could not properly arrange and settle all the accounts of their transactions, when it is considered, that upon emergencies, it was necessary that they should acquire and sell property separately, and it did not often happen that they were all in Annapolis together for any considerable time; and their private business could not be totally neglected. The property sold by them was disposed of under a variety of acts of assembly, upon different terms of payment, for the redemption of different emissions of paper currency, and state securities, and to raise ready money for the immediate demands and uses of government. The whole was sold at public vendue, except in a few instances, where they had the direction of the intendant to make private sales. In 1782, property was sold to a considerable amount, on short credit, to raise money for the recruiting service, then under the superintendance and direction of major-general Smallwood; and also for the protection of our bay trade. This property consisted of real and personal estates, and was sometimes sold in small parcels to many different persons, some of whom paid the cash, others paid their bonds, some did both, and others could not be prevailed on to do either. The bonds which were passed for property sold to raise money for the recruiting service, were taken as the laws directed, payable to major general Smallwood; some of the purchasers of this property remitted cash occasionally to Annapolis, which, in the absence of the commissioners, was paid to general Smallwood, by the person by whom it was sent; and in some instances, the cash thus remitted was not accompanied by an account, specifying the purchasers who were to be credited with it. Some few payments were made in this manner to the treasury;—and if I mistake not, to you also.

In settling the commissioners accounts, difficulties arose from the circumstances suggested, and delay unavoidably ensued. Delay also proceeded from another cause,—the length of time which elapsed between the sales and the completion of the surveys of the property sold. It has already been remarked, that most of the manors were sold before they were surveyed and laid off into lots, and the returns of the surveys were not all made until sometime in the year 1785. The accounts of those sales could not be closed without those returns, as the property was sold by the acre, and the amount of each purchase could not be ascertained until it was known how much land each purchaser had bought. The bonds had been taken for a gross sum, so as to cover the

purchases, and for this reason were retained by the commissioners until they could endorse on each bond the quantity of acres for which it had been given; the price per acre was ascertained in it. It was the determination, and the wish of the commissioners, to finish every sale, and close every account, as far as they could, not only in cases when the entries depended upon their own transactions, but where they depended upon the transactions of others, in order that those whose business it should afterwards be to examine and adjust their books and accounts, should have but little trouble or perplexity. I take it for granted that you will not now say, that these circumstances were unknown to you. You have published my letter to prove that the difficulties suggested were not supposed to exist, by me in September 1784. You know very well that that letter was written soon after colonel Ramsey's removal from Annapolis to Charles-town. When he removed, some of the papers which belonged to the office were accidentally carried away with his private papers, which circumstance I knew nothing of, at the time of writing the letter. This letter, which you have triumphantly and critically published upon a supposition that it would operate to my disadvantage, can only serve to shew my anxiety to have the accounts settled. Mr. Hollyday and myself had made a considerable progress in the business, when, besides a number of accounts which remained open for the reason before premised, we found that others could not be closed until the papers in possession of colonel Ramsey were returned. We wrote to him for them, but before they were received, the act to establish funds, &c. was passed. These circumstances were communicated to you from time to time, both verbally and in writing; and yet you will perversely and obligingly persist, by uncandid misrepresentations, in endeavouring to inculcate the opinion that the delay of the commissioners to settle their accounts was intentional, and that my attempt to destroy the proof adduced in support of it by a tale of unheard of difficulties and perplexities, shews more candour in the writer, than respect to the reader! What confidence can an impartial public have in the assertion or representation of a man to constitute of candour, and who pays so little regard to truth? For the truth of what I have advanced I appeal to the returns of the surveyors, now in the land-office, to their letters which I now have in my possession, to the accounts in the treasury and auditor's office; and to looks and papers which were in the intendant's office.

To remove these difficulties nothing but time and attention to the business was wanting; assistance was unnecessary, and the attention which the commissioners paid to the business, was the magic by which the difficulties were surmounted and vanquished. Had there been no impediment, the accounts might have been closed in the year 1784. By the act to establish funds, &c. time was given to those purchasers who had not bonded, until the first of April, 1785, to pass their bonds; and in case bonds should not be given, the intendant was directed to order suits against them, or a resale of the property upon the terms of the act. The draught of bonds directed by the act to be made on the first of June, was postponed by the intendant's advertisement until the tenth of July following; suits were of course delayed until that time, and it was not until the tenth of September that the commissioners received your directions to commence suits generally, and they had then several resales to make, some of which were made late in the month of November. In December following their transactions were finally closed. You assert, that many of the commissioners sales remain still unsettled. When their books were delivered to the auditor, there were only five or six instances where suits were not commenced, and it was with your approbation that they were not commenced. If those sales remain yet unsettled, it is because the finishing of those transactions has been committed to you. You have asked if the perplexities attending the sales in 1781, 1782, and 1783, were not over before the year 1786? It is answered, that the business was finished in 1785, and if you will look at the books and accounts in your possession, you will find that property was sold in 1781, 1782, and 1783, and that the surveys of some of this property were not returned until late in the year 1785; and you will also find, that some of the sales of property in those years were set aside by you, and resales directed, after the passage of the act to establish funds, &c. in 1785. If you were as industrious in your inquiries after truth as you have been in hunting up frivolous charges against the commissioners, you might satisfy yourself of the propriety of their conduct, without stuffing a news-paper with such silly and impertinent questions. You have as-

serted, that from the operation of the act to establish funds, &c. and the state in which the affairs of the commissioners were, coercion could not be supposed more than it was. This is an assertion without any foundation in truth; and if suits had been commenced to May term 1785, it follows pretty clearly that judgments might have been obtained sooner than if they were delayed until the October term following. As a further proof of your assertion, that these difficulties and embarrassments are now suggested to suit the present occasion, is groundless, I will here subjoin an extract of the report of the committee appointed to examine the accounts and proceedings of the commissioners, during the last session of assembly. "It appears to the committee, that much time was required to complete this business and finally settle the accounts; and by the information of the commissioner, much delay has been created in the prosecution of it by a variety of causes; the want of early surveys; purchasers paying money into different depositories for public uses, in which cases it has been difficult to ascertain the proper credits and balances; by disputes in which particular parts of the property were involved; and by that part of the act to establish funds, &c. which directed a draught of bonds.

"The committee in this inquiry have been attentive to the interest of the state, and upon an impartial view of the conduct of the commissioners, are of opinion, that they have discharged their trust with ability and integrity."

Alter the proofs I have given, I cannot suppose that any man who will exercise his reason, can be of opinion that the commissioners intentionally delayed the settlement of their accounts. In my opinion no room is left for doubt. Stupidity may misapprehend, and ignominy may sometimes seem to elude the force of reasoning, but the plain evidence of facts is incontrovertible. You have asserted, that the state has lost considerably by the delay of the commissioners to settle their accounts; this is a general and groundless assertion. The public has sustained no loss from the conduct of the commissioners. If you mean that a loss has been sustained by the resale of property which you directed, it is certainly true; but this loss cannot, by any rational being, be imputed to the commissioners. If the purchasers at the first sales were really insolvent and unable to pay, as you have pronounced them, the loss is not imputable to any one; if they were able to pay, or if any sale was improperly rescinded, it requires no great depth of sagacity to know to whom it ought to be imputed.

Your extravagance of conjecture has prompted you to assign other reasons for the delay of the commissioners; they were indebted to the public in 1784, and therefore delayed to settle; their transactions were in such confusion that the hopes of delegates could not obtain the necessary information; and to avoid the scrutiny of the intendant was an object not to be missed. The commissioners never paid such particular deference or respect to your character or opinions, as would have induced them to relinquish a just claim, because you were of opinion they were not entitled to it; for that your scrutiny was never an object with them. No mortal can give a tolerable reason why the commissioners should, at any period of time, have wished to procrastinate a settlement of their accounts. What was the information which the house of delegates wanted and could not obtain? They applied to the commissioners for none but what was furnished. If they looked to you for information respecting the transactions of the commissioners, we can easily account why they were deceived.

The business which you boast to have transacted in a few months was plain sailing. It had been prepared to your hands by the commissioners. Many of your sales were private, without trouble or expence, and not very advantageous to the public, for whom you acted as trustee. Instances can be pointed out where property has been sold for less than one half, and even below a third of its real value. Your method of stating your accounts has been as expeditious and unprecedented, as the manner of your sales was easy and beneficial to the purchaser. Bonds have been taken by gross for a gross sum, the purchaser charged accordingly, and a commission illegally and unjustly drawn upon the whole amount, although it may hereafter be necessary, for the reason I have already given, upon a proper settlement of your accounts, to make some proper deductions. It is not a little wonderful that in paying yourself the commission, that the duties of dis-

* The board was first constituted late in the month of February 1781; the members were colonel Uriah Kerest, Mr. Clement Hollyday, and colonel Nathaniel Ramsey. In the month of July following, colonel Kerest resigned, and I was appointed to fill the vacancy occasioned by his resignation. Mr. Hollyday, colonel Ramsey, and myself, transacted the business until November 1782, when a resignation by me became necessary on my acceptance of a seat in council. From that time, Mr. Hollyday and colonel Ramsey continued the business, until the resignation of the latter sometime in August or September 1784. In September, I was re-appointed, and the business of the commissioners was finished by Mr. Hollyday and myself, and our accounts closed, in December 1785.

† George Digges, John Bracco, Zechariah Turner, Allen Wynne, and Thomas Crampin, Esquires.