

MARYLAND GAZETTE.

T H U R S D A Y, J U L Y 31, 1783.

To the INTENDANT of the REVENUE.

THE absence of the Examiner, at the time of your last publication, and his not having had an opportunity of considering it before his return, has occasioned him to delay his reply a week longer than he wished.

I will now briefly recapitulate the various articles of the charge, make some short comments on your defence, and adduce what further testimony may be requisite to supply the defects of your own confession. I shall then dismiss the subject, with a request to the public, or to any candid, impartial individual to determine, how far the accusation has been supported.

1. That you were so far elated with the ideas of your importance as to assume a controul of the supreme executive power, was the first article of the charge. As I conceived your assertion of this right to be well known, and at least to the members of the assembly, who have had an opportunity of perusing your letters to the council, as there was little danger of a submission from the executive, and, as this fact was of little consequence compared with the rest, I declined troubling the public with proofs to establish it. Being repeatedly called upon by the Intendant, I have, at length obtained the following extract of his letter to the governor and council, dated August 19, 1782.

"He (the Intendant) must observe, that neither the consideration of office nor station shall ever induce him in the least to swerve from the duties enjoined him by law, and he shall with the same freedom request the governor and council to lay open their proceedings for his inspection, as he has done or may do to any other officer of the government."

I will freely allow that this paragraph is not quite so strong as it appeared to me when I read it about ten months ago. However it sufficiently demonstrates that you were too far elated with the ideas of your own importance, and I conceive, most men will join me in opinion that this passage amounts very nearly to an assertion of a right to controul the supreme executive power; but it appears by your own confession, that you have gone much farther; that you have actually exercised the power; and this I shall presently endeavour to shew.

2. The next article is, that you have disposed in an arbitrary manner of the public treasure. The fact first alleged, in support of it, was that the Intendant, by virtue of his power of directing the collectors in the execution of their office, obliged them to deliver to him the money collected for the 5/ tax (which was directed by the law to be paid to the treasurer, who was to pay it over to the continental receiver, for the use of congress), and that the Intendant appropriated this money to discharge the journal of accounts. The treasurer of the eastern shore was also directed to deliver the money paid to him, for the 5/ tax, by the collectors of that shore, to the treasurer of the western shore. I therefore viewed Mr. Dickinson as a collector. You obliged, or you prevailed upon him to deliver the money to you; and it is a notorious fact, which you have not denied, that you therewith discharged part of the journal of accounts. It was this transaction principally that provoked me to assume the office of an Examiner, and my first piece was written, before I knew of your depositing bank notes in the treasury, on behalf of Mr. Dickinson. This you did many days, after you received the money. But I have fully stated that matter in my second address, and you have not contradicted me. Had I been earlier informed of what you are pleased to call an exchange, I should not have thought proper to withdraw my address; because the taking of this money for even a single day was an illegal arbitrary disposition of the public treasure, and the obvious motives of your conduct were such as did not fail to excite indignation in the breasts of many intelligent virtuous citizens. You have affected to treat this affair as a matter of little moment; you would make it appear, that the Examiner received the first intelligence of it from yourself, and that gudgeon-like he caught at the bait. Let any man of the quickest discernment peruse that part of your first address, which relates to Mr. Dickinson, let him declare whether he perfectly understands it, whether he is not obliged to guess at the meaning, and whether it could possibly convey that information, which I appear to have been possessed of, by my second address. I flatter myself, that the Examiner will never suffer himself, like the simple gudgeon, to be deceived by the baits of the Intendant, and after being played "up the stream, and down the stream, to be tickled into the Intendant's basket." I must indeed confess, that you have given me more trouble, and made a much more artful defence than I expected; and you have done this by the most ingenious and subtle evasions. Whoever has seen, or heard, or read, of the scuttle fish, will be struck with the near resemblance between him and the Intendant. That crafty animal, when closely pursued, dives to the bottom, stirs up the mud to a considerable extent around him, conceals himself from view, and by this method seldom fails, at least for a while, to elude his pursuer.

In your first address, published on the 12th of June and promised on the 5th, you have the following words. "It happened in the same manner with Mr. McLaughlin, who had orders on the Intendant for £.331 13 0, which he could not immediately answer, and therefore Mr. McLaughlin left £.291 8 6, which sums the Intendant passed his receipt to lodge the whole in the

treasury, if not otherwise appropriated by the general assembly; but not one farthing was applied towards the payment of the journal of accounts, nor any other but that exchanged for bills above mentioned." Why did you not permit Mr. McLaughlin to carry in the £.291 8 6 agreeably to the directions of the law? Why did you retain it until the 18th of June? How came he to have orders on you for £.331 13 0? If these orders were drawn by any persons, except those having claims on the journal of accounts, or entitled to the 5 months pay, you had no right to pay them. But if it was right to pay them, there was no necessity for Mr. McLaughlin to wait till you could procure the £.331 13 0, before he carried in the £.291 8 6, which by your own account he had ready for the treasury. In your last address, are these words. "You were before informed, that Mr. McLaughlin and Mr. Osborn had left with the Intendant two trifling sums of money, which he paid to the treasurer for them, took receipts in their name, and every shilling of this money is in the treasury at this moment." This affair of Mr. Osborn is new matter. However I presume the Intendant would not give himself the trouble of receiving money from these gentlemen and carrying it to the treasury for them; indeed, I do not conceive that, having the direction of them, he would have permitted them to disobey the law, if he had not some powerful motive for his conduct; and this I conjecture to be the fond desire he entertained, of gratifying the members of the assembly, by discharging the journal of accounts. I must now give an extract from the treasurer's journal.

"June 18, 1783. Account of specie Dr. to William McLaughlin, received on account of the 5/ tax, £.625 1 6

State of Maryland Dr. to account of specie paid the Intendant of the 5/ tax, £.625 1 6"

It is observable that the £.625 1 6 was paid for Mr. McLaughlin by the Intendant, and instantly paid back to the Intendant by virtue of an act passed at the end of the last session, which he recommended for reasons, I have before explained. It was put into the Intendant's box, which is lodged for convenience and safety at the treasury, and the treasurer has nothing at all to do with it. It is perfectly immaterial, whether "the money is in the treasury at this moment," but it is very material, that it appears, from your own confession, and the treasurer's books, that you received and retained, for some time, a sum of money which the collector was directed by the law to carry immediately to the treasury, and which had been given absolutely to congress. This fact I conceive would alone be sufficient to prove that you disposed in an arbitrary manner of the public treasure.

If I understand you aright, your last letter contains an acknowledgment, that, in consequence of orders from the governor and council, you have paid money, which ought in strictness of law to have been carried into the treasury. It was in vain to deny what admitted of such easy proof. As I have no access to your books, it is fair to presume there are many transactions of this kind which have not come to my knowledge, but these things, in your estimation, are mere trifles. Besides, you seem to arrogate a merit in withholding money from the treasury, because "the incautious mode of business adopted by the late governor and council, of giving orders on the treasury, when there was not any money in it," "would have swallowed it up as fast as it was deposited, and left nothing for contingent expences;" and you insinuate that had you acted otherwise "the war could not been carried on, or the immediate demands of the state supplied." Here then it seems you assumed to determine solely what were those immediate demands, which ought to be gratified in preference to long standing orders. Does not this clearly amount to an exercise of the power of controuling the executive? Is it not a most daring, illegal, arbitrary disposal of the public treasure? Is it not the exercise of a power which ought never to be committed to a single man? And is it not most clearly the dispensing with a positive law?

3. But you contend, that as I made use of the plural number in speaking of your dispensing power, it was incumbent on me to prove more than a single instance. The affair of your instructions to the collectors of two counties (Somerset and Worcester) you neither fully acknowledge nor wholly deny. Is it necessary for me to repeat again, that I consider this as a matter of little consequence? Had you done nothing worse, I should never have thought of arraigning you at the bar of the public. I mentioned it slightly among other things of much greater importance. Admitting my information to be totally false, which you do not assert is the case, your withholding money which you were positively directed to deposit in the treasury, your preventing the 5/ tax from being carried in, and your postponing the sale of specifics, contrary to the manifest spirit of the law; all these are sufficient to warrant my assertion, that you had dispensed with the most positive laws.

4. You were likewise accused of preventing the collection of the tax, which you were appointed to superintend, and which, not being invested with a legal dispensing power, you were bound as an officer to have endeavoured to hasten, however adverse it might be to your private opinion as a citizen. The fact, upon which I grounded this part of the charge, was your inculcating the necessity of "easing off the taxes" and thereby encouraging a remissness in the collectors, and

the people. And this you not only frankly acknowledge but seem to exult in.

5. The last though not the least article of the charge is that of your aiming to reduce every officer in the government to a slavish dependence on your will and pleasure. This is connected with and depends on the rest. Whoever has the principal management of the public revenue, if he exercises his authority in an arbitrary manner, if he enjoys the full confidence of the sovereign power, if he sets up his own opinion against law, and if no class of creditors can be paid without his consent, he may reasonably expect the grateful tribute of adulation; and if his actions directly tend to procure it, there is the strongest reason to believe, that it is his wish and aim to reduce every servant of the state to a slavish dependence on his will and pleasure.

There is no quality so essential in a statesman, as a pure, native, genuine assurance. I admire the cool and confident manner in which you tax me with bringing no proof but my own words, when at the same time, you acknowledge almost every material fact, upon which all these charges are grounded. Had you acted like a common genius, you would have declined all personal reflection against your accuser, whom even his enemies must acknowledge to have written with temper and moderation; you would have contented yourself with attempting to prove, that his inferences from these facts were unjust; or that the public good absolutely required you to assume powers which the framers of the constitution did not think proper to confer on the supreme executive body; or that the offences charged upon you were in themselves frivolous, and could not possibly be productive of any pernicious consequences.

It would be a task, equally disgusting and unnecessary to comment on every paragraph of your multifarious address. As the merits of the Examiner's account are quite foreign to the subject, and as your rejecting that, or any other account, was not an article of your impeachment, it would be idle in the Examiner, at this time, to submit it to the public. If you are disposed to impeach him for producing an unjust account, and the executive and the auditor for passing it, he will undertake to convince any intelligent, candid, impartial man, not only that it was founded in justice and law, but that few claims could be instituted, under the same circumstances.

You have exulted, like a school-boy, in a fancied detection of a few trifling inconsistencies of the Examiner. An attentive perusal of the passages and context will discover, that the Examiner is perfectly consistent, and that the Intendant has wrested his sense.

Without any allusion to the money you have been graciously pleased to deposit for the civil list, I flatter myself that, as a servant of the state, you have been improved by my strictures, and will be hereafter more cautious and obedient to the law.

Your private character, so far as it is unconnected with your public conduct, or the present contest, remained altogether untouched. I must anticipate your intended justification, by declaring, that I did not mean to question your honesty, with respect to any red money transaction; my aim was, to expose the absurdity of your remarks on my losses by depreciation, and to shew that your circumstances afforded you an advantage, which my narrow fortune denied to me.

AN EXAMINER.

Annapolis, July 28, 1783.

To the EXAMINER.

THE paying an old debt with red money was by no means my choice; I reluctantly did it, after repeated solicitations. This red money was gold and silver to me (and indeed, if I may be allowed to make use of the expression, it was more); for I had received continental money as specie for old debts, and lent it to the state; this money was reduced to specie at 3 and 4 for one, and very justly I conceive, as more was allowed than the real value of it at the times of the loans, the scale by which depreciation was graduated being in favour of the lenders. £.324 of the money paid was drawn from the treasury in red money, and for this sum I might have retained specie in my own hands, it being part of my allowance for the last year I attended as a delegate in congress. But to inform the public of this transaction, I beg leave to state this business, from the purchase made until the money was paid. I bought a house of A before the war, and gave my bond for the payment of £.800 sterling, to be paid in four years, by instalments. Within a month after the purchase, I made a tender of the full sum to A, who did not care to receive it, at the same time requested me to keep the money for the times stipulated for payments; but upon being pressed to receive this money, he consented that B, a gentleman in Annapolis, had not received £.4 or 500, that he had given him orders to receive, that in that case I might pay him from £.4 to 500 sterling. I applied to B, who had received the money in consequence of A's orders. I soon after lent out the money tendered, and was paid between £.3 and 400 sterling of it in continental money. But notwithstanding the loss I sustained, in consequence of A's refusal, yet I put up with it, but ever considered the money lent the state, after it was liquidated, to be gold and silver to all intents and purposes whatever. Thus circumstanced, I was pressed by a young gentleman under 20 years of age, to draw this