

further deferred, especially as I hope you will upon reconsidering the proof lately Sent the Additional one of Logsdon now inclosed and the Several Depositions which your Government formerly had from This relative to the Land of M<sup>r</sup> Digges think my Demand of Kitzmiller Sufficiently justified, and that nothing can be thought wanting except the Authenticity of those Depositions of which you imagine to be proper for your own Justification, and shall be forwarded to you as Soon as you Signify in what manner you would have the Copies authenticated; unless you would chuse to have the Originals which properly ought to be lodged here, but however I would upon your desire furnish you with them for your greater Satisfaction

Lib. C. B.

However Cautious and Tender you are not to give a hard Name to a Cruel fact yet Surely the Shooting a man in the Back after he had Intreated not to fire the Gun and when he was Hastening away from the Place and Person Supposed to be offended (tho not the least Violence had been offered) must be ranked under that Species of Crimes which our Law denominates murther, and which the Voice of Nature Humanity and all Civilized Nations Equally declares against and Condemns:

This may partly answer your Hint of a "Possibility that the Nature of the Crime may depend on the Jurisdiction." For I am at a loss to Guess how the Circumstance of Jurisdiction either in the Proprietary of Maryland or Pensilvania or Ownership in Digges or Kitzmiller can alter the Nature or even alleviate the Heinousness of such a Crime, Besides if it could Possibly influence the Case, would not the Prisoner have the full advantage of it on his Tryal when all the Witnesses must be examined Viva Voce and Subject to his cross examination But to pursue your objection a little further permit me to Say that you can hardly persuade me or even yourself Kitzmiller would object to the Jurisdiction of your Courts tho the Witnesses should in the fullest manner prove the Fact committed within that of this Government, Whereas upon his Tryal in this Province he would not fail to insist at all Events on the Incompetency of Ours, So that even upon this inequality of a proper Inquiry and Consideration with regard to the Jurisdiction as far as the Prisoner or indeed the Proprietarys may be concerned the place of Tryal ought to be under this Government

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You have pointed out Three Facts necessary to be proved for maintenance of Our Claim Viz.

- 1<sup>st</sup> That M<sup>r</sup> Digges had right to Land under Lord Baltimore
- 2<sup>d</sup> That the Place where the Act was done lies within the Limits of that Land.