

money I am under the necessity to ask your Excellency to order January 28  
 payment to M<sup>r</sup> Samuel Hughs or order for the sum of four thousand  
 pounds Current money

[Holker Philadelphia to Gov. Lee]

January 28  
 Brown  
 Book No. 8  
 Letter  
 No. 37  
 (See also  
 letter No.  
 31 which is  
 endorsed  
 Received  
 the 9th  
 Febr'y.)

Sir I have been regularly informed by M<sup>r</sup> W<sup>m</sup> Smith of Balti-  
 more of the proceedings of the legislature of your State relative  
 to the Seizure of the provisions purchased by him, in consequence  
 of my directions for the Supplies of his Majesty's fleets in the West  
 Indies, I should be sorry that his representations to the commis-  
 sioners of the State or his refusal of delivering the flour in his  
 possession without my orders should have given any uneasiness:  
 he could have no other intention than to prevent the seizure by  
 mistake of provisions acquired at an amazing expense, for purposes  
 avowed by congress, with the Knowledge & consent of his Excellency  
 the late Governor and Council of Maryland who had fully approved  
 of the choice made of him as agent for the purchases, which will  
 appear by Governor Johnston's Letters to his Excellency M<sup>r</sup> Gerard  
 and myself of the 3<sup>d</sup> September, of which last I have the honour of  
 inclosing a Copy.

I was not a little Surprised on reading the two late acts of your  
 legislature with respect to this business: by the first it seems the  
 honourable the Assembly deemed that the Whole of the Wheat and  
 flour purchased by my Agents over & above The Equivalent of  
 twelve thousand barrels of flour, Should be seized & delivered up  
 to the continental commissaries.

I should have thought this law useless, for the two following  
 reasons: the First, because the late Governor & council were fully  
 apprised by his Excellency M<sup>r</sup> Gerard & myself that M<sup>r</sup> Smith was  
 positively directed by me, to conform minutely to all the instructions  
 or Directions that might be transmitted him by them respecting His  
 purchases so as to give general Satisfaction any application from  
 the council to me or to M<sup>r</sup> Smith, either for the returns of purchases  
 made or delivery of the Same, wou'd therefore have been as effectual  
 as any law, the second because it does not appear even at present,  
 that M<sup>r</sup> Smtih has been able to secure the above mentioned quantity  
 of 12000 Barrels of flour of the last harvest.

The second act of the legislature seemed to me still more extraor-  
 dinary; if by that act it was thought necessary to extend the seizure  
 to be made by the commissioners to the aforesaid 12000 Barrels.  
 it is not easy to imagine why this flour purchased by the authority &  
 with the Sanction of congress & of the Government of Maryland  
 should be seized for the purpose of delivering the same to the con-  
 tinental commissaries, who would themselves have received orders to  
 deliver that very flour to M<sup>r</sup> W<sup>m</sup> Smith for the use of the royal