

Woodbury, November 6, 1808

My Dear Sir, (Wm. Cooper)

Yours of October 8<sup>th</sup> came easily to hand & I must confess there is great weight in your argument against my claim to the village lots in De Kalb & were your premises entirely correct I should say that your inferences would be irrefutable. You will however I think be satisfied on reflection that I was considered as complying with your first proposal substantially though not literally. The mills were considered a great object, though too complicated for me to be concerned in with so small an interest as one twentieth. And my giving up that claim was much in your favor & so understood & acknowledged by you when we were together at Rye.

But my claim is not principally founded on your first proposal as you suppose, that proposal is contained in your letter of February 19<sup>th</sup> 1804, after which I met you at Rye & we there agreed on a contract, the Lewis Mortgage was not in your possession & the only security I received from you was a letter inclosing a blank note for me to sign & send me the Lewis Mortgage also obligating yourself that the land will turn out to be as good as an average lot. You then say that the town lots amounting three acres I must draw for, & that you will convey them to me on my paying you three dollars & its interest. You further say that this letter is to be considered as the data on which our concern is grounded, & relying on the obligation contained in that letter immediately enclosed the note & sent it to New York. This last mentioned letter is dated March 9<sup>th</sup>, 1804 & is the one to which I alluded when I spoke to you of the original contract. If you have retained a copy of it & will peruse it thoroughly I shall be willing to appeal to you as you are an astute Judge than I am, whether I have not a right to the number of lots therein mentioned whenever you shall wish me to draw for them.

It would have given me great pleasure to have met you at De Kalb this Fall & I wrote to our boy Thomas some time since to know if the road would answer for Mrs. Smith to travel on but from some unaccountable cause he has not answered my letter, probably he has not received it. I hope at another fall we may have the pleasure of meeting there. & I feel no apprehension that any difference of opinion respecting the village lots will in it when we come to a full explanation on the subject, for we are both good Judges. We shall doubtless think alike when the cause is fully argued.

I am yours with great respect,  
Nathaniel Smith