

them to be Innocent at the Ensuing Court but notwithstanding as they did not appear the Recognance was forfeited, and Execution Issued against the security

Red Book
No. 26

The Pay of the Soldiers being so small that it would take at least twelve months to pay the Recognance which was forfeited should be Exceeding Happy if it lies in your Excellencys Power to Redress them.

[Nath'l Smith, Balt. to Gov. Lee]

Sir The above by Cap^t Dorsey is nearly as he has Represented it. Rob^t Tool & Jn^o Gray went with me to two different Courts, before their Worships & their declar'd that they were Sensible that the within mentioned Kelleker & Dulaney were Inocent of what they had laid to their Charge and desired the Court to have the Actions Struck off. I should not have ben Security for them, had not I ben Satisfied the men ware Inocent, as it afterwards Apered to the Court.

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The Majestrates allways told me they woud have the affair Settled without Charge to myself. Since the Executions ware served, I have talked to them on the Subject, they told me they had forgot it (as it had been so long in Court) or they woud have prevented the Executions being served.

If what Cap^t Dorsey & myself have said is not Sufficient to Convince your Excelency of the fact, I will git it from under their Worships hands, tho I make no doubt but your Excelency from this, will be Satisfied that what I have done was with no other motive but to serve the Country & two Inocent men, from Ruin. Therefore must beg your Excelency wou'd order that I may be Cleared of any Charge on the acc^t

[Ben Stoddert Secry, War Office, to Gov. Lee]

Sir In answer to your favor of the 3^d instant, I have the honor to inclose a resolve of Congress of the 16th of August last, & the Cloth^r Generals estimates made in consequence thereof for the years 1778 & 1779 agreeable to which the soldiers who have Clothing due to them for these years should be paid for their deficiencies.

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The Hon^{ble} Council will observe that the resolve of Congress points out the mode of settling with the Soldiers for their deficient Articles, but as it has hitherto been impracticable to comply with this mode in every instance, the board have not hesitated in ordering their Paymaster to pay such men as have been discharged before they were settled with; and the certificates of the Regimental Paymasters have been deemed sufficient vouchers of the Justice of their claims. But it is presumed that men still in service should be paid as Congress direct

P. S. A List of the men belonging to Maryland who have been here, will be transmitted by next post.