

suspended him, and put Mr. Hagerman, the Collector of Customs at Kingston, (Mr. Macanlay's brother-in-law,) in his place. Hagerman was sent to Perth to hold the Fall Assizes that year, where his brother Judge (Sherwood's) ejectment trial, against Randall, was to come on.

The Earl of Dalhousie, then Governor General of Canada, having been instructed that Sherwood and LeBreton's title was bad, wrote as follows, on behalf of Randall's tenants :

"I should not object to lease a small Lot on the Clergy Reserve adjoining the Richmond * Landing, to the Petitioner, Berry ; but I am more than ever convinced that the purchase of Captain LeBreton is an illegal purchase of the Landing Lot (Randall's), and I therefore advise Berry to avoid removal while he can, the more so as Government has, in my opinion, a strong claim upon it for public service. Quebec, Dec. 10, 1822." Again, "Quebec, August 8, 1828," immediately before the trial at Perth, Lord Dalhousie wrote to Mr. Firth,

"That lot of Government property being a broken front, not included in Randall's Lot, has been claimed by Mr. Sherwood ; I am convinced that he has no fair claim, nor legal right to it ; and, on the part of the Government, I have maintained the Firths in their possession ; and I think they ought to be maintained in it, against the pretensions set up by LeBreton and Mr. Sherwood." "DALHOUSIE."

His Lordship caused Mr. Jonas Jones to be written to, and then Judge Sherwood retained Mr. Jonas Jones on his side of the question. Lord Dalhousie also instructed the then Attorney General, West, to aid Randall in his defence, who, not being able to attend, wrote him (Randall) as follows :

"YORK, 19th July, 1828.

"Sir,—An action of ejectment is brought by Mr. Sherwood against one Firth, who is in possession of part of the Lot at Point Nepean, on the Ottawa River, which you complain has been illegally sold under an execution against you. I am defending the action, and have instructed Mr. Radenhurst of Perth, to manage the defence at the trial. If the sale was illegal for any cause stated by you, and more particularly for want of being fairly advertised, you have now an opportunity to take the opinion of the Court upon it, by enabling Firth to urge that objection against the Plaintiff's title.

"The Assizes for Perth commence on the 18th August. Any evidence you can furnish on the subject, or any professional assistance which you may desire to engage, Mr. Radenhurst will willingly avail himself of.

"I am, Sir,

"Your obedient servant,

"JOHN B. ROBINSON."

"Robert Randall, Esq."

Mr. Randall thus instructed Firth :

"You will perceive that I have instructed Mr. Radenhurst to urge the illegality of the Court, as now constituted—the want of sufficient notice to purchasers, and on this last head you will do well to bring forward all the proof possible, particularly Mr. Wright of Hull, as it is a strong point—the injustice of the proceedings here—the manner of obtaining the judgment—the view taken of the subject by the House of Assembly, as may be seen by the bill which passed that House. Mr. (William) Morris, the Member for your District, though he did not agree to the bill, bore testimony to the irregularity of the proceedings, and said that if a bill had been brought in to refer the whole case to the Court of King's Bench, he