

Sir

Annapolis Jan^y 18th 1807

Your Letter of 17th Inst with the documents transmitted in the case of Tom Harton was received by express. By whom I inform you that I shall feel no difficulty in the case of the Indictment when the jury have convicted him of uttering the forged notes, and where seven of that Jury have testified that if the Testimony in the second Case in which he was acquitted and which was proper and admissible in the first Case, had been had, they should have acquitted him in the first Case; to say that whatever may be the Decision of the Court on the Reasons in arrest of Judgment I shall respect the recommendation of the seven jurors. — In the case yet to be tried, I cannot venture to interpose, and permit me here to observe, that so awful have become the Forgeries in this State to the Commercial interest, that the Legislature at their late Session, have made it a Felony of Death without the Benefit of Clergy, and it will be recollected that in England it has long been the Law, and that Law so rigidly executed that the very memorable case of Doct: Dodd was not permitted to form a solitary exception, a policy which the commercial interest of England has imposed on the humanity of the Ruler of that nation, and which by the late Law of this State seems to merit the approbation of its Legislature. — I therefore cannot consent to smother the enquiry in the Cases depending against Tom Harton, particularly as that enquiry is to be before a jury who will be possessed of every circumstance that can legitimately have a bearing or influence in the case. — Whatever then on a full view