EASTON GAZETTE.

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LAWS OF MARYLAND.

CHAPTER 307.

A SUPPLEMENT to the act entitled an act to raise additional revenue to aid in paying the debts of the State by laying a tax on salaries, incomes, emoluments & profits, passed at December session eighteen hundred and forty one, chapter three hundred & twenty five.

Sect. 1. Be it enacted by the General Assembly of Maryland, that if the Levy Courts or Commissioners, as the case may be, of the several Counties and of Howard District, and the Mayor and City Council of Baltimore shall not have appointed assessors of all salaries, incomes, emoluments & profits, as directed by the third section of the act to which this is a supplement, & the declaratory act of eighteen hundred and forty two, chapter two hundred and ninety four; and said assessors shall not have qualified on or before the first day of May next ensuing the passage of this act, then and in that case it shall and may be lawful for the Governor and he is hereby authorised and directed to appoint assessors for the County, District or City, in which such appointment shall not have been made; and said assessors so appointed by the Governor, shall, after having qualified, in the manner directed by the said original act, by taking and subscribing the oath or affirmation therein prescribed, & in other respects conforming to the requisitions of the said original act, proceed to the discharge of their duty by assessing the salaries emoluments incomes and profits of all persons within their respective assessment districts, who are made subject to such assessment by the original & declaratory acts aforesaid, & to make returns of such assessment as in the seventh section of said original act is prescribed within two months from the time of their assessment.

Sect. 2. And be it enacted, that if the assessors first appointed by the Governor shall refuse, or omit to qualify, as provided by the said original act within thirty days from the time of their appointment, it shall be lawful for the Governor to appoint others in their place, and so from time to time after periods of thirty days, until duly qualified assessors shall be obtained; and the said assessors, proceeding in all respects in conformity with the original & declaratory acts, shall complete the assessments and returns by them to be made within the time limited, as aforesaid, for those first appointed.

Sect. 3. And be it enacted, that it shall be the duty of the Levy Courts or Commissioners of the several Counties, and of Howard Dist. and the Mayor & City Council of Baltimore, on or before the first Monday in June next, if they shall not have done so before, to appoint a collector or collectors of the said tax who shall give bond with sureties, as prescribed by the ninth section of the said original act, and in such penalty as the said Levy Courts, or Commissioners, or the Mayor and City Council of Baltimore may prescribe; and the said collectors shall thereupon proceed to the collection and payment of the tax to be levied under the provisions of the said original and declaratory acts in the manner hereinafter directed.

Sect. 4. And be it further enacted, that, if the Levy Courts, or Commissioners of the several counties, and of Howard District, and the Mayor or City Council of Baltimore shall fail or refuse to appoint Collectors, as directed by the preceeding section, or the collectors, so to be appointed, shall not have qualified on or before the first Monday in July next, then and in that case, it shall and may be lawful for the Governor, and he is hereby authorized and directed to appoint a Collector, or Collectors, in the County, District or City, so refusing or failing, or in which the Collectors may not have qualified, as aforesaid; and the said Collector or Collectors, of the appointment of the Governor, shall give bond as is prescribed by the ninth section of the said original act, and by this act and shall in all respects in the discharge of their duties, conform to the regulations applicable to the Collectors appointed by the Levy Courts, Commissioners or the Mayor and City Council of Baltimore.

Sect. 5 And be it further enacted, that if the Collectors, so to be appointed by the Governor shall fail or refuse to qualify within thirty days after their appointment, it shall and may be lawful for the Governor to appoint others in the place of those refusing, or failing, and so from time to time, after every interval of thirty days, until duly qualified Collectors of the said tax are procured throughout the State

Sect. 6. And be it enacted, that it shall be the duty of the Clerks of the Levy Courts, the Commissioners and the Appeal Tax Court or the Register of the city of Baltimore, as soon as practicable, to place in the hands of the several Collectors of the said tax, copies of the certificates and returns, so directed to be made by the assessors as aforesaid, & in case of default, they shall be liable to indictment and shall forfeit a sum not exceeding five hundred dollars for the use of the State; and the said Clerks and Register shall also be liable to the same penalty to be recovered in the same way for a neglect or failure to perform any of the duties imposed upon them by this act.

Sect. 7. And be it enacted, that it shall be the duty of the said Clerks and Register, on or before the twentieth day of April next, after the passage of this act, to inform the Governor, by certificate, whether there are, in their respective counties, Howard district, and the City of Baltimore, duly appointed and qualified assessors of the said tax: and it shall also be their duty, on or before the first day of June next, to give the same information to the Governor, in reference to the appointment and qualification of Collectors of the said tax.

Sect. 8. And whereas, in some of the counties of this State, the tax directed to be imposed by the act to which this is a supplement, for the year Eighteen hundred and Forty-three, has not been levied or assessed, whilst the said tax has been regularly levied & assessed in others —therefore be it enacted that in the counties in which the said tax has not been so levied and assessed it shall be the duty of the Levy Courts or Commissioners as the case may be and the Mayor and City Council of Baltimore, at the time of meeting for the purpose of levying taxes for the use of their respective counties, district, or city, in the year eighteen hundred and forty four; or whenever the assessors of the said tax shall have made their returns as aforesaid to levy the said tax for the year eighteen hundred and forty three, together with and at the same time that they make the said levy for the year eighteen hundred and forty four, and the said tax for the two years shall be collected and paid, one half on the first day of December next, and the other half on the first day of June eighteen hundred and forty five, and semi annually on the same days in every year thereafter.

Sect. 9. And be it enacted that the compensation of the said assessors and collectors shall be fixed and paid in the manner pointed out in the fifteenth section of the original act and the fifth and sixth sections of said declaratory act.

Sect. 10 And be it enacted that whenever any person, who may have been assessed under the provisions of the acts to which this is a supplement, shall make oath that his actual income has not exceeded the sum of three hundred dollars the Levy Courts or Commissioners of the several counties and of Howard District, and the appeal Tax Court of the city of Baltimore shall be authorised to exempt said person from the payment of the amount of tax with which he is chargable

By the House of Delegates, March 9 th 1844. This engrossed Bill the original of which passed the House of Delegates the 4th day of March 1844 was this day read and assented to

By the Senate. March 9th 1844 This engrossed Bill the original of which passed the Senate the 8th day of March 1844, was this day read and assented to.

GREAT SEAL

By order, GEO G BREWER, Clerk.

By order, JOS. H. NICHOLSON, Clerk.

FRANCIS THOMAS.

STATE OF MARYLAND, TO WIT:

Be it remembered, and we hereby certify that the aforegoing is a true copy of the act entitled 'a supplement to the act entitled an act to raise additional revenue to aid in paying the debts of the State by laying a tax on salaries incomes emoluments and profits, passed at December session eighteen hundred & forty one chapter three hundred and twenty five,' which passed the General Assembly of Maryland at December, session one thousand eight hundred and forty three.

Given under our hands at the city of Annapolis this 13th day of March, 1844

GEORGE G. BREWER. Clerk House Delegates, Md.
JOS. H. NICHOLSON. Clerk Senate, Md,

April 20. 1844 4t

☞ The Leonard Town Herald Upper Marlboro Gazette Rockville Journal Torch light Hagerstown *Herald* Frederick Carolinian Carroll Co. Republican Annapolis Press Howard District Madisonian Havre de Grass Cecil Whig Kent News Centreville Times Pearl Denton Easton Gazette Cambridge Chronicle Herald Princess Ann Banner Snow Hill and German Correspondent, Baltimore will insert the above once a week for four weeks, and the Baltimore Sun, twice a week for three weeks.

D. CLAUDE, Treas. Md.

LAW OF MARYLAND.

CHAPTER 284.

An Act to tax the commissions of certain officers of this State.

SECT 1. Be it enacted by the General Assembly of Maryland, That hereafter separate commissions shall be issued to the several persons who may hold appointments in the State, except to the Justices of the Peace, and Coroners and it shall be the duty of the Secretary of State, under the direction of the Governor, to transmit to the several Clerks of the County Courts all civil commissions from the Executive, for persons, within their respective counties, to be delivered by him to the appointees, on application therefor.

Sect. 2. And be it enacted, that when the said commissions are delivered to the respective appointees, therein named they shall severally pay to the said Clerk the sums following, to wit: Each Judge of the County Court, fifty dollars; each Clerk of the County Court, each Register of Wills, the Clerk of the Court of Appeals Register in Chancery hereafter to be appointed, the sum of fifty dollars; the Clerk of the Court, and Register of Wills in Baltimore City, each, two hundred dollars; the Clerk of Baltimore City Court, two hundred dollars, and the Clerk of Frederick County and Register of wills of Frederick County, one hundred dollars each; and the Chancellor, hereafter to be appointed, one hundred dollars; each Sheriff the sum of twenty dollars; the Warden of the Penitentiary the sum of fifteen dollars; each Commissioner of Lotteries, teach Commissioner of Insolvent Debtors, each Tobacco Inspector of the City of Baltimore, each Inspector of Flour in the city of Baltimore, the sum of twelve dollars; each Judge of the Orphans' Court for Baltimore County, each Inspector of Fish, in the city of Baltimore, each Inspector of sole leather in the city of Baltimore, each Gauger of Casks and Inspector of domestic distilled spirits in the city of Baltimore; each Inspector, Measurer and Marker of Lumber in the city of Baltimore, and in Cecil County: each Inspector and Corder of fire wood in the city of Baltimore; each Inspector of Shingles, the sum of ten dollars; each Inspector of Lime in the city of Baltimore, each Inspector of Plaster of Paris in the city of Baltimore; the Weigher of Live Stock in the city of Baltimore, and the Examiner General of the Western Shore, the sum of eight dollars; each Notary Public in the city of Baltimore, the Armorer at Annapolis, the Inspectors of Green Hides and Skins in the city of Baltimore, the State Wharfinger in the city of Baltimore, the Inspector of ground black oak Bark in the city of Baltimore, each County Surveyor, each Tobacco Inspector in the several Counties, each Wood Corder in the several Counties the Wreck Master in Worcester County the sum of five dollars; each Judge of the Orphans' Court in Howard District and the several Counties, except Baltimore, each Notary Public, out of the city of Baltimore, the Armorer at Frederick, the Armorer at Easton, the sum of three dollars; and all other persons holding annual civil appointments, under the Executive, the sum of one dollar.

Sect. 3. And be it enacted, that the said commissions shall not be delivered by the said Clerks to any person or persons unless the sums respectively provided, in the 2d. section be paid at the time of delivery thereof; and all sums so received by the said Clerks, shall be paid into the Treasury of the Western Shore within twenty days after the same shall be received by them: and for the purpose of providing a check on the said clerks, it is hereby provided that the Secretary of State shall annually furnish to the Treasurer of the Western Shore a list of all commissions issued & sent to the respective counties; and the Clerk's bonds may be put in suit for any monies received under this Act; and the account of the Treasurer shall be evidence of the receipt of said monies, unless said Clerks show by the production of the Commissions remaining in their hands, the amounts with which they may be actually chargeable.

Sect. 4. And be it enacted that the appointments of Justices of the Peace, and Justices of the District Courts may be included in one or more commissions, as heretofore; and it shall be the duty of the Clerks of the County Courts to issue to each of said Justices, on application, and the payment of one dollar, a certificate of his appointment as such; and he shall thereupon, be authorised to qualify, and proceed in his duties, as Justice of the Peace, or Justices of the District Courts, as the case may be.

Sect. 5. And be it enacted that the Justices of the Peace, and of the District Courts, shall not be authorised to qualify, or act in their official capacity, unless they shall first have procured a certificate, as heretofore directed; and any Justice who shall qualify, or act in such capacity without such certificate shall be subject to presentment, and be punished by fine, at the discretion of the County Courts, and all his Acts, as such shall be null and void.

By the House of Delegates. March 9th 1844. This engrossed Bill the original of which passed the House of Delegates on the 5th day of March 1844 was this day read and assented to.

By the Senate. March 9th 1844. This Engrossed Bill the original of which passed the Senate the 7th day of March 1844 was this day read and assented to

GREAT SEAL

By order, GEO. G. BREWER, Clk.

By order, JOS. H. NICHOLSON, Clk.

FRANCIS THOMAS.

STATE OF MARYLAND, TO WIT:

Be it remembered, and we hereby certify that the aforegoing is a true copy of the Act entitled 'An Act to tax the commissions of certain officers of this State, which passed the General Assembly of Maryland at December session, one thousand eight hundred and forty three.

Given under our hands at the city of Annapolis this 14th day of March 1844.

GEO. G. BREWER, Clerk House of Delegates Md.
JOS. H. NICHOLSON, Clerk Senate of Md.

May 4 1844.

☞ The Leonard Town Herald, Upper Marlboro Gazette, Rockville Journal, Torch Light *Hagerstown, Herald* Frederick, Carolltonian Carroll Co., Republican Annapolis, Press Howard District, Madisonian Havre de Grace, Cecil Whig, Kent News, Centreville Times, Pearl Denton, Easton Gazette, Cambridge Chronicle, Herald Princess Ann, Banner Snow Hill, and German Correspondent Baltimore, will insert the above once a week, for four weeks, and the Baltimore Sun twice a week for three weeks.

D. CLAUDE, Treas. Md.

A gentlemen upon being asked whether he was seriously injured when a steam boiler exploded, is said to have replied that he was so used to being blown up by his wife, that mere steam had no effect upon him.

From the N. Y. Evening Post of Sat.

THE TEXAS TREATY.

IN THE SENATE OF THE UNITED STATES, April 22, 1844.

Read the first and second times, referred to the committee on Foreign Relations and ordered to be printed in confidence for the use of the Senate.

Treaty of annexation concluded between the United States of America and the Republic of Texas, at Washington, the 12th of April, 1844.

The people of Texas having, at the time of adopting their Constitution, expressed, by an almost unanimous vote; their desire to be incorporated into the Union of the United States, and being still desirous of the same with equal unanimity in order to provide more effectually for their security and prosperity; and the United States, actuated solely by the desire to add to their own security and prosperity, and to meet the wishes of the Government and people of Texas, have determined to accomplish, by treaty objects so important to their mutual and permanent welfare.

For that purpose, the President of the United States has given full powers to John C. Calhoun, Secretary of State of the United States, and the President of the Republic of Texas has appointed; with like powers, Isaac Van Zant and J. Pinckney Henderson, citizens of the said Republic and the said Plenipotentiaries, after exchanging their full powers, have agreed on and concluded the following articles:—

ART. 1. The Republic of Texas, acting in conformity with the wishes of the people and every department of its Government, cedes to the United States all its territories, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their Territories subject to the same constitutional provisions with their other Territories. This cession including all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and accoutrements, archives and public funds, debts, taxes and dues unpaid at the time of the exchange of the ratifications of the treaty.

ART. 2. The citizens of Texas shall be incorporated into the Union of the United States, maintained and protected in the free enjoyment of their liberty and property and admitted, as soon as may be consistent with the principles of the Federal Constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States.

ART. 3. All titles and claims to real estate, which are valid under the laws of Texas, shall be held to be so by the U. States; and measures shall be adopted for the speedy adjudication of all unsettled claims to lands and patents shall be granted to those found to be valid.

ART. 4. The public lands hereby ceded shall be subject to the laws regulating the public lands in the other Territories of the United States, as far as they may be applicable subjects however to such alterations and charges as Congress may from time to time think proper to make. It is understood between the parties that if in consequence of the mode in which lands have been surveyed in Texas, or from previous grants or locations the sixteenth section cannot be applied for the purpose of education, Congress shall make equal provision by grant of land elsewhere. And it is also further understood that hereafter, the books papers and documents of the General Land Office of Texas shall be deposited and kept at such place in Texas as the Congress of the U. States shall direct.

ART. 5. The United States assume and agree to pay the public debt and liabilities of Texas, however created, for which the faith and credit of her government may be bound at the time of the exchange of the ratifications of this treaty; which debts and liabilities are estimated not to exceed in the whole ten millions of dollars, to be ascertained and paid in the manner hereinafter stated.

The payment of the sum of three hundred and fifty thousand dollars shall be made at the Treasury of the U. States, within ninety days after the ratifications of this treaty as follows: Two hundred and fifty thousand dollars to Frederick Dawson of Baltimore, or his executors, on the delivery of that amount of ten per cent bonds of Texas; one hundred thousand dollars, if so much be required, in the redemption of the exchequer bills which may be in circulation at the time of the exchange of the ratifications of this treaty. For the payment of the remainder of the debts and liabilities of Texas, which together with the amount already specified, shall not exceed ten millions of dollars, the public lands herein ceded and the net revenue from the same are hereby pledged.

ART. 6. In order to ascertain the full amount of the debts and liabilities herein assumed, and the legality and validity thereof, four Commissioners shall be appointed by the President of the United States, by and with the advice & consent of the Senate, who shall meet at Washington, Texas, within the period of six months after the exchange of the ratifications of this treaty, and may continue in session not exceeding twelve months, unless the Congress of the United States should prolong the time. They shall take an oath for the faithful discharge of their duties, and that they are not directly or indirectly interested in said claims at the time and will not during their continuance in office; & the said oath shall be recorded with their proceedings. In case of death sickness or resignation of any one of the Commissioners, his or their place or places may be supplied by the appointment aforesaid, or by the President of the United States, during the recess of the Senate. They or a majority of them shall be authorised under such regulations as the Congress of the United States may prescribe to hear, examine, and decide, on all questions touching the legality and validity of claims, and shall, when a claim is allowed issue a certificate to the claimant stating the amount distinguishing principal from interest.

The certificates so issued shall be numbered, and entry made of the number, the name of the person to whom issued, & the amount in a book to be kept for that purpose. They shall transmit the records of their proceeding and the book in which the certificates are entered, with the vouchers and documents produced before them, relative to the claims allowed or rejected, to the Treasury Department of the United States, to be deposited therein; and the Secretary of the Treasury shall, as soon as practicable after the receipt of the same, ascertain the aggregate amount of all the debts and liabilities allowed; and if the same, when added to the amount to be paid to Frederick Dawson and the sum which may be paid in the redemption of the exchequer bills, shall not exceed the estimated sum of twelve millions of dollars, he shall on the presentation of a certificate of the commissioners issue at the option of the holder, a new certificate for the amount distinguishing principle from interest, and payable to him or order, out of the net proceeds of the public lands hereby ceded or stock of the United States, for the amount allowed, including principal and interest, and bearing an interest of three per cent. per annum from the date thereof which stock in addition to being made payable out of the net proceeds of the public lands hereby ceded; shall also be receivable in payment for the same. In case the amount of debt and liabilities allowed, with the sums aforesaid to be paid to Frederick Dawson, and which may be paid in the redemption of the exchequer bills, shall exceed the said sum of ten millions of dollars the said Secretary before issuing a new certificate, or stock, as the case may be shall make in each case such proportionable and rateable reduction on its amount as to reduce the aggregate to the sum of ten millions of dollars, and he shall have power to make all needful rules and regulations necessary to carry into effect the powers hereby vested in him.

ART. 7. Until further provisions shall be made, the laws of Texas, as now existing, shall remain in force, and all executive and judicial officers of Texas, except the President, Vice President, and heads of departments, shall retain their offices with all power and authority appertaining there to and the courts of justice shall remain in all respects as now established and organized.

ART. 8. Immediately after the exchange of the ratifications of this treaty, the President of the United States, by & with the advice and consent of the Senate, shall appoint a commissioner, who shall proceed to Texas and receive the transfer of the territory thereof, and all the achieves and public property, and other things herein conveyed, in the name of the United States. He shall exercise all executive authority in said territory necessary to the proper execution of the laws, until otherwise provided.

ART. 9. The present treaty shall be ratified by the contracting parties, and the ratifications exchanged at the city of Washington, in six months from the date hereof, or sooner if possible.

In witness whereof, we, the undersigned, plenipotentiaries of the United States of America and of the Republic of Texas have signed by virtue of our powers, the present treaty of annexation, and have hereunto affixed our seals, respectively.

Done at Washington, the twelfth day of April, eighteen hundred and forty four.

J C CALHOUN, [Seal.]
ISAAC VAN ZANDT, [Seal]
J. P. HENDERSON [Seal.]

Mr. Clay on the Texas Question.

The following letter from Mr. Clay to the editors was forwarded from Raleigh on the day of its date, but did not reach our hands in time for publication earlier than to-day. Nat. Int.

To the Editors of the Nat. Intelligencer.

RALEIGH, April 17, 1844.

GENTLEMEN: Subsequent to my departure from Ashland, in December last, I received various communications from popular assemblages and private individuals, requesting an expression of my opinion upon the question of the Annexation of Texas to the United States. I have forborne to reply to them, because it was not very convenient, during the progress of my journey, to do so, and for other reasons, I did not think it proper, unnecessarily, to introduce at present a new element among the other exciting subjects which agitate & engross the public mind.

The rejection of the overture of Texas, some years ago, to become annexed to the U. S. had met with general acquiescence. Nothing had since occurred materially to vary the question. I had seen no evidence of a desire being entertained on the part of any considerable portion of the American people that Texas should become an integral part of the U States. During my sojourn in New Orleans, I had, indeed, been greatly surprised, by information which I received from Texas that in the course of the last fall, a voluntary overture had proceeeded from the Executive of the United States to the Authorities of Texas to conclude a treaty of Annexation; and that in order to overcome the repugnance felt by any of them to a negotiation upon the subject, strong, and as I believe erroneous representations had been made to them of a state of opinion in the Senate of the United States favorable to the ratification of such a treaty.—According to these representations, it had been ascertained that a number of Senators, varying from thirty five to forty two were ready to sanction such a treaty. I was aware, too, that holders of Texas lands and Texas scrip, and speculators in them, were actively engaged in promoting the object of annexation. Still I did not believe that any Executive of the U. States would venture upon so grave and momentous a proceeding, not only without any general manifestation of public opinion in favor of it, but in direct opposition to strong and decided expressions of public disapprobation. But it appears that I was mistaken To the astonishment of the whole nation, we are now informed that a treaty of annexation has been actually concluded, and is to be submitted to the Senate for its consideration, The motives for my silence, therefore, no longer remain, and I feel it to be my duty to present an exposition of my views and opinions upon the question, for what they may be worth, to the public consideration. I adopt this method as being more convenient than several replies to to the respective communications which I have received.

I regret that I have not the advantage of a view of the treaty itself, so as to enable me to adapt an expression of my opinion to the actual conditions and stipulations which it contains. Not possessing that opportunity, I am constrained to treat the question according to what I presume to be the terms of the treaty. If, without the loss of national character without the hazard of foreign war, with the general concurrence of the nation, without any danger to the integrity of the Union, and without giving an unreasonable price for Texas, the question of annexation were presented, it would appear in quite a different light from that in which, I apprehend, it is now to be regarded.

The United States acquired a title to Texas, extending, as I believe, to the Rio del Norte, by the treaty of Louisiana.—They ceded and relinquished that title to Spain by the treaty of 1819 by which the Sabine was substituted for the Rio del Norte as our western boundary This treaty was negotiated under the administration of Mr. Monroe, and with the concurrence of his Cabinet, of which Messrs. Crawford, Calhoun, and Wirt, being a majority, all Southern gentlemen, composed a part. When the treaty was laid before the House of Representatives, being a member of that body, I expressed the opinion, which I then entertained, & still hold, that Texas was sacrificed to the acquisition of Florida. We wanted Florida; but I thought it must, from its position, inevitably fall into our possession; that the point of a few years, sooner or later, was of no sort of consequence, and that in giving five millions of dollars and Texas for it we gave more than a just equivalant, But, if we made a great sacrifice in the surrender of Texas, we ought to take care not to make too great a sacrifice in the attempt to re-acquire it,

My opinions of the inexpediency of the treaty of 1819 did not prevail. The country and Congress were satisfied with it, appropriations were made to carry it into effect. the line of the Sabine was recognized by us as our boundary, in negotiations both with Spain and Mexico, after Mexico became independent, and measures have been in actual progress to mark the line, from the Sabine to the Red river, and thence to the Pacific ocean.—We have thus fairly alienated our title to Texas, by solemn national compacts, to the fulfilment of which we stand bound by good faith and national honor. It is, therefore, perfectly idle and ridiculous, if not dishonorable, to talk of resuming our title to Texas, as if we had never parted with it. We can no more do that than Spain can resume Florida, France Louisiana, or Great Britain the thirteen colonies, now composing a part of the U States.

During the administration of Mr Adams Mr. Poinsett, Minister of the United States at Mexico, was instructed by me, with the President's authority, to propose a re-purchase of Texas; but he forbore even to make an overture for that purpose.—Upon his return to the United States, he informed me, at New Orleans, that his reason for not making it was, that he knew the purchase was wholly impracticable, and that he was persuaded that, if he made the overture, it would have no

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