

CHAPTER II.

THE JUDGMENT

After nearly seven years of close confinement, the prison doors were at last opened and Randall once more became a free man. He immediately retained Honourable D'Arcy Boulton, who at this time was the Attorney General of the Province, to commence an action for damages against Clarke and those who were associated with him. The nature of his claim is somewhat obscure, but judgment was given in his favour for £10,000. Unfortunately, this judgment was set aside by the Court of Kings Bench on appeal, and a new trial was ordered. At this trial Honourable D'Arcy Boulton also acted for him. Judgment was given in his favour but the amount was left to arbitration. Each side appointed its arbitrator, but they were unable to agree on a Chairman with the result that the arbitration proceedings were dropped and Mr. Randall brought a third action. This action was proceeding to trial when Honourable Mr. D'Arcy Boulton, who was still acting for him, was appointed a Judge of the Kings Bench and his son Henry J. Boulton, who was his partner, took over the proceedings.

At this time Mr. Randall was in very low pecuniary circumstances, and was indebted to Honourable D'Arcy Boulton and Henry J. Boulton to the extent of £100, for fees in the previous actions. Henry John Boulton therefore demanded and obtained from Randall a mortgage for £200, covering the property in the township of Nepean on the Rideau River at the mouth of the Jock, to which reference has already been made. While this mortgage was meant as security for the payment of the indebtedness of £100, there was not contained in it any covenant for the payment of the £100, and Boulton therefore took, some months later, a bond for £100 from Randall, which bond recited the mortgage and the omission of any covenant for the due payment of the amount, and provided that Randall should pay the sum of £100 on the first day of January 1819.

Randall's case was then entered on the list of cases for trial at Niagara in October 1818. Unfortunately, Mr. Justice