

cannott alter that tis ag^t my disposition to write otherwise
 And as I fear you are as much tired of Reading as I am of
 Writing and it is now nine oClock I shall bid you good
 Night.

I am D^r S^r

Your most humble Serv^t

Benjamin Rumsey

N. B. The Militia returning from
 Jersey belonging to this State have so
 frightened the Common People that none will
 inlist it will be just so with our People if the
 flying Camp return. }

Original.

[P. S. Smith to Council.]

October 24th 1776.

Gentlemen: In July last I received an order from your Honourable board, directing a Court Martial to be held on the 15th of that month for the tryal of Capt. John Mackall and Levin Miles of Calvert County belonging to the fifteenth Battalion of Militia. In consequence thereof I called a meeting of the members on the day appointed, and summoned the parties to appear with their evidences. A sufficient number of members attended to hold a court and Capt John Mackall appeared agreable to summons but not being provided with his evidences and Levin Mills having been sent express by Col. Somerville to your Honble board, the Court Martial adjourned to the Monday following the 22nd Inst. On that day I attended at the place appointed, but none of the members appeared, some of them, I think the greater part together with Levin Mills being on duty, either at Drumpoint or at St. George's Island, watching the motions of Lord Dunmore's fleet.

Thus circumstanced I was at a loss how to act, and 'twas doubtful with me, whether I had power alone to adjourn to a future day. If I had 'twas altogether uncertain whether the members would be at liberty to attend, and our election coming on the week following, I determined at last to postpone any further proceedings thereon for the present, indeed had a court martial been held and the parties ready for tryal, we could not have proceeded with propriety, as the charge against them was not expressed in the order, and Col Mackall had not furnished me with it. I have since applied to him for the charge, and his answer was that he had lodged it with the Council of Safety, signed by Col Somervill and himself where he referred me.

I then resolved to return the order to your Honble board with the reason why I had not proceeded, but unluckily had mislaid it amongst some other papers and could not lay my