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## Documents Online

**Title:** Letter from Thomas Smith to Alexander Dallas

**Date:** October 11, 1792

**Location:** I-DalletF-1973-1

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Sir

Yesterday I received your letter of the 5<sup>th</sup> instant, in consequence of which I applied to Mr. Duncan, who conducts the business on my behalf, to make affidavit (as I knew he could) that John Montgomery Esq. resides in Hartford County in the State of Maryland; this affidavit he has accordingly made, before Samuel Land Esq. one of the associate Judges of this County, & I beg leave to transmit it without delay, for the reasons mentioned in my letter to the Governor on the subject. It occurred to me that such affidavit would be proper, but, as it did not appear, from a similar requisition made to the Governor of this State, by the Governor of New Jersey (which the Chief Justice shewed to us at the Court of <sup>Errors</sup> Appeals), that it was accompanied by an affidavit, to the best of my recollection, I supposed that a suggestion would be sufficient.

I have desired Mr. Duncan to write to Mr. Edmiston for an Exemplification of the Sheriff's return of non est inventus— although I am of opinion that on a re-examination you will find that it is subjoined to the Exemplification of the Indictment: I desired Mr. Duncan to apply for it, & as Mr. Edmiston was not much experienced in such business, to direct him how to make it out— he says it was made out according to his directions; but as it was crowded towards the bottom (as I recollect it was) he supposes it must, on a slight glance, have appeared to you to be the exemplification of the Indictment only— If Mr. Edmiston made any mistake, I am persuaded it was not with design, although the Defendant is his Brother-in-law: as I had employed Mr. Duncan, I did not examine it myself.

The prosecution is truly disagreeable to me, as, besides the long acquaintance & mutual regard between me & the Defendants worthy & distinguished Father, there is a daily intercourse between his family & mine— when I received your letter yesterday most of Mr. Montgomery's family were spending the afternoon at my house; they deplore the intemperate & infatuated young Man's conduct; but they have been so desirous not to hint a wish that I would forbear the prosecution (excepting the old Gentleman in a letter which he wrote from the City to me immediately after the event, expressive of his great anguish of mind on the occasion, & he rather signified his wish that I could than made any request that I would forgive his son) He has too much sense to expect that I can so far overlook the duty which



I come to the Station in which I am placed, as to decline prosecuting the Def<sup>t</sup>,  
even if he were my own Son, I believe that Mr. Montgomery & his family  
see my conduct in a proper point of view, as they do not show the least coolness to  
me, nor I to them, in consequence of the transaction. I mention this to satisfy the  
Governor & you that I am not actuated by rancour, resentment or revenge, but  
wholly from a deliberate sense of what I owe to my office.

I had heard before I received your letter that the Governor had a slight  
fever, & was confined; however, Doctor McLoskey assures me that his Excellency's  
flow of spirits is so great that Mr. fever must soon scamper off to find a  
more convenient lodging. — The Dr. says the Governor was mentioning to some  
of the company, a fall that he had got — that I had not heard of. After his Horse  
had run away with him last winter, I pressed him, & requested some of his friends  
to persuade him to part with that Horse. — Shall I request you to present my  
respectful compliments to his Excellency, & supposing that he may not yet  
be perfectly recovered, I do not think it proper to call his attention to the  
business of this letter, & therefore I take the liberty of writing to you.

Charlestown 9<sup>th</sup> Oct. 1792

I am, Sir, with esteem,  
your very humble servant,  
Thomas Smith

Alexander James Dallas Esq.  
Secretary of the State  
of  
Pennsylvania  
Messrs  
George Wyndham Esq.



Sir,

Yesterday I received your letter of the 5th instant in consequence of which I applied to Mr. Duncan who conducts the business on my behalf, to make affidavit (as I knew he could) that John Montgomery Jr., Esq. resides in Hartford County in the State Of Maryland; this affidavit he has accordingly made before Samuel Land, Esq. one of the associate justices of this County, and I beg leave to <sup>it without</sup> delay, for the reasons mentioned in my letter to the Governor on the subject. It occurred to me that such affidavit would be proper but, as it did not appear from a similar requisition made to the Governor of this State by the Governor of New Jersey ( which the Chief Justice showed to us at the Court of Error and Appeals), that it was accompanied by an affidavit, to the best of my recollection, I supposed that a suggestion would be sufficient.

I have desired Mr. Duncan to write to Mr. Edminton for an exemplification of the sheriff's return of *non est inventus* although I am of opinion that on a reexamination you will find that it is subjoined to their Exemplification of the indictment; I desired Mr. Duncan to apply for it and as Mr. Edminton was not much experienced in such business, to direct him how to make it out- he says it was made out according to his directions; but as it was crowded towards the bottom (as I recollect it was) he <sup>supposes</sup> it must, on a slight glance have appeared to you to be the exemplification of the indictment only. - If Mr. Edminton made any mistake I am persuaded it was not with design, although the defendant is his brother-in-law: as I had employed Mr. Duncan I did not examine it myself.

The prosecution is truly disagreeable to me, as besides the long acquaintance and mutual regard between me and the Defendants worthy and distressed father, there is daily intercourse between his family and mine - when I received your letter yesterday most of Mr. Montgomery's family were spending the afternoon at my house: they deplore the intemperate and infatuated young man's conduct; but they have been so delicate as not to hint a wish that I would forbear the prosecution (excepting the old gentleman in a letter which he wrote from the city to me immediately after the event, expressive of his great anguish of mind on the occasion, and he rather signified his wish that I could than made any request that I would forgive his son. He has too much sense to expect that I can so far overlook the duty which I owe to the situation in which I am placed, as to decline prosecuting the *def's.* even if he were my own son. I believe that Mr. Montgomery and his family see my conduct in a proper point of view, as they do not show the least coolness to me, nor I to them, in consequence of the transaction. I mention this to satisfy the Governor and you that I am not activated by rancour, resentment, or revenge, but wholly from a deliberate sense of what I owe to my office.

I had heard before I received your letter that the governor had a slight fever and was confined; however, Doctor McGoskey assures me that his Excellency's flow of spirits is so great that the fever must soon scamper to find a more convenient lodging. The Dr. says the governor was *meditating* to some of the company at sale that he had <sup>that I had not heard of.</sup> After his horse had run away with his last winter I pushed him, and ~~persuaded~~ requested some of his friends to persuade him to part with that horse. Shall I request you to present my respectful compliments to his excellency, or supposing that he may not yet be perfectly recovered, I do not think it proper to call his attention to the business of this letter, and therefore I take the liberty of writing to you.

Carlisle, 9th October, 1792

I am Sir, with esteem,  
your very humble servant,  
Thomas Smith.