

returnable the first day of Trinity Term, 1819, being the fifth day of July of that year. This summons, with the declaration annexed, was filed in the said Crown Office on the thirteenth day of July, 1819, with an affidavit made by Samuel P. Jarvis, before Thomas Dickson, on the 24th day of June, 1819, stating that the same was served on the Defendant by the Deponent, on the twenty-second of June, of the same year. On the said 13th day of July, 1819, an appearance for said Defendant in said cause, was entered in the said office by said Plaintiff, and on the same day an affidavit made on the 13th day of July, 1819, before John Small, Clerk of the Crown, by the present Honorable James B. Macaulay,\* then a student at law with the said Henry John Boulton, stating that the place of residence of the Defendant in the Home District was unknown to the Deponent, and also a demand of plea, were filed in the Crown Office. On the 13th day of July, 1819, interlocutory judgment was signed, and final judgment entered for two hundred and twenty-five pounds debt, and five pounds three shillings and eight pence, damages and costs, amounting altogether to the sum of two hundred and thirty pounds. On the 5th of October, 1819, a writ of *fiery facias*, against the goods and chattels of the Defendant, was issued upon a *præcipe* filed by the Plaintiff, directed to the Sheriff of the Home District, returnable on the first day of Michaelmas Term following, being the first day of November, 1819. This execution, with a return of *nulla bona*, by the Sheriff of the Home District, was filed in the said Crown Office on the return day, and on the same day a writ of *fiery facias* against the Defendant's lands and tenements was issued, (upon a *præcipe* filed by the Plaintiff,) directed to the Sheriff of the Johnstown District, and returnable the last day of Michaelmas Term, 1820, which writ was filed in the said office on the seventeenth day of March, 1825, with the following return by the Sheriff of the Johnstown District :—

“ By virtue of this writ to me directed, I have caused to be made by the public sale of the lands and tenements of the within named Defendant, Robert Randall, (that is to say,) Lot No. Forty in the first Concession of Nepean, in the Johnstown District, together with its broken front, in front thereof, on the Ottawa or Grand River, the debt and damages within mentioned, which I have ready before the Lord the King, to be rendered to the said Henry John Boulton, for his debt and damages aforesaid, as within I am commanded.

(Signed,)

“ JOHN STUART,

“ Sheriff of District of Johnstown.”

“ That on the 7th day of November, 1821, a motion was made to the Court, to set aside the judgment and execution upon an affidavit of the Defendant, upon which a rule was granted to show cause; and upon cause shewn, the rule was discharged by the Court.

“ And that on the twenty-third day of January, 1824, a similar application was made to the Court, upon an affidavit of the Defendant; and upon cause shewn and an affidavit filed by Plaintiff, on the 30th April, 1824, the rule was discharged.†

“ On the twenty-fourth day of June, 1824, a writ of error *coram nobis*, under the great Seal of the Province, was granted; error was assigned by the Defendant in this case on the 13th day of December, 1824, and the Plaintiff in this case pleaded thereto on the 25th day of January, 1825.‡

“ The foregoing is a correct schedule of the proceedings in this cause, no other proceedings in the case have been filed or entered in the Crown Office. There does not appear to have been any assessment of damages by the Court, or a Jury, or

\* Now Chief Justice of the common pleas, U. C.

† See documents,—letter C.

‡ See documents,—letter D.