

to proceed, as we have before directed. Should M^r Steward comply with your Demand, it will be unnecessary to deliver the Letter to M^r Sollers. The Letter for M^r Martin must be delivered at all Events, but not til after you have been with M^r Steward.

January 30
Liber No. 78
p. 322

[Council to Luther Martin Esq^r Att^y Gen^l]

Ibid.

Enclosed you have a Copy of a Bill of Lading signed by Nicholas Martin Captain of the Brig Nesbit, obliging himself to deliver to the Governor and Council or their Order, five thousand Mexican Dollars, which he has not only refused to deliver to our Order, but has actually lodged in the Possession of M^r Stephen Steward, who witholds the Money from us. We request you would immediately have a Suit commenced against Martin on the Bill of Lading and send a Declaration with the Writ, the Damages £15000.—

[Council to M^r Stephen Steward]

Ibid.

We are informed by Col^o Smith, that the 5000 Mexican Dollars brought in for the State, by Capt. Nicholas Martin, were deposited in your Hands for Safety, that he demanded this Money of you, in Consequence of our Order to receive it and send it down: and that you peremptorily refused to deliver it, alledging that the State was indebted to you and you would apply it to their Credit. In Justice to your Character, we are willing to suppose that your Determination to detain the Property of the State, already appropriated to the Recruiting Service, was formed hastily and without reflecting on the numerous Train of Evils, consequent thereon, and we have, in Tenderness to you, afforded you an Opportunity to retract, by requesting Col^o Smith to repeat the Demand upon delivering this Letter, and to insist on an immediate Compliance therewith. If you persevere in a Line of Conduct so highly improper and unwarrantable, and which, if submitted to, must obstruct, and may totally defeat the Recruiting Service, and by the pernicious Tendency of the Example, frustrate the most necessary and salutary Measures, and in the End, render the Authority of the State contemptible. We have directed and empowered Col^o Smith to seize the Money wherever he can find it, and to search any Place in which he has Reason to believe it is lodged or concealed and to summon and call to his Aide, any Number of Persons he may deem necessary, to execute this Order. We have also ordered the Naval Officer of the fourth District, not to clear out the Brig Nesbit, or any other Vessel in which you are concerned until the Money is restored, and if these Measures are not effectual, we are determined to the last Extremity.—

You must be sensible your detaining the Money of the State, is illegal and unwarrantable, and that the State being indebted to you is no Justification and will not palliate your Conduct, or screen you from the Resentment of the Public, especially as it will be known that