

No 49. makes it desirable to see you before we make any further Appointment. Mr. [Name] who has been very strongly recommended to us, in a marching Regiment, is desirous of serving in Darley's Company and we are inclined to gratify him in such Post as may be most proper on all Circumstances.

Maj^r Nathan Smith.

We are Sir &c

Sir

In Council Annapolis 9th May 1777.

50. Inclosed, we have a Copy of a Letter we received from the Board of War. We have given Orders for the Removal of the Prisoners to Nagars Town, and request your Attention to them we shall remit you Money to pay the necessary Expences. The Officers, if any are, under the Resolutions of Congress, to receive two Dollars, and the noncommissioned Officers and Privates 10^s. per Week for their Subsistence. We are sorry to be obliged to trouble any Gentleman with this Business, without consulting him, but we know of no Body who will, more likely than yourself, take the necessary Trouble or conduct the Matter to more general Satisfaction. If any Difficulties should occur, be pleased to advise us of them. We should have sent these Prisoners to Frederick where there's already some Sort of Provision, but having great Part of our Powder there, we think it very improper.

Col^o John Stull.

We are Sir &c

Sir

In Council Annapolis 9th May 1777.

51. We have received a second Letter from the War Office, desiring the Scotch Prisoners in Baltimore should be removed back. Frederick Town is the Place mentioned in the first, but the Powder's being removed there, we believe is a Circumstance not attended to. We therefore desire you will send them under Guard to Nagars Town, with the inclosed Letter to Col^o Stull, sending us a List of them.

We are Sir &c

Maj^r Nathan Smith.

Sir

In Council Annapolis 9th May 1777.

52. The taking, or refusing, the Oath of Fidelity to this State was proposed by the House of Delegates in the Tory Bill as a Criterion by which to determine the Persons attached to this State, but that Part of the Bill failed; wherefore we cannot consider a Refusal to take it so criminal, as to be a proper Ground to arrest the Party. The Prisoners we discharged took it, but it was a voluntary Act. If there should be just Grounds of Suspicion of an inimical Design against the State, entertained by any Person we think we have the Power, and on its being made known to us, shall most certainly order such to be arrested and disposed of them in such Manner as we may think, will render the Public safe, but this Power, to be exercised on our Judgment, we cannot commit to any other. We think it will be the best Way to have the Arms taken from the Insurgents, or surrendered up by them, fairly appraised and, as far as may be, put into Repair that they may be fit for Use in case of Necessity. There being no stated legislative Provision for Horses, we think it best that you have the Accounts stated as you judge just and right, and, as the General Assembly is properly the ultimate Judge of the Account, pay off as they shall direct.