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

**Date:** October 11, 1792

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

## **Contact:**

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Sir 6 yesterday Incuised your Letter of the 5." instant; in consequence of which I applied to M. Duncan, who conducts the bufores on my behalf, to make affidabil (as I know he could) that John Montgomery The resides in Wartford County in the State of Maryland; this affidavil he has accordingly made before Samuel dand leg one of the apsociale Judges of this County, & They leave to handone il without Delay, for the reasons mentioned in my detter to the governor on the subjul. It occurred to me that such affidavit would be proper, but, as it did not appear from a finitar requisition made to the Governor of the state by the Covernor of New Jersey which the thing postice showed to us at the Court of appeals that it was accompanied by an affidavittothe best of my recollection, I supposed that a suggestion would be sufficient. Show Desired Mr. Duncan to write to M. Ediniston for an bempli-fication of the Sheriffs returned non est inventus\_although Sam of opinion Med on a re-enamination you will find that it is subjoined to the tremplefication of the Insutment: I desired Mr. Duncan to apply for it, how to make it out he says it was made out andiding to his direction; but as it was crowded lowards the bottom (as Irusled it was fre forprofes it must, on a slight glance, have appeared to you to be the exemply water. of the Industrial only If M. Edmiston made any mistoke Sampenwald il was not with Design, although the Defendant is his Brother in las as I had employed M. Duncan, I did not examine it myself. The prosecution is buly Disagreeable to me as, bisides the long acquaintaine & mutual regard between me & the Defendants worthing & Dishefred hatter, there is a Daily intercourse between his family & mine when I received your Letter yesterday most of Mr. Morelgomeny's family were spending the afternoon at my toup: They deplose the intemperate & infaluated young Mais condent; but they have been so delecote as not to hind a wish that I would for bear the prosecution ( excepting the old gentleman in a ditter which he wrote from the City to me immediately offer The event expulsive of his great august of mind on the occasion & he rather signified his with that Scould than made any request that I would for give his some He has too much sence to expect that I can so far over both the duty when

Some to the Station in which I am placed as to seeline prosenting the Deft, wen if he were my own son. Ibelieve that M Montgomery & his family see my roudcul in a proper point of view, as they do not show the least coolings to governor & you that Sam not actualed by rancous resultinutes revenge but unhely fine a deliberate since of what down to my office. I had heard before Inecessed your Litter that the governor had aflight fever, & was confined; however, Doctor M. Coshery apoures me that his builteney's flow of spirits is so great that Me fever much soon scamper of to find a more convenient lodging. The D. Jays the foremon was municioning to forme of the company, a fall that he has got that I had not heard of affect by though had now away with him last winder, I pueped him & requested some of his friends to perfecte him to part with that Horpe. - Shall I requel you to presenting be perfectly recovered, I do not think it proper to call his attention to the bufunch of this Little & therefore I take the liberty of willing to you. your very humble fewant, Carlisle g" Och 1792 Thomas Smith

Heaving James Dallas Egs. Jennsylvania

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 affidavid he has accordingly made before Samuel Land, Esq. one of the associate justices of this County, and I beg leave to it without delay, for the reasons mentioned in my letter to the Governor on the subject. It occurred to me that such affidavid 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 affidavid, to the best of my recollection, I supposed that a suggestion would by sufficient.

I have desired Mr. Duncan to write to Mr. Edminton for an exemplification of the sheriff's return of Non estimated 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 supposed 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 disagreable 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 occassion, 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 delse 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 wholy 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 McCoskey asgures 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 well as to some of the company at sale that he had that I had not heard of. After his horse had run away with his last winter I pushed him, and persided/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 man 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.