

Letter Bk. I. afford any reasonable grounds for uneasiness to the Merch^{ts} or any Person else as it is only calculated to prevent fraud between the Merch^t & factor w^{ch} might otherwise have been carried on to the Detriment of the too credulous & honest Planter—As to the Testamentary Act which prefers Country to foreign Debts I observe the preference is not so great as it might be apprehended, for all Country Debts are not thereby preferred to all forreign Debts. The Preference is only given to Country Debts where they are of the same Degree or nature with forreign ones; as for Instance Country Bonds are ordered to be payed before forreign ones, but Country notes or Book Debts are not preferred to forreign Bonds, & indeed this preference is in practice found to be very little more than nominal, for the Act of Assembly does not make any Distinction between Residents in the Province & foreigners; but between Debts contracted in & out of the Province, so that all Bonds passed in the Province to foreigners are upon the same footing with Bonds passed to Residents, & all Book Debts contracted with Factors here are considered as Country Debts sic de similibis, & therefore there is no preference except in the few Cases where the Bonds are actually passed & delivered out of the Province or where the Demand stands merely upon the Merch^{ts} Books at home, & the facility with which Merch^{ts} may have their securities taken in the Country or their accounts settled here by their Factors makes the Distinction of very little Con-

p. 64 sequence In Effect the People of this Province have not the same advantage in the Article of paying off Dead Mens Debts that the Creditors in England have; No Merch^t is without a Factor here able to inform him of his Correspondents Circumstances & without gross mismanagement the Factor knows how matters stand between the Merch^t & the Planters especially where the Latter are the Debtors & is generally able to bring Suit for his Principal as soon as any other Creditor. The Planter has generally no other Correspondent in England than the Consignee of his Tobacco & therefore upon the Death of the Consignee, the Creditors in England must get the Preference for those who first sue when Debts are of equal nature will first obtain a Satisfaction.

As to the Merch^{ts} Declaration that that Supplementary Law (supposing it to be what it is not) or any other Law will stop their giving Credit to the Inhabitants of this Province, the People will or should say with all our hearts the less Credit they give us the better the way to keep out of a large Debt is not to credit for a small & they as well as we know that nothing ever hurt Maryland more than the great Credit that has been sometimes given us. I have written above what occurs by way of Answer to any Objections that may be made