

MARYLAND GAZETTE.

T H U R S D A Y, O C T O B E R 26, 1786.

To DANIEL of St. Tho. JENIFER, Esquire.

S I R,

THE intention of my address was to counteract the ungentlemanly and dishonourable method you had taken to injure private character and reputation, by misrepresenting in private letters public transactions, when the press was open to you. Conscious of the guilt, implied by the reproaches contained in my address, you have not been insensible of their stings, and to prove your innocence you have descended to the most virulent abuse and impertinent invective. Notwithstanding your formal protest against a conduct of this sort in the beginning of your publication, it must be apparent to every impartial reader, that your chief motives have been to vilify and traduce. Your indecent sarcasms, puerile strictures, and glimmers of wit, which prove nothing but the rancour and malevolence of the author, and are unimportant to the public, are too contemptible for my notice.

You have endeavoured to prove that the commissioners have received orders on the treasury for considerable sums of money, when upon a fair state of their accounts, if they were not indebted to the public, very little was due to them; but this has not been done by facts and arguments, but by deliberate falsehood and misrepresentation. That you should have opposed the passage of the commissioners account, and exerted every faculty of your soul to prevent it, is by no means strange, because the investigation of their claim involves in it the propriety and rectitude of your conduct when intendant of the revenue, so far as it related to the resale of confiscated property directed by you; and the allowance of their claim implies a disapprobation of your conduct. That you should still misunderstand this subject, after the full discussion which it had before the governor and council, and after the great pains you have taken to develop it, is a little wonderful. It will readily be admitted that if they have charged and received a double commission of £. 1786 10 on property sold to the amount you mention, that the charge was both illegal and unjust. But no such charge has been made by the commissioners, nor did it ever float in their imagination. That they charged a commission on the resale of Nanticoke manor, amounting to £. 164 2 6, and on other property resold by them, to the amount of £. 223 16 10, is certainly true; and in my judgment it is equally certain and true that they were entitled to it, whether considered in a legal or equitable point of view.

Let us examine this subject. To enable the public to decide fairly on it, it is necessary that there should be a fair, true, and candid state of facts laid before them. To do this it is necessary to recur to the several acts of the general assembly under which those sales were made, on which the commission arose. The general assembly at their session in May 1781, which did not end until some time in the last week of June following, passed an act for the emission of paper money to the amount of £. 200,000 on the security of double the value in lands, to defray the expences of the campaign of that year. This emission, at that time, was deemed by the legislature the only expedient to enable this state to contribute its part to the support of the common cause, by opposing the bold and rapid march of the British army, then under the command of lord Cornwallis in Virginia; and to provide for its own internal government and security. To secure the certain redemption of this emission, and as far as possible to prevent its depreciation, it was necessary that the funds should be ample and undoubted. The principal fund for its redemption was the confiscated property pledged and directed to be sold by the act before mentioned, which, for the information of the public, I will here particularise. The commissioners were directed to sell "the several manors in the counties of St. Mary's, Kent, Charles, Queen-Anne's, Dorchester, Somerset, and Worcester, which belonged to the late lord proprietary, and which remained unsold by the commissioners of the late lord Baltimore, and also all the property of the persons commonly called by the name of the Principio Company; and also all the property in this state of Anthony Bacon, John Eversfield, Andrew Buchanan, James Brown, and company, Mackie, Spears, and company, James Christie, John Buchanan, John Glasford, and company, the heirs of John Hyde, the heirs of Samuel Hyde, and the heirs of Thomas Bladen; and also the property of the following British subjects, to wit: Daniel Dulany, son of Daniel, Daniel Dalany, son of Walter, and Henry Addison, clerk, Jonathan Boucher, clerk, and Anthony Stewart;" with some exceptions as to parts of the

property of the Principio Company, Henry Addison, Daniel Dulany, son of Walter, and Daniel Dulany, son of Daniel. The commissioners were directed to lay off most of the lands to be sold by this act in convenient parcels, as they might judge most advantageous. And it was also by the said act enacted, "that the said commissioners should not proceed to the sale of any property under this act, as belonging to any of the said persons, and being confiscated because of their being British subjects, but what they should be fully and clearly satisfied did belong to them, and had not been sold or conveyed before the first day of December, 1779; and if any claim should be put in to any part of the said lands, which should appear well grounded in law or equity, or which the commissioners should have reason to believe the general assembly would admit, that then the commissioners should delay selling the land or estate so claimed, and make return of the same, and the claim thereto, to the general assembly at their next session." I have inserted this clause, because I perceive very improper conclusions and inferences have been drawn from it; and it was also declared by the said act, "that on any sale, the estate should not be divested out of this state, until the purchase money and interest shall have been fully paid."

The commissioners were also directed to sell, by an act of the same session, chap 33, all the property, real, personal, or mixed, which belonged to James Russell, and company, on the terms mentioned in the said act. This property was pledged for the redemption of the paper emission, commonly called black money, and consisted of upwards of 12,000 acres of land, besides personal estate, lying chiefly in Baltimore county.

The commissioners were also directed by an act of the same session, chap 37, to sell, with the approbation of the governor and council, Whetstone-point, and other property specified in the act.

At the close of the session, which was late in the month of June, it was plainly foreseen that surveys of all the lands could not be made previous to the sales, so as to answer the intentions of the legislature. The governor and the council saw the necessity of supporting the credit of the red money, and urged the commissioners to proceed to the sales of the property pledged for its redemption with all possible expedition. They informed the commissioners they were apprehensive that there could be no great reliance on the subscriptions directed to be opened by the act, and that they had reason to believe they would not be so generous as was at first expected; and it was observed by the board, that it did not appear to them to be necessary to have all the property, and particularly the manors, surveyed previous to the sale, as the surveys might be afterwards made without inconvenience. The idea of the governor and council perfectly corresponded with the opinion which the commissioners had formed upon a consideration of the circumstances of the state. Much depended on exertion at that critical period. As about seven eighths of the property directed to be sold lay on the western shore, it was determined that the property on the western shore should be disposed of before any thing was attempted on the eastern. After a considerable progress in the business here; after all the manors in St. Mary's and Charles counties were disposed of, without previous surveys, the sales on the eastern shore began.

Some time in the month of January 1782, the commissioners proceeded to the sale of Nanticoke manor. They were in possession of a plot and other papers which they had obtained from the revenue-office, which had been made a few years antecedent to the commencement of the revolution, by a surveyor of Dorchester county, upon which were laid down the leases of each particular tenant, and also several small tracts of patented land, some of which had been granted in the usual manner, and others had been sold by the commissioners of the late lord Baltimore. The town of Vienna being comprehended within the manor, those parts of it which remained unsold, were disposed of in lots agreeable to their ancient location. After obtaining the best information which could be procured, the manor was sold in lots, in such proportions as appeared to the commissioners would most contribute to an advantageous sale. The extent of each lot was defined and circumscribed on the plot by which the commissioners were governed, and by which it appeared what particular leases would be included in each lot. A number of people attended the sale, and a spirit of bidding prevailed, which occasioned the property to sell very high, and greatly beyond its real value.

I will not pretend to say what length of time elapsed before the petition was presented to the legislature, upon which the act passed, under which you declared the sale void. I well remember, that in a former petition the high price given for the land was urged by the petitioners as one reason why the sale should be declared void, and the purchasers released from their contract; another reason was also urged, that many of the purchasers were affected by claims set up by Pritchett Willey, and others, which were apprehended to be unjust. The circumstances of the sale, together with the claims set up to parts of the manor, were represented to the general assembly by the commissioners, I think, in the year 1783; upon which, or the suggestion in a petition then before them, executions against the purchasers were suspended until the end of the session then next ensuing. About this time, or perhaps in the year 1782, petitions were preferred by purchasers of other manors, setting forth, that they had given greatly more than the actual worth of the lands, which had been sold without a survey, and praying to be released from their engagements. But these petitions were very justly rejected. I am too well acquainted with all the circumstances of this transaction, not to know, that it was principally the extravagant price which the manor sold for which induced the purchasers to prefer a petition to be released from the purchase. Little was to be risked, but much might be gained by the experiment. It has been admitted that in some few instances the purchases lay so very different from what was apprehended from a view of the plot by which those lots were sold, that it would have been unjust not to have released the purchaser; this happened from circumstances which it was impossible for the commissioners to guard against. There were small tracts of patented land in the manor, which even those who lived near the spot, knew nothing of; but it should be remembered, that neither on the sales of those lots, nor on such as were affected by the claims set up by Pritchett Willey, and others, was a commission ever claimed or charged.

You say, it was proved to the satisfaction of the delegates that the lands which the purchasers thought they bought, would not fall to them by following the plot used by the commissioners. This assertion cannot be credited, because such proof was not even offered to you; and it does not appear from the preamble of the act, that any proof was taken before the house of delegates. The legislature did not decide on the merits of the petition, but authorized you to inquire into the truth of the allegations suggested in it, and to act accordingly. Whether the evidence upon which you undertook to declare the sale void, was sufficient to authorize and justify the act, will best appear from a perusal of the act itself. It recites that "whereas a great number of the purchasers of Nanticoke manor have, by their humble petition to this general assembly, set forth, that at the time when the commissioners for the seizure and confiscation of British property made sale of such manor, no actual survey thereof had been made previous to the making such sale, and in consequence thereof, as appears from an actual survey since made of said manor, that several of the purchasers are greatly injured by elder surveys running into their lots, and that many of the lots are totally different in soil, situation and improvements, from what appeared on the old plot, by which the commissioners were directed when they made the said sale; and that a certain Pritchett Willey, as well as sundry others, claim a considerable part of said manor in virtue of grants obtained from the late proprietary before the revolution, many of which there is just ground to believe have been fraudulently and unjustly obtained: And whereas all the purchasers of said manor have passed bonds for their several purchases, and it is thought just and right, under such circumstances, that such sales should be set aside;" and then enacts, "That the intendant of the revenue shall have full power and authority to inquire into the said sales, and if it appears to him that any of the purchasers have been deceived in the purchases, by means aforesaid, and such purchasers shall choose to be released from the purchase, the said intendant shall have full power and authority to declare such purchase, in which the purchasers has as aforesaid been deceived, and elects to be released from, void; and thereupon the bond or bonds taken from such purchaser or purchasers shall be given up, and the commissioners for preservation and sale of confiscated property shall, under the direction of the intendant, after giving two months notice in the Maryland Gazette, sell all such parts of said manor as are thus disengaged, and all other parts of the same, which it shall appear, upon an actual survey