

MARYLAND GAZETTE.

T H U R S D A Y, F E B R U A R Y 8, 1787.

[Concluded from No. 2088.]

To DANIEL of St. Tho. JENIFER, Esquire.

S I R,

AMONG the many important discoveries which you have made in your examination of the transactions of the commissioners, is one, which, no doubt, in your own opinion, does great credit to your ingenuity;—"That the household and kitchen furniture at the Nottingham iron-works, which was considerable, and probably worth two hundred pounds, has not been sold, or in any manner brought into the public funds." With your pretended ignorance, you have asked, "What has become of it?"—It is astonishing that you should so often compel me to expose your character and principles to detestation. You very well know the reason why this property has not been sold. In the year 1782, application was made to the legislature for this furniture, on behalf of Mrs. Skinner, wife of John Skinner, who had the possession, care, and management, of all the property which belonged to the Nottingham company. As the legislature gave no particular directions concerning it, it has remained unsold, and is still in possession of Mrs. Skinner. These facts were not unknown to you; and if you were of opinion that it ought to have been sold and brought into the public funds, how has it happened that you have suffered it to remain with Mrs. Skinner ever since November session 1784, when you were directed to dispose of all the property which then remained unsold. You seem to hope, from the multiplicity of your charges against the commissioners, that you may hit upon some which may gain credit with the public; and you may be weak enough to expect, that even this illiberal insinuation may operate to their prejudice. I shall rest assured that it cannot have any other effect with the discerning part of mankind, who must now be sensible of your motives, than to fix an indelible stain upon your character.

You have given an elaborate discussion of the act under which captain Johns made a purchase for col. Ramsey, to shew that my construction of that act was wrong. I gave no construction or opinion on the subject; nor was it necessary that any should be given. In the absence of col. Ramsey, I merely stated the circumstances of the transaction to expose your malignant misrepresentation of it. At first it was represented as a concealed piece of business; but when the fallacy of that allegation was detected, it was necessary to take a different ground. An opinion is then to be inculcated, that when the commissioner's intention to pay certificates was discovered, his example would be followed by all the other purchasers. One charge is as well supported as the other; but neither has any foundation in truth. The fact was, that those who intended to become purchasers consulted counsel, and governed themselves accordingly. Your readiness to attribute every act of either of the commissioners to unworthy motives, has induced you to represent col. Ramsey, on this occasion, as unfeeling and indifferent to the wants and distresses of those of our army who were prisoners with the enemy. If you could impose this malicious opinion on the credulity of the public; or if you could prevail on one honest wretch to believe that you were as much a friend to the American army as col. Ramsey has shewn himself, you will do wonders indeed, and succeed beyond the most sanguine expectations of your warmest friends. But you have been long since convinced, I presume, that your vile slanders and calumnies cannot affect his reputation.

As I do not mean to encourage or countenance the insolent illiberality of your spirit, I shall be short in my reply to your remarks on what has been already observed on the subject of delay. In my former publication*, I referred to original papers and documents which contradicted your assertions; and from which it is apparent that your charges upon this subject have been superseded by evidence and certainty. I have too firm a reliance on the discernment of the reader, to suppose that he should mistake distinct and consistent reasons for contradictory excuses, as you have done, or that he should be weak and credulous enough to suffer himself to be imposed on by the literary dirt of so vile a smatterer.—Pursuing your practice of deception, and to palliate the infringement of your public duty in arbitrarily assuming a power to dispense with a most positive law, you would willingly impose on the public, by inducing a belief that suits could not be commenced against those purchasers of confiscated property who

did not give bond, under the act to establish funds, &c. on or before the first day of April 1785, because the commissioners did not deliver you a list of them until the 28th of April, when the western shore general court was so near at hand, that issuing writs could not have forwarded a recovery by the state. But this finisse shall not answer your purpose. This attempt to bear down truth and justice is too much, even for your talents for disguise. Your real character shall be exhibited. Your smooth external appearance shall not save you.—The true reason why suits were not commenced agreeably to the directions of that act, immediately after the first day of April, is this:—Before the first of April, you had determined, in the plenitude of your power, to dispense with the law, and offered terms to those purchasers, by which suits were to be avoided, if they would pay one sixth part of the sums due from them respectively in specie, or the emissions of June 1780, on or before the 10th day of July following, and bond for the residue. You afterwards published your advertisement accordingly. You had not ascertained who would accept your terms until the month of September. On the tenth of this month you wrote a letter to the commissioners, directing suits generally, which they received shortly after its date. At this time the October court was so near at hand, that suits could not be commenced with effect, so as to take advantage of the term.—The list delivered to you by the commissioners, as you say, on the 28th of April, was not for the purpose of commencing suits, which you had previously postponed, but by way of information, upon your request, to enable you to effectuate your plan.

You have hazarded an opinion, that the lands sold by the intendant averaged more for the state, in proportion to their real value, than those sold by the commissioners; but this no man can believe, without leaving asleep all the powers of reason. I have before mentioned the average price of the lands sold by the commissioners to be £. 3. 8. 4 per acre, which appears by their accounts of sales. I also mentioned the average price of the lands sold by the intendant to be less than 7/6 per acre, according to a report of a committee of the house of delegates. In the average price of the intendant's sales, I find, upon examination, that I was mistaken; but this mistake was not intentional; it proceeded from a conversation of one of the gentlemen of that committee, in which I understood the average of the intendant's sales to be as related. The conversation, I presume, was misapprehended by me.—Yet, according to the most accurate calculation which can be made in the present unsettled state of the intendant's sales, the average per acre will be considerably less than one third of the average of the lands sold by the commissioners. The committee in their report that large bodies of confiscated lands sold by the intendant did not net seven shillings and six-pence per acre, did not allude, I believe, to all the lands sold by him; but they certainly meant to comprehend not only the reserves in Baltimore and Harford counties, and Talbot's manor, in Cecil county, but also all the manors and reserves in the different counties of the state which were sold by him. And a considerable part of those lands were superior in quality, of greater value, and not more incumbered, than many of the lands sold by the commissioners,

† Intendant's office, April 29, 1785.

As many purchasers of confiscated British property, for the emissions of June 1780, and the emission of May 1781, neglected to give bond before the 1st day of this month agreeably to the directions of the act to establish funds, &c. such debtors as are able to pay, are liable to immediate suit, and judgments can be obtained the first court, and executions thereon issue to compel the payment of the money due the state in the money contracted for. The intendant of the revenue, desirous to avoid bringing suits, if the intention of the act can be complied with, and substantial justice can be done without, gives notice to such debtors who have not given bond, that if they will pay to the treasurer of the western shore, on or before the tenth day of July next, in specie, or in the emissions of June 1780. (commonly called state, and state continental) one sixth of the sums due from them respectively, that they shall, on giving bond before the said tenth day of July next, with security for the residue including interest to the first day of September last, have credit until the first day of January 1790; and they may discharge such residue of their debt in any specie certificates issued by this state. All debtors who do not comply with this offer, will be sued immediately after the said tenth day of July, without any distinction.

DAN. of St. Tho. JENIFER, intendant of the revenue.

1 Mr. Goldsborough.

some of which sold only for a shilling per acre. It seems you cannot exactly ascertain what is the average per acre of the lands sold by you while intendant. This, I conceive, you might do with as much accuracy and precision as you ascertained the amount of your sales upon which you paid yourself commission.

It is said that the members from the counties (meaning Baltimore, Harford and Cecil,) where the low priced lands lay, declared that they sold for their full value. Such, without doubt, was the opinion of those gentlemen, speaking generally without a knowledge of particular circumstances. A similar declaration has not been made by the members of St. Mary's, Charles, Kent and Frederick counties. The plain evidence of facts is superior to all declarations; and it is a fact that you sold some of those lands as well as others which were clear of incumbrance for much less than their value. Proofs will appear in the sequel.

You sold the land which belonged to Mr. Everfield, in Prince-George's county, at private sale for five pounds per acre, when nearly double that sum might have been procured.—Of the lands which belonged to Daniel Dulany, son of Walter, in Baltimore county, and which were very valuable, you sold a lot for £. 475 at private sale, which was nearly worth four times that sum. This property was advertised to be sold at public sale, and I am informed by a gentleman of respectable character who was present, and intended to bid, that if this lot had been sold at vendue, it would have produced from fifteen to eighteen hundred pounds.—I have been also informed by the same gentleman, and by others, that at this sale a lot and part of a lot were set up for sale, without any description of numbers or quality; that those who attended the sale with an intent and desire to become purchasers, not knowing what property was offered for sale, were deprived of an opportunity of bidding; and this lot and part of a lot of valuable land were thus juggled off at a single bid for twenty shillings per acre.—Other parts of Mr. Dulany's lands were sold at private sale greatly to the loss of the state, and for much less than many who were present would willingly have given for them.—You sold a lot of Connaught manor in Cecil county, supposed to contain eighty acres for £. 35, and took bond from the purchaser, whose name is Henry Lyon, payable in certificates at the period fixed by law. Mr. Lyon shortly afterwards sold this lot for £. 650 specie, and the purchaser is also to discharge the bond given to the state. Mr. Lyon acknowledges that he never had a lease for this lot from any former proprietor or claimant of the manor; so that he was not entitled to pre-emption at a valuation without the improvements, but ought to have paid the full value of it. In this case it is evident that Lyon sold this lot for about thirty eight times as much as you sold it to him for, calculating certificates at their actual value, which is about one half of the nominal sum, and interest. I have only enumerated these few instances which have been frequently the subject of conversation. Many others, it is certain, might be pointed out if your accounts were stated for inquiry, and exposed to public view. How far a trustee of the public discharges his duty in thus selling the property of the state for less than the value of it, is submitted to those who choose to exercise their reason, to determine.

You have boasted that bonds in every instance, except one, for the property sold by you were taken and lodged in the treasury in less than ten months from the time you began the business. The least attention to the circumstances premised will readily account why you met with little difficulty in obtaining bonds for the property you sold. When a man can purchase property for an half, a fourth, or a tenth of its real value, he will not hesitate to comply with the terms of sale, but will eagerly embrace the opportunity of completing a contract so beneficial and advantageous to his interest.—The situation of the purchasers at the sales made by the commissioners was widely different. Their sales were generally extravagantly high; and men being desirous and anxious to purchase particular tracts of land, or other property, or having animosities against their competitors, were often induced to give double the value of the property purchased, and greatly more than they would willingly give upon sober reflection. Thus circumstanced, when passion had subsided, and folly had ceased to usurp the empire of reason, they were astonished at their own intimation, and sometimes would endeavour to avoid a contract which they had thus hastily and imprudently made.—Every man interested in the prosperity and welfare of this state, and the situation of her finances must regret that the sale of confiscated property should have

* 2d November last.