

The Plaintiff's Counsel stated that he (the Plaintiff) was a Planter residing at Cubit's, who in the year of 1818 became indebted to his suppliers, Messrs. Graham, M'Nicoll & Co. in the sum of *thirteen Pounds*, or thereabouts; for this sum a writ was issued against him by the Surrogate Court of Harbor Grace the then following winter, and his Plantation, which was proved to be worth about *one hundred and fifty pounds*, was attached by the Sheriff. Landergan having no defence to make to the action, did not appear at the return of the writ, and judgment was signed against him by default. Under this judgment a fishing boat belonging to Landergan was taken in execution, which, as well as the plantation, was sold to satisfy the amount of the judgment, and also the amount of another judgment obtained by Messrs. Graham, M'Nicoll & Co. against a man named Hollahan, amounting to about *fourteen Pounds*; but how Landergan's property came to be sold to pay Hollahan's debt was not satisfactorily proved to the Court; indeed, Kelly, who is a Constable, and also a Clerk to Graham, M'Nicoll & Co. stated that Landergan and Hollahan were in partnership, but by the Records of the Harbor-Grace Court it appeared that the judgments were obtained against them separately. The Boat was purchased for *seven Pounds*, and the Plantation for *twenty-eight Pounds*, (which something more than covered the two debts and costs,) by Mr. Donald Graham, a clerk to the firm of Graham, M'Nicoll & Co. and a relation to the principal partner in that house.

It appeared in evidence, that after the sale of the property, Kelly the Constable went to demand possession, at which time the plaintiff was from home, and some words took place between the Constable and his wife. No further steps were taken by the Sheriff or Mr. Graham to obtain possession, till the Defendants held a Surrogate Court at Bearneed on the 5th July last, when a summons was issued by them against