He further instructed Hon. Mr. John Beverley Robinson, the Attorney-General, to act for Firth in the action of ejectment which was being brought by Judge Sherwood and also caused him to notify Randall that,—

"If the sale was illegal for any cause stated by you and particularly for want of being clearly advertised, you have now an opportunity to ask the opinion of the Court upon it by enabling Firth to urge that objection against the plaintiff's title".

Mr. Thomas Radenhurst, a lawyer in Perth where the trial was to be held was appointed by the Attorney-General to act for him and Mr. Randall, handed over all his papers and documents to Mr. Radenhurst and instructed him. Just at this time the Court of Kings Bench was constituted by Chief Justice Sir W. Campbell and Judge Sherwood. Judge Campbell at this time was in London seeking a pension, and Judge Sherwood being the plaintiff, of course, could not sit as Judge. Accordingly the Executive Council appointed Mr. C. A. Hagarman, the Collector of Customs at Kingston, as a temporary Judge and Hagarman held the Assizes at Perth when the ejectment trial came on. What occurred at the trial is best told in Mr. Radenhurst's letter reporting to Mr. Randall,—

"Perth, 23rd August, 1828.

Robert Randall, Esquire,—

Dear Sir,—

I received your several letters with the documents enclosed respecting the suit of Doe ex dem Sherwood vs. Firth and Berrie, for part of the land formerly your property at Nepean Point. Many of the papers you sent were entirely useless, as the Judge would not permit evidence to show how the judgment in Boulton's suit was obtained. Nor could I, in addressing the Jury (as I wished) allude to that circumstance, but was entirely confined to what was put in evidence by the plaintiff, viz., the judgment, executions and sale, and even in this I was once or twice interrupted by the opposite Counsel and censured by the Court for what they considered exceeding my bounds.

I objected, as you requested I should, to the trial proceeding at all, which the Judge paid no attention to, as he