

debted in the sum as set forth in the plaintiff's declaration. The Court ordered the plaintiff to prove his demand on the 20th of August next." On August 20th "This action was continued the 23rd of July last for the plaintiff to prove his Demand this day—in consequence Walter Roe, Attorney for the plaintiff filed his Replication the 18th inst. in the office. The Defendant being now thrice called and not appearing thereupon, the plaintiff's Attorney moved for judgment, the Court ordered the action to continue for eight days *en Delibere*, and a second default entered against Defendant." "Eight days" in those days meant a week. On August 27th "Walter Roe, Attorney for the Plaintiff—the defendant being thrice called and not appearing." Then appears what we should call reasons for judgment or the opinion of the Court, thus,

"District of Hesse	{	This is an action the Gist of which is a record of judgment in another Court:
--------------------	---	---

to this the Defendant has pleaded that he owes nothing, but as he has set up no payment or release of judgment, I must presume the meaning of his plea to be the proper issue and a Traverse of the Record of judgment. It seems so to be understood by the Replication of the Plaintiff, who again relies upon and proffers the Record. The Evidence filed is equally insufficient to support the action upon the Rules of Evidence either of the ancient or present Laws of the Province, the office copy of the Record being neither upon Parchment or under seal. Wherefore the Court considers that judgment be entered as in case of a nonsuit."

I do not stay to point out the accuracy or otherwise of the Judge's law; but hasten to another case which is thus intituled:—"John Robert McDougall, of Detroit, Gentleman, vs. Isaac Germain." On July 16th, the inevitable Walter Roe filed his declaration and the defendant had a default entered against him: on July 23, the defendant again did not appear, a second default was entered against him and the defendant directed to proceed to prove his demand on the 20th August—on August 20th the defendant did not appear and the plaintiff "by his Attorney Walter Roe" called evidence. It was proved that the defendant put certain cattle for agistment upon the plaintiff's land on Hog Island, agreeing to pay well for them, also that 20 shillings a head was the usual price on the Island—"This action is continued and remains *en Delibere* for eight days." On the 27th judgment is entered up for

£30 - 9 - 6

and £9 - 9 - 5 costs, in all

£39 - 18 - 11

and a Writ of *fi. fa.* issued

5 - 0

£40 - 3 - 11