

or made your assertions with a cautious regard to the fact, why did you not at first say what you now do; that our situation was not critical, but prosperous long before, and at the time when your sale was made; and that you took this favourable opportunity to sell this property. I should have admitted the fact, but I could not have coincided in the justness of the conclusion, because it involves this absurd position, that men ought to act wrong when in prosperous situations, because they may possibly, by adversity, be driven to act erroneously; and this involves another still more absurd, that both adverse and prosperous situations necessarily lead to error.

Your slanderous insinuations against my whiggism, will not, with any man of the least discernment, extricate you from the censure of attempting to impose on the public, by a fiction in the first instance, and by a dishonest conclusion in the second.

You attempt to answer the charge of neglecting to take bonds from the purchasers immediately on the sale being made, by shifting the question, and would endeavour to induce a belief, that I had charged the commissioners with neglecting to apply to the purchasers to give bonds. This charge is nowhere made by me. That the commissioners might have applied to the purchasers at divers times after the sales were over, and that letters of excuse may have been received, is not denied. You well know the charge is of a quite different nature, to wit, that you ought to have demanded bonds immediately on the sale being made, and if refused or delayed, you ought to have sold the property again, and this would have secured the state against all the delay and loss which the reverse conduct has produced. You admit the sales were voidable upon neglect or refusal of the purchaser to give bonds, but contend, that the lands sold very high, and that the state would have lost by your declaring the sale void. I answer, that if the sales had been declared void by the commissioners upon the first neglect or refusal by the purchasers to bond, the property would have sold as high, or very nearly so, to others, and that selling land high, without bringing principal or interest into the treasury, is no advantage, but a real loss to the state, the commissions for selling being high and certain. And that a reasonable price well secured, is much more advantageous than a nominal high price, depending upon after hazardous events, whether any part of it will ever be received. Thus this argument rests. And I should have wanted every regard to common sense to have been satisfied by the letters you refer to, that you acted rightly to put the finances of the state in such a situation, that payment for the property could be delayed by such excuses.

You charge me, in your usual gross and ungentlemanly language, with making an assertion not warranted by your remonstrance and Mr. Hollyday's petition, and with drawing an inference from these papers directly contrary to their plain meaning. You certainly have had experience sufficient to have taught you, that the most positive assertion decorated with all the graces of rude language, would neither disprove a fact or pass for sound reasoning, and yet you will repeat the experiment whenever you are at a loss for evidence or argument. I cited the whole of the petition and remonstrance, and if any unwarranted assertion was made, or improper conclusion drawn, every reader had a fair opportunity of discovering the fallacy.

From the circumstances attending the passage of the act for consolidating the funds, &c. and from the remonstrance and petition alluded to, I have made the following conclusions: "That it was not the wish of the legislature you should resel the property; it was the request of you and Mr. Hollyday that you should have the opportunity of securing a commission by the resale." That you both had the strongest apprehensions of losing all commission on property sold and not bonded for, if the bill, with the direction to the intendat to sell, passed into a law; and that the only complaint you had, was, that if the property was resold, without your having an opportunity of finishing the business, and thereby entitling yourselves to commission, that you would lose the whole fruits of your past labours.

You now assert, that the contrary of these conclusions may fairly be deduced from the remonstrance and petition, and that you were of the same opinion when the remonstrance was put in, that you now profess to entertain. If I understand the opinion you now hold upon these subjects, it is, that the commissioners would have been entitled to commission on the first sales, although the act before mentioned had directed the intendat to make the resales instead of the commissioners, and that the commissioners being directed by the act to make the resales, and having done so, are entitled to commission both on the first and second sale. And you declare you was not under an apprehension of losing the commission, if that part of the resolve alluded to, had passed into a law. That you and Mr. Hollyday applied to the assembly with some design, is clear. That this design was not to give information, which might prevent the assembly doing any injury to the state, is equally clear; because no information is given by either, which the assembly could be supposed ignorant of before the applications made.

You expressly state in your remonstrance, "that the report of the committee of supply contained a resolution, which had then already been passed by the house of delegates, directing a second sale of that part of confiscated property which had been sold

by the commissioners, and for which bonds had not been taken; whereby the commissioners would lose the commissions on these sales. And that the resolve was fraught with such injustice and iniquity towards you that you were persuaded it would not have an advocate in either branch of the legislature, when your conduct was fully stated. You also express an hope that the part of the report which directed a second sale of unbonded property might not be passed into a law, as the legislature would thereby at one breath give their fiat to deprive you of what you apprehended to be justly due to you for services performed years before," and you suggest, that under the circumstances you had premised, you conceived yourself to be as much entitled to a proportionate part of the commission arising on the unbonded sales, as any citizen of the state was to property he had acquired under the sanction of laws.

Mr. Hollyday states in his petition, "that the second sale was directed to be made by the intendat, and the commissioners might in consequence lose the whole of the commissions arising from the first sales;" and after mentioning his services and the money he had received declares, that if nothing was to be allowed for the sales of that part of the confiscated property which was unbonded, he apprehended that if there was not a balance against him in favour of the state, there would be little or nothing for him to receive. Let any person possessed of intellects compare these suggestions with the inferences made by me, and say if the conclusions I have drawn do not necessarily follow from the premises; the language is so clear and pointed, that explanation is needless.

You lay hold of the part of your remonstrance in which you state your title to a proportionate part of the commission, to destroy the inference arising from every other part of the remonstrance. But this is an attempt to mislead, by concealing the question between us, which is not upon what grounds your claim would have really stood, if no law at all had been passed upon the subject; but what was your opinion of the effect of the proposed law upon your claim?

These are very different questions, and although you might have been sincere in your declaration of right to commission before any law passed, yet you might suppose that such a law, appointing another to sell, might deprive you of any legal claim to commission, and however you may now attempt to shew the absurdity of such an opinion, you certainly entertained it when your remonstrance was put in, or you were not in earnest in your assertion of your claim to commission; for it is preposterous in the extreme to suppose you were, when the remonstrance was preferred, of the same opinion you now profess to be of; if this were the case, and you had no apprehensions of losing the commission, I ask, what reason had you to apply to the assembly? Why complain? Why such strong expressions of injustice being done you by the resolve or bill grounded on it? All this was the ravings of a lunatic, and not the dictate of sober sense, if nothing was apprehended. No loss or injury dreaded as the consequence of the resolve or bill complained of; if your right to commission on the first sales was certain, although another might be directed to sell, the legislature directing any other officer to sell was doing you no injury or injustice; if you then believed as you now profess, that you, being appointed to resel, of course are entitled to double commission, and you supposed it was intended that the commissioners should resel; this could not be complained of as an injury, because by it they were getting two commissions instead of having what they called a claim to one. You cannot but allow the force of these remarks, and must admit, that if you had any meaning in your application, it was to secure a commission which you were very much afraid would be lost; but you will ask from whence I infer that it was your own request that you should resel the property and have the opportunity of securing a commission? I answer, that although neither you or Mr. Hollyday request, in express words, that the commissioners should be empowered to resel, yet the very nature of the application, and the terms used, plainly speak what you wished to be done. Mr. Hollyday states, that the intendat is directed to resel, from which he apprehends injurious consequences to the commissioners. You assign the reason for your becoming a commissioner upon colonel Ramsey's resignation to be, that you might finally complete the unfinished business, and be enabled to draw commission. And what is conclusive upon this part of the dispute is, that after the amendment made by the senate to give the direction to resel to the commissioners, we hear no complaints against the bill, your application had succeeded according to your wishes, and the predicted loss which might happen to the state by the resales was forgot in the pleasure you felt by having secured a commission to yourselves. You are aware of the consequence of admitting that your objection did not go to the person to be appointed to resel; for this being admitted would prove that your opinion, as to the right to commission, could not be the same when the remonstrance was drawn as it now is. You therefore assert, that both you and Mr. Hollyday remonstrated against a second sale altogether. This is not the fact. Mr. Hollyday expressly states the injury he apprehends to be a consequence of the resales being directed to be made by the intendat; he mentions indeed that he supposed that some of the members did not remember an act which they had assented to at April session 1782, and refers to your remonstrance to shew the injury the state would sustain by

repealing a clause in the act, or rendering it a dead letter. You remonstrated against the resale directed by the resolve, because injurious to you as a commissioner; you mention that the state would lose by a resale, but this was not the ground of your remonstrance, which in truth was of a private and not of a public nature. To shew that you objected to the thing being done, and not to the person who was to do it, and to shew that the resale mentioned in the resolve, and that directed by the bill, were different as to the person directed to resel. You assert, "that the discretionary power vested in the intendat of the revenue to direct a resale in case of inability in the purchaser to pay, was not given by the resolve alluded to, but was inserted in the act by way of amendment long after the remonstrance was preferred; whether the intendat was intended to resel the property under positive rules laid down, or was to exercise a discretion, must be admitted to be immaterial upon the question between us, and the fact you mean to establish, the above assertion is, that the resolve alluded to did not purport or shew an intention in the legislature that the resales were to be made by the intendat. Truth is directly contrary to your assertion for the purpose designed by it, as the following extract from the report will shew, "that it is the opinion of the committee, that every purchaser of confiscated British property, who hath not given bond, shall give bond before the first day of April next, with such security as the intendat of the revenue shall require, for the payment of the purchase money with interest from the time and agreeably to contract, payable the first day of January, 1790, with interest annually, to commence from the first of September last; and if such purchasers neglect to give bond as aforesaid, the intendat of the revenue be authorized to declare the sale and contract void, and shall sell the same as above, unless the purchaser shall before sale pay the consideration with interest in the emissions contracted for, or in specie certificates issued by this state." Did any member of the legislature, whom you did not understand, inform you of this report too, as you say was the case, respecting the average of the intendat's sales? If so see the 41st page of the vote and proceedings of the house of delegates, November session 1784, and you will discover that you were too easily led to believe what you wished, and what was essential to bolster up a weak argument. As the fact is different from what you have stated it, and you found it necessary to state it differently from the truth, all your conclusions from it fall to the ground, and according to your own implied admission, the reverse positions are true. There cannot remain a doubt after this evidence against you is disclosed, but that the true motives of your objection were as I have stated them to be, and there is as little doubt that you have, with your usual candour and regard to veracity, made a report and an amendment which never did exist. Young as you profess to be, I do not think the most hardened veteran could have made a bolder push than this is. You will say, if reasoning from facts will not serve your cause, there is nothing left for it but to make facts, and reason from the fiction, and this may possibly pass under a cloud which you raise over your adversary by accusing him of lying, corruption, duplicity, and all other crimes, the names and essences of which you are perfectly acquainted with. To every reader your line of conduct through the whole course of this dispute must be obvious. Misrepresentation, fallacy and sophistry, lead the way, and to prevent an examination of what you call your argument, you draw the reader's attention off by a torrent of abuse upon me, for the very vices you have just been guilty of, and which you knew would be discovered, if you suffered the attention to dwell sufficiently on your argument to examine and understand it. This is a common artifice, but you have pushed it too far to be successful, and though you are perfectly disposed to deceive, you manage the means of deception so clumsily that they do not produce the intended effect. Men in general are pleased with hearing others abused, but this like all other strong food which the depraved appetite relishes at first sickens upon repetition in over quantities, and men from being pleased come to detest what is disgusting to decency and sentiment, when the thing appears in its proper light, by being so often repeated as to lose the advantage of novelty.

Pursuing the same principles which lead you to misquote the resolve referred to, you allege that bonds were taken, or suits commenced, in all cases in controversy, except the four following, the company who purchased James's Park, colonel Adams, Mr. Long, and Mr. Vanhorn, and that the commission on those amounted to only £. 177 1, from which you made a deduction (upon grounds I am not acquainted with) of £. 56 6 4, and therefore the sum in dispute between us for commission on resales you say is only £. 122 14 8. This is done to induce people to believe it is a mere trifle. But pray where have you buried the double commission on Nanticoke manor and other property that you suppose they are so easily lost sight of. The sum to which this objection lies is truly stated in my last publication to be £. 845 17 2.

[To be continued.]
DAN. of ST. THO. JENIFER.

To the PUBLIC.

I HAVE a short reply to make to colonel Stone's publication in this gazette of the 15th of the present

month. It seems to be a censure of his own conduct respecting the conduct between them. Let us see the conduct of his feelings on with his conduct or

The transaction as a disadvantageous least attention to my opinion. Mr. Jenifer is plausible, but made upon a supposition given by the intendat certificates, were worth the hundred. This price before, at an and that therefore made against the objection by which he is more for his part from others, and by the injury could be made in their full extent admitted that the purchase was purchased for the ignorant of their real value must also be allowed in its actual worth, be got for them it was made. This easily ascertained. Some, that the intention of those certificates of them to greater than he did in the is clear that he did public revenue was most benefit of the gained by the merchandise certificates from upon which he professes an irrefragable proof more for them than he justly reprehends.

The provision contained in any future act the purpose of preventing those who owed tax in the words of the law much cases in which the sum reported in the valuation certificates worth about £. 75 being a just estimate of certificates. I should say many men of unthought it a good thing rightly in that he thinks in the public, than are equal to £. 100 from above is feared.

In answer to Mr. Jenifer's conduct have been approved observed by colonel Stone must be formed the plain meaning of the conduct of the parent meaning of me that they pay on particular papers. Whether they are general conduct of his conduct were to blame.

February 27, 1790.

* A CONSIDERABLE

H A C

BY accounts, the court entered winter season. that the inhabitants idea of that ill but the contrary received with every the people.

A small difference government and resolution taken led Zwin, in 2 Government general has sent a division with ten pieces werep. to defend Imperial territories. These thought other upon pay point is of too by the respective employed at Brussels.

L O

The English will on the 1st obstacles have the last account stated that the new comm