

Heading

I Stephen Hinds of Walmer in the County of Kent
Estate Agent ^{of the above named Defts} make oath & say as follows.

^{That} 1. On the 3rd day of Nov: 1890 I issued a Writ appt
James Rollope of Walmer appt Builder to recover the
sum of £4184-1-9 being the am^{nt} of ppal & int^l due
from him to me upon 6 sec^d Indres of int^l & tur: chps

^{That} 2. ~~As the result of negotiations bet^{we} me & the s^d~~
~~At the urgent request of the s^d Jas Rollope~~ ^{sup^d into} ~~at his inst^{nc}~~
~~request entered into~~ agreed to stay p^{ro}cs & terms of sett^l were
arrived at between ~~ourselves~~ ^{us} & our resp^{ct}ve sol^{rs} ~~wh^{ch} s^d terms~~
of sett^l are now prod^d & shown to me marked "A"

^{That} 3. The sum of £100 referred to in parap: 2 of the terms of Sett^l
^{on the 25th of Sep^r 1890 this sum was} was as to £60.10.10 ~~discharged~~ ^{as to £60.10.10}
by receipted bills & as to the bal^{ce}
£39.9.2 by cheque.

^{That} 4. In pursuance of ^{parap:} ~~clause~~ 3 of the s^d terms of Sett^l the rents of all
the prop^{ty} compr^{is}ed in my sec^s / except as therein ment^d / have been
coll^d by my firm & ~~at the end of the year there was a bal^{ce}~~ ^{credit}
~~car^d to a general a/c~~ ^{the} ~~an exact rent a/c of £125.2.2.~~

^{That} 5. The s^d Jas Rollope ^{has never} ~~was~~ paid nor allowed ^{to me} ~~in~~ in cash or by

received bills for work done by him for me or my Order
the ~~occasional~~ ^{of £100 a year} rent reserved by para 4 of the terms of sett.
in resp^t of the excepted prop^s compr^d in my s^d sec. 9th nor
has he paid the royalty on tricks or rend^d any of the
turn out as prov^d by paras 5 & 6 of the s^d terms of sett.
nor in any or resp^t complied therewith.

6. That ~~as the~~ from the ^{25th day of Nov^r 1890} date when the terms of sett.
~~were agreed upon~~ to the month of Aug^t last I employed
the s^d James Holope to do various work for me or to
my Order upon prop^s belong^g to me or of which I or
my firm had the management ^{& the acc^s for work work} with ~~the~~ ^{the} ~~express~~ ^{intention}
it was mutually understood shod^d be dealt with ~~sett~~
in accordance with the s^d terms of sett.^t

7. That on the 17th day of Aug^t 1891 ^{requir^g} rec^d from the Pltfs
S^{rs} notice that the am^t owing by us to Mr. Jas. Holope
amount^g to £153. 15. 5 had that day been ass^g to the
Pltfs.

8. That on the 29th day of Sept^r 1891 the Pltfs S^{rs} at the request
of my firm furnished us with particulars of how the ~~am^t ass^g~~ ^{sum^s ass^g}
to their Pltfs was made up / with particulars amount^g altogth
to £159. 15. 7¹ but stated that the Pltfs only claimed
£158. 15. 5.

9. ~~That~~ On the 7th day of Nov. 1891 the Pltfs issued the Writ of Summons in this Actⁿ claimⁿ & paym^t of £161.2.10. // That I have not nor hath my Firm ever had any part^r of how the s^d sum of £161.2.10 is made up & I deny that such sum is owing by me or my s^d Firm to the Pltfs

11. That at the date when the assignment was made by the s^d Jas. Rolfe to the Pltfs there was a ~~caused the~~ ^{or my s^d Firm} ~~sum due to me from the s^d Jas.~~ ^{by him} ~~or~~ ^{to me} ~~in excess of the amt^t due to him from me for~~ ^{work done for me or to my Order owing to me & I claim} ~~sum due to me from the s^d Jas.~~ ^{& sued for by them or so much thereof as is justly due & owing to the s^d Jas. Rolfe} ~~work done for me or to my Order owing to me & I claim~~ ^{to set off the whole of the sum assigned to the Pltfs as} ~~& sued for by them or so much thereof as is justly due & owing to the s^d Jas. Rolfe~~ ^{agst the sum so due & owing from him to me in accordance} ~~& sued for by them or so much thereof as is justly due & owing to the s^d Jas. Rolfe~~ ^{with the before ment^d terms of sett^t} ~~to set off the whole of the sum assigned to the Pltfs as~~

12. That full informⁿ as I am inf^d able: ^{as to the terms of sett^t ent^d into bet^w me & the s^d J. Rolfe & my} ~~claim to set off the amt^t assigned to the Pltfs by my~~ ^{both} ~~has been given by my s^d Firm to the~~ ^{Pltfs & the s^d J. Rolfe} ~~Pltfs & the s^d J. Rolfe~~ ^{by corresp^e & in an interview with} ~~they had with them before the Writ of Summons in this~~ ^{they} ~~actⁿ was issued & they are fully aware of my defe^e to~~ ^{the s^d actⁿ - & that} ~~the s^d actⁿ - & that~~

13. That the Pltfs appln for Summary Judgment under Order 14 sh^d not therefore have been made ^{judiciously} ~~vis^a vexatious~~ in the highest degree.

14. That as I have been adv^d & verily bele: I my s^d Firm have a good defe^e to the action on the merits.

Hinds vs City Assessor

Dr.

- Afft. of Dist. in opposi-
tion to appln. for Summary
Judgment under Order 14.
