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[Council to Lux and Calhoun.]

In Council Annapolis 7th July 1777.Gen^t

On Cap^t Cook's Return he reported his proceedings under the Instructions he received from us which were calculated to prevent any Evasion of the late Act and, as far as might be, any Trouble or Inconvenience to those who were not the Objects of the Act. He has also shewn us that the Iron on Board the Schooner Betsey W^m Trimble Master, the Schooner Willing Maid Caleb Hall Master, the Schooner Liberty James Taylor Master & the Schooner Swan Joseph Forster Mast^r hath been relanded under your Advice, that the Exportation of that Iron was contrary to the Act. The Circumstances of the Iron which was on Board those Vessels are not fully enough before us to determine whether it might or might not be exported. Cap^t Cooke tells us that chief of Iron belongs to M^r Hudson who told him that he was about sending it to Virginia and would do so, though he would give him no satisfactory Reason, or rather, no Reason at all for that his Resolution. We take it that two Sorts of People are the Objects of the Law, Persons from the neighbouring States who have ingrossed Iron &^{ca} That Iron is not to be removed out of the State, and Inhabitants of this State who have ingrossed Iron &^{ca} with Intent to sell the same again at high and exorbitant Prices. The Intent to sell the same again we take to be an essential Circumstance to prohibit their Exportation. It does not seem to be the Design of the Act to prevent all Exportation of Iron but only to prevent its being hoarded up with a View & Design to make an artificial Scarcity to inhance the Price; therefore if Iron is bought up for immediate Exportation we do not think it an Object of the Act Whether this or any of it was, for such Purpose, we cannot determine if it was, we think the Exportation of it is allowable, or if it was purchased for Persons to use in Virginia, it seems clear of the Act. If the Fact should be within the Exemption according to our Construction and our Construction agreeable to your Opinion, on the Act, you'll be pleased to give Orders for the Owners of the Iron to have it again, if not we presume it ought to be proceeded against or forfeited We are &c.

To Wm. Lux & James Calhoun Esq.
Baltimore

Original.

[N. Smith to Gov. Johnson.]

Baltimore the 7th July 1777

Sir

I rec^d your favour of the 4th Ins^t & observe the Contents, woud Recomend Liev^t Judah (who will hand you this) as a