

MARYLAND GAZETTE.

T H U R S D A Y, D E C E M B E R 21, 1786.

[Concluded from our last.]

To GABRIEL DUVAL, Esquire.
S I R,

I seem the delicacy of colonel Ramsey's situation prevented his receiving the certificates. It must be admitted, his situation, if known, was a delicate one, as he had become purchaser for near one seventh part of the property sold, and the only way of preventing a knowledge of this situation being communicated to the assembly, was, for the commissioners to refuse receiving certificates, for if Mr. Johns had paid certificates, which appeared to have been granted to colonel Ramsey, this would have led to an inquiry which would have shewn who was the real purchaser of the property; this consequence of receiving the certificates was foreseen, and therefore they were not received. If delicacy had really restrained colonel Ramsey from receiving the certificates, it would have equally prevented his filing a bill in the name of Mr. Johns against himself, as one of the commissioners, praying that he might be compelled to convey an estate to a person who was to receive it for him, and which he would most willingly have done without any compulsion at all. But filing a bill in the name of Mr. Johns, did not lead to discover the true purchaser, and therefore delicacy, which delights in concealment, was gratified by the last mode of conducting the business, and would have been much shocked by the other, which would have exposed the whole transaction to public view.—In the states of this matter by you and colonel Ramsey, each omits material facts mentioned by the other, but you have both suppressed the following circumstances, the purposes for which the land was sold. That the sale was directed by a clause in the same which pledges property to procure a loan, and that the property was advertised to be sold upon the terms of the first payment being made in specie. You contradict each other in one circumstance; he says, that the suit by Mr. Johns was ordered by him to be struck off, the plaintiff paying costs. You allege the state gave up the point.

In this controversy I have confined my observations to things which exist, and therefore shall not pretend to inquire into the state of colonel Ramsey's conscience; but if I may be allowed to hazard a conjecture upon such a subject, I think it most probable, that if his speculations had been as unfortunate as he asserts, his mental whippers would not be so pleasant as he suggests they are; and I can add, with great sincerity, that I believe if he had been really of opinion, that I could have been prevailed on to establish the commissioners claim by his adopting ideas of Indian, or African worship, that they certainly would have been tried; because to accomplish the same end by different means, there is no doubt but measures were taken by him equally troublesome, and equally disreputable.

You still insist, that the delay to settle the commissioners accounts was not intentional, that you were engaged in making sales in 1781, 1782, and 1783, most of which were upon the spur of the occasion; that surveys were not made of all the property sold until the year 1785; and you enumerate several other causes to delay the settlements of your accounts, most of them resting on your own assertion. I do not recollect any sale necessarily made with expedition, and upon the spur of occasion, except the one to raise a sum of specie under the act of October session 1780, the intended effects of which were entirely frustrated, with the concurrence of the commissioners, as has been shewn. It very generally happens, that hurry produces confusion, and vice versa, and probably these causes alternating their effects upon the commissioners, might have occasioned derangement in their affairs; but certainly they must have been in a sad state of perplexity, if they could not be brought to order in all the year 1784, when you admit there were few sales. I believe there were not of four made that year, three very trifling indeed, the fourth being the estate of Mr. Chalmers, did not take more than a week to complete the sale. The surveys alleged to be necessary to ascertain parts of your sales, could be no reason for delaying the settlement of many very important transactions, where no surveys are ever pretended to be necessary, and I am satisfied your accounts, as to all transactions before 1784, might have been as completely settled in the course of that year, as they have been since; and I am equally sure, that nothing but an apprehension that the officer who was empowered to settle them, would not give his sanction to the charges of the commissioners, prevented them from offering their accounts for settlement, for although I never supposed the commissioners would relinquish a just claim

because my opinion must be against them, yet I had every reason to believe they had no hope of succeeding in an unjust demand, if their accounts should be settled as directed by the legislature.

I quoted your letter of the 1st of September 1784, to shew, that as the difficulties which you now allege prevented a settlement of your accounts, did not exist when your letter was written; they must have been fabricated by you since our dispute began.—You seem to be aware of the force of this conclusion, and have shifted your ground from bad to worse.—In your first publication you alleged, that the commissioners accounts could not be settled before surveys and returns were made, which was not done till December 1785; when your letter, which bears testimony against this surmise, is quoted, why then colonel Ramsey had removed some of the official papers of the commissioners some time before the 1st of September 1784, and you could not get them until the act for consolidating the funds, &c passed, about the first of January following; now these excuses cannot stand together, for if you were prevented settling your accounts for want of the papers colonel Ramsey carried away, which are not pretended to be returns of the surveys, then the surveys and returns could not have been the cause of delay; and if surveys and returns were necessary, then your having the papers, which had been taken away, would not have enabled you to comply with the engagement in your letter; but your using these contradictory pretences, will induce every reasonable man to give no credit to either; indeed you must suppose your readers credulous in the extreme, to imagine they will believe you were anxious to settle your public accounts, and yet took near four months to get some papers brought from Charles-town, Cecil county, to Annapolis, when it is known, that the post passes from one place to another every week. And that a messenger might have been sent for, and returned with, the papers, in four days. You have frequently stated, that the sales made by the commissioners were very high, and draw a comparison between them and the sales made by me, and suggest, that the sales made by the intendand do not average seven shillings and six-pence per acre, according to a report of a committee of the house of delegates.—Where did you find this report, for I never saw or heard of it? This assertion, like many others, opposed to fact, you would have believed upon the strength of your veracity, so often relied on, and so frequently violated. A committee of the house of delegates, at the last session of assembly, among other charges against the intendand, reported, "That large bodies of the confiscated lands sold by the intendand, did not net per acre so much as they would have done in ready money, had they been declared vacant and liable to be affected by common or special warrants, and consequently, appeared to have been sold very low, and greatly to the loss of the state." But these large bodies of land mentioned by the committee, were the lowest of the intendand's sales; being reserves in Harford and Baltimore counties, and Talbot's manor in Cecil county; considerable parts of them under leases for ninety-nine years, at a very low rent, and the unincumbered parts extremely poor, and the intendand being directed by law to let the tenants and settlers have them at a reasonable and moderate value; without valuing the improvements. The committee did not report any average of the lands sold by the intendand, as you allege; and the attempt to deceive, by a state of this report, contrary to your knowledge of the fact, when upon the least reflection it would have occurred that you would be detected, will lead every thinking mind to form a just opinion both of your head and heart. You know also, that upon the discussion of the report of the committee before the house of delegates, all the members from the counties in which the low priced lands lay, and your colleague, colonel Ramsey, with the others, declared to the house, that the lands were sold for their full value; and you also know, that this report of the committee was by the house rejected in the whole, and a vote of approbation passed upon the intendand's conduct. What is the average per acre of the lands sold by me while intendand I cannot exactly ascertain, but I am satisfied it will appear to any person who may examine the subject, that the lands sold by the intendand averaged more for the state, in proportion to their real value, than those sold by the commissioners; for though it is admitted, that in some instances the commissioners sold lands at an high price, it is certainly true, that in many instances their high priced sales were of no benefit to the state, unless paying a commission for the sale without receiving, or securing one farthing of the purchase money, can be considered as a public advantage. Witness the first sales of

land to Mr. Long, of James's Park to Ridgely, and Co. and others, which I have before mentioned. Some of the property, and that of considerable value too, it is clear, was not sold by the commissioners at full price, although they have frequently alleged that it was.—I mean the Nottingham Iron-works lands, which I have been informed were sold by the company who first purchased, to a second company for twenty-five tons of bar-iron, added to the first purchase money, bar iron being then worth at least 40l. per ton; and also that colonel Ramsey, who was of the first company, and also held one eighth of the works in the second company, sold his eighth for a lot or lots in Annapolis and cash, to the value of 600l. specie, above what he gave for it; an estimate founded on his sale would prove that the property sold for the state 4800l. specie below its value, which was at the time of sale equal to 13,000l. in the bills of credit, for which the property was pledged.

It seems the charge against the commissioners for not having taken and lodged bonds in the treasury agreeably to law provoked you to rage. The charge being true, had the effect upon you which generally takes place when arguments are used against dull ungenerous souls, who have neither ingenuity to answer, or candour to admit their error, they get angry, rave and abuse. But though this conduct may satisfy yourself, it will not pay the state one shilling of the loss sustained by the neglect of duty I charged you with. It is impossible for me to know certainly all the management in taking or changing securities before bonds were properly lodged in the treasury. But in one instance, I refer to the Nottingham company's property; from every information I have been able to obtain, bonds of persons who were not the purchasers from the state, to the amount of £. 22,353 were lodged by the commissioners to secure the payment of the purchase money to the state. Whether the state will ever receive the full sums as above bonded for, is very questionable, there is no doubt but those who were purchasers from the state were able to pay. And the law directs that bonds should be taken from the purchasers with two securities, each having lands affixed to the value of the purchase, of the black money, part, if indeed the security to the state was bettered by taking bonds of different persons than the purchasers, there would be no cause of censure, but where the security is lessened by the change, I think it must appear to every person acquainted with the duty of a public trustee to be a most unjustifiable deviation.

To my intimation, that you did not wish to hazard the sense of a full council upon your claims, it is answered, that you were not present when the determination was given, and that you would have made no objection to postponing the decision, had it been desired; but you were certainly present on the day before the decision, and so far from assenting to delay, that you offered to give bond to return any money that hereafter might be made appear, that should be paid for commission and not due, and this I conceive was done to remove the objections to acting upon your account immediately, so that your wishes were as well known as if you had been present at the moment when the council decided.

Pursuing your practice of drawing the attention from the points in dispute, you have mentioned a resolve of the assembly in the case of Andrew Adams, and the valuations of manor lands, the first is dissimilar in circumstances from the cases in controversy, although even in that, it appears to me the charge of double commission to the state was unjust. A recital of the valuations does not appear to be at all pertinent to the subjects in hand; for if you were entitled to a million of money for your services in this instance, it would neither prove your right to a double commission, your right to pay certificates and receive cash, or that you were not accountable for mismanagement in other respects. If you think a claim of compensation for appointing persons to value lands in manors and reserves can be supported, let it be brought forwards and depend on its own merits; but it is strange reasoning to adduce your claim for one thing to support a right to another; in truth you have no pretence of just claim upon the state for the business which you so exceedingly magnify; the trouble was trifling, and it must be considered as one of those incidents to the execution of all public offices which are not intended to be paid for; the office upon the whole without charging for such services being sufficiently lucrative.

You have intimated that I ought to have ordered suits against those purchasers who did not bond, to May term 1785, although you know that you did