Union Town Sept 29th 1836

Mr Burney.

Dear Sir. I would inform you that I have just seen Mr Lambert and he is willing to settle the case between you and him in the way you proposed to settle it when I saw you, I will meet you in Union Town to morrow morning at 8 oclock to enter in a arbitration bond so as to enable one of you to attend on monday to drawing the papers out of Court before any more cost might be on them, his reason for meating so early is that he wants to attend the funeral of his father in law at 10 oclock to morrow.

I am Very Respectfully

Your

Basil Root

Monday 29

Scant

Balto 5 Apl 1836

Yr letter my dear sir enclosing the endorsed note was duly recd to day for which I am heartily thankful & will try & make the most of it. Yr letter explains to me more fully than yr former the nature & parties to the trespass that caused an alteration in my opinion. Old Lambert being a person totally unconnected with the farm should have looked to his son for the value of any straw loaned him & never have any right to go on the farm & pay himself – it was a contract between themselves & they alone, he having however undertaken to pay himself out of the property of other persons is a clear trespass – Then who shall sue? Hitesheu being in possession by your consent would be a legal plaintiff no matter whether it was of the straw left by young Lambert or straw the produce of his own cultivation, in either case Hitesheu would be the plaintiff – In the latter case however more particularly, as it thus would be the property of Hitesheu until he removed but in either case Hitesheu should sue & still advising you not for the amt to bother yrself about it – Besides if you hold yourself liable for cost & allow H to prosecute the suit he not caring about the result will so negligently attend to it that you might calculate on losing the suit & Hitesheu is to blame for allowing the trespass to take place inasmuch as it was a trespass committed against his rightful possession & in despite of him he should attend to it at his own risk – Surely you are not to fight the battles of yr tenants – because he will suffer in his crops or convenience for want of the straw more than you will in any impoverishment created by the non application of so small a quantity of manure taken from the farm If you are to be responsible for costs you could