by your House. I am Gentlemen, respectfully
your obedient Servant
Robert Walsh

Messrs Robert Gilmor & Co.

Baltimore 17th August 1795

The Plaintiffs also gave in Evidence the following Letter from the Plaintiffs to the Defendant dated 17th August 1795

Baltimore 17th August 1795

Mr Robt Walsh

Sir

I received your note of this morning and observe the new ground you have taken as a reason for not complying with your Contract. It will answer no good end for me to enter into a discussion with you on the business as it is not probable that I would tend to a settlement of it; you are, as a Man of honor and a Merchant bound to abide by your Contract unless you can shew such reasons as will justify a non Compliance. those now adduced appear to me totally inadequate to this purpose. There is then but one course left, which is to lay our several pretensions before indifferent men and to abide by their determination. If you agree to this, let two men be named they choosing a third, and let us enter into Bond for abiding by their Award. Let me have an answer early this morning as convenient, as I want the business terminated without loss of time, that something may be immediately done with the Brandy.

I am Sir your Most obt.
Rob. Gilmor

And also the following letter from the Defendant to the Plaintiffs dated 18th August 1795

Sir

In your note of yesterday you say I have taken a new ground as a reason for my not complying with my contract and that as a man of honor and a Merchant I am bound to abide by contract, unless I can shew such reasons as will justify a non compliance, and that to you, those adduced appear totally inadequate to the purpose, and you observe that there is but one way left, which is to lay our several pretensions before indifferent men and to abide by their determination; and if I agree to let you know, that two men may be named, and let us enter into Bonds for abiding by their Award. In answer, I observe that I have taken no new ground, that my objections are true; two of them you will not, I believe, deny, those are that the quantity is more than about 90 pipes, and that you assured me, no other Brandy would be imported in the Ship. - I am not afraid

to meet the decision of indifferent Judges, they may be named when you please, and as to our entering into Bonds; I feel myself at a loss to know what I should bind you to, if my objections are considered as sufficient to clear me from being bound to the purchase, I have then no other claim on you, but to pay for the Portage of the Brandy to my Warehouse, and for your doing so, I desire no Bond. If the Gentlemen who may be chosen, would say that my objections are not well founded, and that therefore, I must be bound to the purchase of the Brandy. I shall agree so far as relates to any act of within my own power, but I must observe it may not be in my power to obtain the Indorser you called for.

I am Sir your Obt
Robert Walsh

Mr Robt Gilmor

18th August 1795

And also the following letter from the Plaintiffs to the Defendant dated the 18th August 1795.

Baltimore 18th Aug. 1795

Sir

I received yours of this morning. The Gentlemen who may be appointed will judge of every circumstance you have to offer as a justification for your refusal to take the Brandy. If they think they are valid, I shall chearfully acquiesce, But on the other hand should they determine that you are bound to take the whole or any part of the Brandy, I cannot doubt for a moment your acquiescence upon the principles of our contract. You voluntarily named Mr Carrere as the Indorser of your notes, I could not doubt but he had authorized you so to do, for of his own accord he told me that he would be security for you if you purchased the Brandys, I therefore will not harbour a thought of a refusal of this kind as I think it would be injurious to your honor. I shall name Col. Smith or Mr Patterson if you have no objection or you may choose which you like and name to me two Gentlemen and I will choose one of them. For obvious reasons you will see the necessity of having this business early finished, and I beg you will speak to the Gentleman you may choose this afternoon, as I shall provided you inform me you have no objection to those I have named, so that they may go upon it next day. Your answer (for which the bearer will call after Dinner) will oblige

Sir your Most obedt
Rob. Gilmor

Mr Robert Walsh