

MARYLAND GAZETTE.

T H U R S D A Y, JANUARY 4, 1787.

To DANIEL of St. Tho. JENIFER, Esquire.

S I R,

THE contempt in which all masked and disguised characters are justly held by the discerning part of mankind, will ever deter me from attempting a line of conduct in which you have long been unrivalled, and yet remain so eminently distinguished, and for which I could expect to be countenanced and caressed by none but such hypocrites as yourself. The cause which I have undertaken requires no disguise. Nor have I, in defence of it, had recourse to the misrepresentation, calumny and evasion, with which your performances are so abundantly replete, and with which you have not scrupled to charge your adversary. But the artifice of consulting your own breast for a character of treachery and deception, and ridiculously attempting to give it to the public for mine, will not secure you from the censure of the public, nor pass for proof against the integrity of my character. And although your real character has long been very well known, a few additional proofs and illustrations, which will fix it beyond the possibility of a doubt, may not be thought undervaluing the notice of the public. Whoever will attentively consider your different publications cannot fail to discover your disposition to misrepresent and deceive, though your talents and artifice are not such as always to ensure success. Yet it must be allowed that some of your satiric and misrepresentations are so artfully disguised, and have so much the appearance of truth, that it is difficult to avoid deception. But let us not be deceived by appearances. My countrymen, I trust, have too much honesty and understanding to mistake the *venom of the shaft* for the vigour of the bow.

Your remarks on what you are pleased to call my *exordium* are too excellent to escape observation. In answer to my charge against you for *misrepresenting* public transactions in a private letter, by which, as it was *not meant to be published*, you certainly intended to give a *secret stab* to private character and reputation; you observe that "to speak or write *truly* in private or public manner respecting public transactions, has generally been thought not only allowable but the right of every free citizen," and then draw a conclusion that, according to my *refined ideas of propriety*, it is ungentlemanly and dishonourable to write a letter to a correspondent upon public transactions, because the press is open. Where did you find this ridiculous nonsense? To write *truly*, and to be guilty of a wilful breach of veracity, are very different things. This pitiful evasion, this mean subterfuge, is truly characteristic of its author. You have drawn another conclusion equally unwarranted and ridiculous, and which could have occurred to no man, unless he entertained an opinion that a public officer could have no *private reputation*. As this might exactly have suited your own case, it accounts why the thought so readily struck you.

Notwithstanding I have a sovereign contempt for your character, I esteem it a duty to observe a strict regard to truth. I am not conscious of an intentional deviation from it, either in the defence of the conduct of the commissioners, or in the remarks I have made respecting your conduct. If I had wilfully misrepresented or suppressed any circumstances necessary to enable the public to form a just judgment upon the subjects of inquiry, I should have been as justly chargeable with a want of candour as you are with a total cessation of every principle of honour and integrity.

As to your *motives* for vacating the sale of Nanticoke manor *without cause*, the public will judge of them. I shall ever believe that your desire to cast an odium on the conduct of the commissioners had some weight in your determination. If you had possessed candour to adhere to your former declaration, "that finding some of the purchasers were deceived, you thought it advisable to direct a resale of the whole, as it might probably sell for more than at the first sale, and the State therefore could not be a loser," the public could only have charged you with an error in judgment. But you have now precluded every favourable construction that men charitably disposed might have been induced to give to your conduct. Whatever might have been your opinion previous to the discussion of this subject before the executive, you must have been then convinced that in directing a resale you were wrong, and that the procedure was unjustifiable. You plainly saw that those who were sworn were mistaken as to facts, their testimony being contradicted by the written evidence produced—the original sale, and the different plots of the manor. Without these papers, or extracts of their substance, it is impossible that a proper opinion can be formed; and yet you have

meanly skulked behind the shelter of those depositions which were taken upwards of three years after the transaction, and which you knew to be contrary to fact, and persist in perversely contending that the claim of commission is unjust! Why did you not publish the description given to the different lots on the day of sale, and the circumstances attending each of them? With what countenance can you address the public after attempting to impose such gross falsehood and deception upon them? What claim or pretension have you to the character of a man of candour or integrity after thus endeavouring by a *juggle* to mislead and deceive the public? What further proof of your duplicity and profligation can be required? You have called for the written evidence in my possession: I have none. The original documents before mentioned, were the papers I referred to. The sale is lodged in the auditor's office, and the plots in the land-office.

I will now proceed to examine the several depositions upon which this sale was declared void. They were published in this gazette of the 30th of November last. By comparing them with the description of the lots sold, extracted from the papers before mentioned, a judgment may be formed of the claim to commission, and of the propriety of your conduct. Lot No. 5, was defined and circumscribed on the plot, and it appears from the original sale and the plot by which the commissioners were governed when they made the sale, that it was to contain a part of a tenement held by Smith's heirs, and a small part of a lot in possession of Miss Wheeland; and the supposed quantity of lot No. 5, was four hundred and eighty acres. The sale of this lot was vacated by you on the deposition of Mr. Stanford, who deposed, "that when the commissioners of confiscated British property made sale of Nanticoke manor, lot No. 5, was declared to contain the plantation where William Smith formerly lived, and further, that when said land was laid down by the surveyor great part of the aforesaid plantation was taken away by lot No. 4." Here the reader must observe, that according to the sale a *part* only of the tenement occupied by Smith's heirs was to be included in this lot; according to the deposition the *whole* was declared to be sold, and upon this evidence the sale was *in part* set aside. I take for granted that Mr. Stanford has sworn to circumstances according to the best of his recollection; but as a trustee of the public it was your duty to have sought for evidence on behalf of the State, and not to have precipitated a decision on the evidence offered by the party only. If you had examined the sale and plot in your possession, you would have discovered that Mr. Stanford was mistaken; and as the sale was made and signed by him, on comparing those papers together, and upon a more particular recollection, he would have been perfectly satisfied that his memory had deceived him, and his deposition might have been corrected accordingly. If Mr. Stanford had not been mistaken, still the sale ought not to have been vacated *in part only* for reasons which are unanswerable. You have asked, "who is the man that did not choose to have his purchase vacated, and still holds the property bought notwithstanding a resale was ordered? What witness has sworn to facts which it was impossible for him to know were true? What purchase, except Mr. Hollyday's, (whose case was ultimately left to my decision, and which was not determined agreeable to terms held out to him in your letter) retained the most valuable part of the property bought, and was permitted to relinquish the least valuable?" If you had examined the sale book of the commissioners in your possession, and compared the different sales with your direction to the commissioners to resell the whole manor except in four instances, these questions would have been unnecessary. But you are *wonderfully ignorant* when it suits your purpose. I will proceed to inform you. Dr. Wheeland purchased lot No. 5, and soon after the sale, sold parts of it to another person. The doctor chose to retain the part in his possession; the other parts were directed to be resold. If the purchaser had really been deceived, the whole ought to have been relinquished, and not a particular part, for the reasons before given. But the fact was otherwise. The lot when laid off corresponded with the description of it when sold, as it was declared to contain only a *part* of the lot held by Smith's heirs, and not the whole, and the remainder was sold with lot No. 4, and was included in it, as appears by Mr. Stanford's deposition.

Lot No. 6, was circumscribed on the plot, and it appears from the original sale and the plot used by the commissioners that it contained the tenement then in possession of Roger McCallister; the probable quantity of this lot was three hundred and eighty

acres, about one hundred and eighty of which, as specified on the sale, were supposed to be marsh. The sale of this lot was vacated upon the deposition of Mr. Stanford, who deposed, "that when the commissioners for confiscated British property made sale of Nanticoke manor, lot No. 6 was declared to contain 380 acres, and only 80 acres thereof marsh, and further when the said land was laid down by the surveyor it only contained 324 acres, and fully one half thereof marsh, and not more than 35 acres of woodland." Hence it appears very clearly that Mr. Stanford was mistaken in the quantity of marsh sold with the lot, and the reader will observe that no particular description was given of it, nor was any necessary. This lot was within a mile or two of the town of Vienna, and was as well known by those who were bidders for it at the time of sale as it is at this time by the owner of it. It comprehended a small tenement, which had been for a long time occupied and possessed under lease, and the commissioners added the marsh which could not conveniently be attached to any other lot, and was purchased by the man who lived on it. You charge me with a want of candour in suppressing facts, which it was by no means necessary to mention. The propriety of vacating the sale did not depend on the improvements which the purchaser had made on the land, nor upon the compensation which he was to make for the use of it. The deception as to *size, situation and improvements*, ought to have been the object of your inquiry. The situation, soil, and improvements of this lot were exactly correspondent to the intention of the sellers and the idea of the purchaser. You have imitated my argument on the subject, and furnished me with a *reply* too contemptible and despicable for any man not equally furnished with yourself. If the original purchaser was conscious that there was no deception, the *pretence* ought not to have been set up by the man who was so well pleased with it, as to give a considerable premium for the purchase.

The sale of lot No. 8 was vacated upon the deposition of Levin Beispitch, who deposed, "that when the commissioners for confiscated British property made sale of Nanticoke manor, lot No. 8 was declared to contain only 250 acres of land, laid to take in the land where John Pike formerly lived; that when said land was laid off by the surveyor, it contained three hundred and forty-three and one quarter of an acre; that the plantation where John Pike lived was entirely left out but about two acres, and nearly the whole of the land lay in deep swamps, and very little of the whole cultivated." The least attention to the description of the lot on the sale, would have convinced you that Mr. Beispitch was mistaken. It appears by the sale that it was not declared to contain *only* 250 acres, and also that it was *not* to take in the land where John Pike formerly lived, but only a *small part* of that tenement, and even as to *that part* the *probable* quantity only was mentioned. Whether Mr. Beispitch saw an actual survey of the tenement where J. Pike lived, or whether he only guessed at the quantity actually comprehended in this lot, I know not, but this is certain, that that tenement was under an incumbrance, so that it is more than probable that if there had been a total exclusion, it would have been advantageous to the purchaser. That the greater part of it lay in deep swamps and was uncultivated, was as well known at the sale as it is at this hour; for the timber in the swamps and the wood on the lot were confessedly at the time of the sale, the principal inducements to the purchaser to make the purchase. Mr. Stanford, who was the purchaser at the *first* sale, or at least concerned in it, candidly acknowledged at the *second* that he should not have applied to be released from his purchase, had it not been from the persuasion of others, and that he thought it probable that it might have been purchased at the *second* sale for a less price than at the *first*.

The purchaser of lot No. 9 was released on the deposition of Mr. Stanford, who deposed, "that lot No. 9 was declared to contain the plantation where Michael Holland lived; and that when said land was laid down by the surveyor, a great part of the aforesaid lot was taken away by a tract of patented land belonging to James Steele, not laid down, also by another tract of patented land belonging to Benjamin Craft." If you had looked at the plot then in your possession, and by which the commissioners sold this property, you would have been convinced that Mr. Stanford's memory had deceived him, as it appears by the plots made and returned since the sale, that this lot is not affected by any tract of patented land, but what appeared on the plot made use of by the commissioners. No further comment is necessary.