

not deliver me a list of them before the 28th of April, when the western shore general court was to rear at hand that issuing writs would have only burdened the defendants with the costs on non ests without forwarding a recovery by the state; and you also know that the writs were issued in time to the October general court, and as soon as the claims of the state for property sold by you were in proper order to support suits. Although you profess to have no reliance on my judgment or integrity, yet when it suits your purpose you very readily creep under the shelter of what you allege to be my example. Now if you were sincere in your detraction, my conduct ought to be considered by you as an evidence of wrong, rather than such a proof of right that you should quote it to justify your own; you will answer, this would be to act consistently, which is not the line of conduct which suits you. When you are charged with an abuse of the act for consolidating the funds, &c. by postponing or paying in paper the debit of the state's account against you, and receiving specie for the credit; you reply, that I had paid for property in certificate, and received my commission in money. What does this prove for or against the propriety of your conduct? If I have received money which ought to have been discounted for property under the circumstances of my case, the money ought to be refunded and a discount take place; and if I have justly received the money, the thing ought to rest where it is. Your case must be determined upon principles of law and justice applicable to its circumstances. And if I have done wrong, it will not follow that it must be repeated by you; if I have done right, and your case is similar with mine, and you did the same thing which was done by me, it will, I admit, follow that your conduct was also right; but our cases are by no means similar in circumstances, and therefore the principles applicable to the one ought not to govern the other. I have before stated that the act for consolidating the funds, &c. meant only to give indulgence to those who were debtors for confiscated property when the act passed, and not to the purchasers of this property who had been debtors, but had discharged the debt in whole or in part by paying money, or by rendering services for which they were entitled to allowances from the state in money of the same kind, with that in which their debts to the state were due; this was your case so far as commission was due you, if any, when the act above referred to passed. By the same act property was ordered to be sold, to be paid for in money or certificates in the year 1790; every purchaser therefore of property sold under this law, had by the terms of the contract a right to pay certificates or money the year above mentioned, or at any time before; and if the state owed the purchaser, or should owe him before the time arrived, money, the state could not claim a right to discount, without violating the contract with the purchaser. The property paid for by me (which had been purchased at public sale by a person with whom I had no intercourse or communication upon the subject till after the sale,) was sold under the above act for money, or certificates in the year 1790. To prove that I ought to have discounted my commission for this debt, it will be incumbent on you to shew, that my commission was to be paid in money, or certificates in the year 1790, and not before, for it is inconsistent with every just idea of discount, that a present demand shall be paid by setting against it a debt which, from the terms of contract, is demandable at a distant period; and although I have no doubt but you are capable of attempting to give the most absurd exposition to any act to suit your purpose, yet I believe you will not be able to convince any man of common sense, that it was intended by the legislature that the intendant should wait until the year 1790 for his commission, and then receive certificates. If you can shew that, from the contract between the state and the commissioners who were purchasers of property, they had a right to withhold payment for the property purchased until the year 1790, and then to pay certificates, and that they were entitled to receive presently specie for their commissions, the similarity between their case and that of the intendant will be proved. If you contend that though the commissioners were not entitled to the above-mentioned terms and time of payment by their contract, yet that they were entitled to them by the act consolidating the funds, &c. It is answered, that this is taking a different ground from assimilating your case to mine, and to maintain the construction to be as alleged, you must shew the act which says the indulgence was intended to be given to debtors meant that it should extend to all purchasers who had been debtors. An absurdity so gross that even you cannot be induced to insist on it in direct terms, although you attempt to maintain a position which must be grounded on it; if you admit that, from the other objects stated by me, there was no commission due you when the act for consolidating the funds passed, then there will be no subject for this objection to your conduct to operate upon.

It has been insinuated that I officiously inter-meddled in the settlement of your accounts; this is by no means just, the fact being, that I attended the council in consequence of a letter from that board, dictated probably by a supposition that I could give some information upon the subject, the account having been particularly referred to the auditor and intendant to settle. This was the idea of the honourable Mr. Chafe, whose certificate I pub-

lished in an handbill some weeks ago, in which he declares that he did not understand from me that I could give information relative to the account of the commissioners, for he had not conversed with me on that subject.

Among the many calumnies which my objection to an unjust demand upon the state has drawn from you is, the charge against my patriotism in the revolution, at a period when the smallest intimation against a man's whiggism was apt to make an impression to his disadvantage. Scurriles of this kind were sometimes made against me, to serve occasional purposes, by men who must be acknowledged to be infinitely your superiors in every thing which gives weight to assertion; but they were always treated with contempt, and disregarded, as the many important and confidential trusts to which I have been appointed both in this state and by congress prove. To suppose that your weak slander can now wound my reputation, is as if a wren was to attempt by his feeble puff to overturn an ancient oak which had stood the shock of many a northern blast. This, like all your other maledictions, shows you in the detestable view of being delighted with the attempt to injure, though conscious of inability to hurt.

In answer to my observation upon colonel Ramsey's behaviour as a member of the house of delegates, you endeavour to bring forward the conduct of other members, and the dissent of the senate to the bill passed by the delegates to appoint an intendant, and give your opinion that the bill was rejected for the best of reasons; these are matters foreign to the present business, and therefore not necessary to be discussed. I will only remark, that after the most strict scrutiny of the intendant's conduct by the committee appointed for the purpose of examination, and who certainly reported whatever appeared to them in the least blameable; that in all the variety of business which was transacted by the intendant, nothing could be discovered which, in the opinion of the house of delegates, fixed even an error in judgment upon the officer; and that one of the gentlemen of the committee declared to the house, that there was not an intimation given in the committee which tended to impeach the intendant's integrity, and that two other gentlemen of the committee voted for the approbation of his conduct. What judgment might have been passed upon the intendant's conduct, if the constitutional powers of the senate had authorized them to decide on it, I cannot undertake to say, but I think I may affirm, that any opinion in that honourable body unfavourable to me, was in great measure owing to a supposition that the late governor and intendant had intentionally opposed the sense and violated the rights of that house, than which nothing was ever farther from the design of either. The senate had determined the continuance of the office of intendant was unnecessary, before their decision upon the bill of the delegates to appoint me intendant, and therefore no conclusion can be drawn of their opinion of the officer from their dissent to the bill.

Whether the state derived advantages from the execution of the office of intendant by me, or a continuance of that office would have been beneficial, I shall not presume to determine. But holding myself responsible to the public for my conduct while in office, I shall be always ready to answer any charge of misconduct brought by you or any other who chooses to come forward, and I promise you that the example of the commissioners shall never be pleaded to justify any proceedings of the intendant. At present we are examining the claims and conduct of the commissioners, from which you would most willingly draw the public attention by starting some other subject not connected with them, but this finesse shall not answer your purpose.

In examining the commissioners account I find the following credits given to the state in the year 1782.

By cash received of Levin Lecompt, specie,	£. 196 4 0
By ditto, received by Hollyday, Ramsey, and Duvall, for iron from John Skinner, Nottingham works, specie,	450 0 0
By ditto. ditto. ditto. ditto.	540 0 0
	specie £. 1186 4 0

At the time of receiving this specie, by the dates in your account, your allowance of 2½ per cent. was payable in paper money, worth very little more than two for one, and in wheat at seven shillings and six-pence per bushel, worth only from three shillings and nine-pence to four shillings; the above sum in specie you have set against the like sum due you, when in truth little more than half the sum in specie was worth £. 1186 4 0 of your commission, payable as before-mentioned; and therefore about the sum of £. 550 specie of this credit remains in your hands to be accounted for. What was done with the iron, at what price it was taken, or sold, does not appear by any entry in your books that I can discover.

I also find, that you have charged commission of £. 138 15 0 on property taken by Mr. Thomas Russell, as his share of the Principio iron-works property.—It was expressly ordered by the acts of May session 1781, chap. 23, and April session 1782, chap. 44, that Mr. Russell's part of the property should not be sold, but laid off to him, a partition and valuation were made by direction of the assembly; no bond was necessary to be taken, nor one farthing to be paid to the state, the land you never laid off, by which the state, I am informed, has lost

considerably in the quantity of land valued; and you under a law giving you commission for amount of sales only, you charge the above sum where no sale was ever made or intended, and where you had only the trouble to make an entry in your books of the amount laid off to Mr. Russell, and to convey the property to him. In the execution of all offices there are, from the nature of things, sundry incidental services, where no allowances are intended, such compensation is made to the officer as upon the whole is thought adequate; so in the case of the commissioners, it must have occurred to the legislature, that the commission of two and an half per cent. on the sales was sufficient for all services to be done by the commissioners, and it never was the idea of the general assembly that any other charges should be made, indeed the commission on the sales is expressly given in lieu of all services and charges, except what are particularly excepted in the act, but to be sure if any thing was to be paid for this service, a sum far below what you have charged, would have been an ample reward.

I discover an account is taken of all the household and kitchen furniture at the Nottingham iron-works, which was considerable and probably worth £. 200.—I do not find any part of it has ever been sold or in any manner brought into the public funds.—What has become of it?

If the positions I have laid down respecting your right to commission be just, and I am not mistaken in fact of your giving the state credit for less than you ought to have done, then it will follow that the commissioners have received the following sums more than they were entitled to, and which therefore ought to be refunded:

Commission charged on first sale of Nanticoke monor	164 0 0
Ditto on ditto to Robert Long	307 7 0
Ditto on ditto to Young M. Callister, C. oxall, Vanhorn, Adams, and Bayley, amount 7787 16 3	194 0 0
Ditto Ridgely, and Co. on ditto James's Park 7320	180 10 0
Ditto on property laid off to Thomas Russell, 5550 7 6	138 15 0
	984 12 0
In my first state I made the sum only 893 0 0	0 0
Commission on unbonded debts of 30,000	750 0 0
Short credit given the state on 1186 4 specie received in 1782, and credited as red money	550 0 0
	2284 12 0

To which it may be added that the commissioners unjustly gained all the difference between receiving money for commission, if any due, and paying certificates for their debts.

If the losses on resales and unbonded debt were occasioned by neglect of the commissioners, and the deficiency of property received and not accounted for, be as I have stated, then the following sums ought to be made good by the commissioners.

Loss on resale of property to Robert Long	6756 7 6
Ditto on resales of ditto to M. Callister, Croxall, Vanhorn, and Adams,	4042 13 9
Ditto on James's Park, difference betwixt first and second sale £. 6210, what the state's right to this property was really worth, cannot be ascertained but if the sale had been properly managed by you, it probably would have exceeded what it did in the manner you conducted it,	1000 0 0
Probable loss on the unbonded debt,	8000 0 0
Household furniture at the Nottingham forge,	200 0 0
Deficiency of ore and coal, and the consequence of the commissioners' management of these articles, &c.	2500 0 0
Probable loss on exchanging state securities, if the original purchasers are not answerable,	7500 0 0
	£. 29991 1 3

These are objects of serious consideration to those who pay taxes, and the loss will never be tamely submitted to, while any regard to justice remains in this country.

I shall pass by as altogether unworthy of remark the productions of the writer on characteristics, and of the poet. The commissioners are rendered of sufficient importance to become objects of notice from the circumstances alone of their having unjustly received a large sum of public money, and having done great damage to the state in their official conduct. To expose their claims and management to public view, and to refute your foul reproaches, were my inducements to enter into a controversy, in its nature disagreeable, but rendered more so by the want of every thing which denotes a gentleman in the man with whom I have been engaged. How far I have succeeded in my design must be submitted to those who will attentively examine facts and arguments; and thence form a proper judgment, without being biased by inclination to either party; and if ever there should be such a meliorating revolution in your nature, that you should go through the different offices and trusts in society with the same unfeigned character I have done, and at my time of

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