

has an order for three hundred gross!—There are also prodigious quantities of gloves to be sent, many of them fringed with gold.

PHILADELPHIA, February 23.

Extract of a letter from Newbury-Port, Massachusetts, February 8, 1785.

"Captain William Armstrong of this town, now absent on a voyage, writes, that on the 23th of December last, at ten o'clock at night, about seven leagues, S. W. of Moons, he saw a vessel under sail which he supposed was bound to the Spanish main—but after she had passed him about two miles, she tacked, and made towards him, with all the sail she could set, until she came within reach, when she fired a shot over him, on which he moved, not then supposing her to be a pirate, but, on a nearer approach, she complimented with a whole broad side, at the same time ordering him to strike, and immediately fired another, with round and grape shot; then coming along side, inquired from whence he came, where bound and what was his lading? All this time they spoke Spanish and Dutch on board the pirate—but on captain Armstrong's inquiring where they belonged, he was answered in English, "To the High Seas."—They then fired three guns loaded with musket balls, into him, and gave liberty to make sail. Captain Armstrong says she was a brig, mounting eight guns, and had about forty men, who, by the confusion which appeared on board, he judged were all commanders—their shot damaged his rigging and sails, but did not touch the hull."

Feb 25. A writer in a late Boston paper, under the signature of Consideration, in an address to the People, says, "This is a critical period in the politics of America; if your representatives now trifle, it may not be in the power of wise men hereafter to remedy the evils that will ensue. These states cannot remain free, and support a national character, without union; and union cannot be preserved without a compliance with the constitutional requisitions of congress."

"The states may, and ought to remonstrate against every stretch of congress, beyond the federal constitution; but all requisitions within this line, are binding as the acts of the legislature of a state is upon the towns within the state. If this were not the case, Congress would be an empty name, and our federal government, a mere bubble. Therefore the states are bound by the federal constitution, to comply punctually, and immediately, with the late requisitions respecting the national finances. To ask whether this or that state will comply with these requisitions, is in fact querying whether this or that state will REVOLT! It is obvious to common sense, there cannot be even the shadow of government, where every one is supreme, and may comply or not comply with requisitions."

"We are citizens of a nation, as well as of a state; and as the former is the greatest, it claims the highest obligation. But in the appellation of sovereignty, belonging to each state, we are apt to lose the idea of national obligations, and obedience to national authority. From this capital error, hath proceeded the numerous evils we now suffer—and hence it is that some important acts of congress are so little regarded, not only by our own people, but by other nations, taught by our example. This certainly is the way to ruin. Who, that is a real citizen of America, can sit unconcerned, and see the piddling members of some legislatures, debating whether they shall (grant, as they absurdly term it) comply with the requisitions of congress: With equal absurdity, might every town, upon the receipt of a tax bill, first debate whether it was proper they should grant said tax. Certain it is, we cannot remain a free people, without decision in congress, and obedience from the people to their constitutional authority. Therefore the states are now brought to the touchstone, to comply or not to comply—And the whole people ought to remember, and never to forget, that there is but one step from FREEDOM to TYRANNY—that if they have not virtue to pay the price of their independence, and to support their government, they may be an easy prey to a tyrant: let us lay this to our hearts; it is a truth stamped by the experience of ages."

ANNAPOLIS, March 9.

TO THE PUBLIC.

Mr. PHILIPKEY having published an account of a transaction of which I have some knowledge, with intention, as appears to me, of inducing a belief that I had charged him with improper conduct without foundation, and also having imputed to me an intention of taking an ungenerous advantage, on behalf of the state, of his situation. It becomes necessary that I should state the facts as they happened, with the dates to each, that a just judgment may be formed of the designs of the several parties concerned.

In Nov. or Dec. 1782, I gave Messrs. Key and Forrest an order on the treasury of the western shore for notes for 220 hogheads of tobacco, among which were some old notes which were to be returned, if, upon review, the tobacco should be bad, or they might have it overhauled and re-inspected. In May 1783, among some old tobacco notes returned, was a certificate for 7 hogheads at Magruder's warehouse, and other tobacco was paid to Key and Forrest, in lieu of the above 7 hogheads. About this time I sold

colonel Hooe all the state's tobacco at different prices, from 20 to 35/ per cent. be the quality good or bad, the old tobacco subject to reweighing only.

About the beginning of August 1783, I called upon Mr. Key for the notes for the 7 hogheads above-mentioned, he promised to get them in three or four days, at the end of which time I again called upon him for the notes, he said his servant had been sick, which prevented his sending to the inspector, but I might rely upon it that I should have the notes by next post, but neither the next or any other day's post brought the notes, nor any apology made for not sending them.

The 29th of August I wrote to Mr. Key that colonel Hooe had informed me that he, Mr. Key, had shipped tobacco that I sold him at Pig-point. Mr. Key in his letter of the 11th of September says, "I never shipped a hoghead from Pig-point in my life." The 25th of September I wrote to Mr. Key, and informed him that I had seen colonel Hooe, who had informed me that he had made a mistake when he wrote me about the Pig-point note, that he meant the certificate at Magruder's for 7 hogheads.

I put Mr. Key in mind of the repeated promises made by him and colonel Forrest to return these notes, and begged of him to inform me how this business had been transacted.

The 5th of October Mr. Key wrote me in answer, that he had never shipped one pound of the tobacco from Magruder's, and added, "You shall very soon have the fullest explanation and most ample satisfaction as to this transaction."

October the 10th I wrote to Mr. John Grahame, requesting him to make inquiry of the inspector about the 7 hogheads of tobacco aforesaid, which he had said had been shipped by Mr. Key, and to inform me thereof by the first post. If the tobacco was in the warehouse it need not be reprinted. I also requested Mr. Grahame, if the tobacco was still in the warehouse, to obtain from the inspector a certificate thereof, or, if Mr. Key had shipped it, to inform me on board what ship it was shipped. On the same day I wrote to Mr. Wayles the inspector to the same purpose. On the 15th of October I wrote again to the inspector, if the tobacco was in the warehouse, and colonel Hooe's craft called again, to deliver it.

Between the 11th and 14th of November I received a letter from Mr. Grahame, enclosing a certificate from the inspector at Magruder's warehouse, that 4 hogheads out of the 7 had been shipped by Mr. Forbes, in May 1783, who had informed him he had Mr. Key's order for this tobacco, that one hoghead, weight 827 net, had been broken up to make the others good.

The 14th of November 1783, I wrote to Mr. Forbes the following letter:

S I R,

It appears by a certificate from Mr. Wayles, inspector at Magruder's warehouse, that he shipped by your direction 4 hogheads of tobacco, which belonged to the state. It seems you informed the inspector that you had an order from Mr. Key to receive the tobacco. I have called upon him for repayment, he has refused and denies that he ever gave orders for the shipping them. As I do not incline to make the inspector pay for this tobacco before giving all concerned an opportunity of doing justice, I must request that you will pay for the same, in cash at 35/ per cent. or I shall bring suit either against the inspector or shipper. Your speedy answer will oblige, Sir, &c.

DAN. of St. THO. JENIFER, intendant.

John Forbes, Esq;

Some time in December 1783, Mr. Key asked me if I would take for the 4 hogheads of old tobacco the price I had sold them to Mr. Hooe. I told him that I would not, that the tobacco had been overhauled, but that I would take the price Mr. Forbes received for the tobacco, and would allow out of the price, the charges of re-inspection and freight, upon which Mr. Key said that I must then look to Mr. Forbes, for he had nothing to do with the transaction; upon which I wrote Mr. Forbes the following letter:

S I R,

December 24, 1783.

I wrote you some time ago about 4 hogheads of the state's tobacco that you shipped from Magruder's warehouse; I desire to know by what authority you did it, or by whose order; colonel Forrest had directions to have this tobacco reprinted; he returned a certificate of the tobacco notes being lodged for the state's use, and I sold the tobacco. Mr. Key says the tobacco was not shipped by his order; you will therefore explain this business to, Sir, yours, &c.

DAN. of St. THO. JENIFER, intendant.

Mr John Forbes.

I wrote Mr. Forbes other letters; between this time and July I saw him, I think, more than once; he never answered one of my letters, but in conversation he said that he had shipped the tobacco by Mr. Key's verbal order, and that he had informed him, soon after the shipping this tobacco, of his having done so, that he had paid Mr. Key for the tobacco, and that, were he to pay the state, it would criminate himself, or words to that purport, but that Mr. Key had repeatedly promised to pay for it,

* The tobacco was inspected in 1778, and sold at 20/ per cent.

and that he, Mr. Forbes, would give me a state of the transaction.

The 8th of July 1784, I wrote Mr. Forbes the following letter:

Agreeably to your promise I expected that either you or Mr. Key would, before this time, have accounted with me for the 4 hogheads of tobacco you shipped at Magruder's warehouse belonging to the state. You also promised to give me a state of that transaction. You may rely upon it that this is the last application I shall make to you or Mr. Key on this subject, and if you do not pay the money in ten days I shall file a bill in the high court of chancery against you, that gentleman, and Mr. Wayles the inspector. I am, &c.

DAN. of St. THO. JENIFER, intendant.

John Forbes, Esq;

T. S. 229 955

S. C. 93 950

159 704

160 909 3548

4 per cent. 141 3589 at 35/ £.64 11 1

The 13th of September 1784, the attorney-general filed a bill in chancery; to remove the same, and returned to October court forced.

Mr. Key at last agreed to pay for the tobacco upon my allowing the expenses incurred on re-inspecting the tobacco; I agreed to do it, and settled the tobacco at 35/ and he paid his note for the same.

On the 23d day of November last Mr. Key purchased a lot of land in Choptank manor, containing 95 acres, at ten shillings, from me as intendant, which amounted to the sum of £.47 10 0, and paid two certificates in discharge of his note, (which was passed for £.55 9 8, for the 4 hogheads of tobacco) and in payment for the land; one certificate, for £.20 5 0, was legal, the other, for £.76 5 3, including interest, was of that kind of certificates declared fraudulent by the consolidating act, and therefore of no value. My mind was very much engaged in doubts when the fraudulent certificate was paid, and I put it into a trunk, and on the next day, upon making inquiry of the auditor, re-examined his check, and assured me the certificate was of the kind declared fraudulent by the act above-mentioned. On the same day I applied to Mr. Key to take back the certificate, but he would not give me a direct answer. On the same or the next day, I inquired of a gentleman in Annapolis if he had ever seen the certificate before; he answered that he had seen it, that Mr. Key had, some considerable time before, purchased it or him, and that Mr. Key had, some short time before he paid it to me, conferred with him on the subject of the certificate being of the kind above-mentioned; the gentleman could not recollect the exact time when the conversation between him and Mr. Key happened, but upon my asking him if it was three or four days before the time of inquiry, he assured me that it was, and the inquiry being the day after the receipt of the certificate, (which had not been out of my possession) proved beyond doubt, that Mr. Key was apprised of the nature of the certificate when he paid it to me, and this he does not deny.

This is a true state of my transactions with Mr. Key respecting the tobacco, and the payment for the same, by which it will appear, that the state's property was taken without authority; that I had nearly as much trouble as the tobacco was worth in compelling a settlement for the price of it; and that after this was done, a payment was made, at least of part of the price, in a certificate which I thought legal, and which Mr. Key knew was declared fraudulent by law, and therefore was no payment to me as the state's officer. The notes for the tobacco were dated in 1778, and tobacco of this date was sold to col. Hooe at twenty shillings per cent. The tobacco when taken and shipped, had been re-inspected, and to make out the four hogheads, another hoghead of the seven, of 827 net, belonging to the state, had been broke up, and about 520 lb thereof prized into the re-inspected hogheads, and in this state the four hogheads were equal to new tobacco, or nearly so. Would it then have been justice to the state to have taken the price of twenty shillings per cent. for the tobacco thus reprinted? Or can it, with any colour of truth, be intimated, that I was influenced in rejecting Mr. Key's offer, by any wish to take an undue advantage of him, when it is considered, that I offered to take the price which the tobacco sold for, after deducting the expenses either he or Mr. Forbes had paid? As the tobacco was taken without authority, was it not perfectly right that the state should have the price the commodity belonging to the state had actually sold for? Mr. Key admits that he had seen Mr. Forbes, and promised him to endeavour to accommodate this matter before he made the offer above-mentioned; I presume he then knew that Mr. Forbes had entered the tobacco to his credit. Ought he not then to have paid the price required, without referring again to Mr. Forbes, and putting me to the trouble of having a bill in chancery filed to compel payment? He has suppressed in his publication a fact admitted in a paper: he said he intended to publish, and sent to me, which is very material to show that the intention he imputes to me is without foundation, and this fact is, that I offered to take the price the tobacco sold for. Had this fact been published, no person I believe would hesitate to determine, that he had unjustly imputed an improper

motive to me, to pay I demanded thirty- bacco from Mr. For to, but having after something more the hoghead broke, whi hogheads taken, a shillings per cent. the hauling and freight to about thirty shil settled with Mr. Key elusion from the fact certainly know what Mr. Forbes; this re the time this transa Key had never given though he promised was shipped in May elared that Mr. Key bacco, and knew th the event took place afterwards, to wit, sored me by has not notes should be sent believed the tobacco and as Mr. Key at bacco, and dischar the state had aginst co, I really did be state's tobacco, and is officer, and pro opinion was just o Did Mr. Key give tobacco, or did h he wrote the letter ber? This fact is n bly Mr. Forbes ment to him to afc strain from making by Mr. Key, whi innocence, seems r always alleged. E the concise maner verbal transactions, subject would be space of time inte tobacco and the when, in truth, ab the time the state' was agreed to be been used by the o and not one eff person who prove come to a settle promised that the given, above twel per to advance to that he offered M der's warehouse i on a tobacco tran outitating any or til after the tob Mr. Key was a m sion with many o who was also a n time referred to w Forbes should su had offered him property in May Forbes having r dered them to b selling Mr. Key, Again, had Mr. very free with Mr. his order to the i be shipped? H Key's account, t ried to the inspe tobacco reprinted; the inspector to s certain notes Mr dant. Could the bacco to have sh order? How cor hogheads of re- heads of bad? I balance due by these consideration sumption in favo he shipped the to the order of M believing that the i too much for the Forbes for paym had happened fr tice that he, Key, tobacco,) he too Forbes, that he from damage. Y tendant; wanted t Because he dem for? Why did Forbes for payn Forbes the abo keep the matter tendant might g others who suc the transactions But if nothing Mr. Forbes, e should he think Forbes? Had M