

Sir.

In Council 30th Jan. 1702

N^o 1013

We enclose you an open Letter for Mr. Stephen Steward, which, when you read, you will be pleased to seal and deliver to him yourself, and demand in the Name of the State, the 5000 Mexican Dollars brought in by Capt. Martin, which he is illegally detains. Should he be imprudent enough to persist in his unwarrantable conduct, and refuse to deliver it, we hereby empower and request you to seize the same wherever it can be found, and to search any Place, in which you have Reason to believe it is lodged or concealed, and to summon and call to your Aid, any Number of Persons you may deem necessary to execute this Order. You will perceive, by our Letter to Mr. Steward, that we wish not to be forced into rigorous Measures, and it will give us much Pleasure, if you can accomplish the Business without. If, however, you find this impracticable, you will be pleased to proceed, as we have before directed. Should Mr. Steward comply with your Demand, it will be unnecessary to deliver the Letter to Mr. Sellers. The Letter for Mr. Martin must be delivered at all Events, but not till after you have been with Mr. Steward.

Col. Samuel Smith.

In Council 30th Jan. 1702

Sir.

1014

Enclosed you have a Copy of a Bill of Lading signed by Nicholas Martin Captain of the Brig. Vestib, 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 Mr. Stephen Steward, who withholds 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. —
Luther Martin Esq. Att. Genl.

In Council 30th Jan. 1702

Sir.

1015.

We are informed by Col. 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 Notice 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 lightly and without reflecting on the numerous Train of Evils, consequent thereon; and we have, in Tendemess to you, afforded you an Opportunity to retract, by requesting Col. 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 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. 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 Aid, any Number of Persons he may deem necessary, to execute this Order. We have also ordered the Naval Officer of the fourth District, not 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, will not palliate your Conduct, or screen you from the Displeasure of the Public, especially as it will be the more so, if you were requested to