

LEIGH NAAB KILU

S^r Johns Newfoundland 16 Oct:
1786

Sirs

M^r John Leigh on behalf of him
self and Company having appealed from the Verdict of
a Jury given on the 25th of Sept^r last in the Trial of a Cause
between the said Leigh & Co and Mess^{rs} Forestall and Hoberlin
of Ferris Boatkeepers relative to the said Forestall and
Hoberlin making an Assignment of their Effects to M^r
John Hill after they had been furnished with an Account
Current by the said Leigh and Co and the Ballance of
the

C/M VOC II

The Account which was in favor of Leigh and Co^o legally
demanded; I desire you will Summon the said Forestall
and Hoberlin to appear before you and cause them to
deliver upon Oath a Copy of the said Account current
between them and Mess^{rs} Lee and Co^o as also of their
Accounts with M^r Henry Sweetland and M^r John Hill
and a Narrative of the Circumstances which induced
them to Assign their property to the said M^r Sweetland
and M^r Hill in preference to paying their debt to Mess^{rs}
Leigh and Co^o which you will be pleased to transmit
to me by the first opportunity that offers for this Place

I am

Sir

Rob^t Carter Esq^r
Ferryland

Your Most Obed^t
Humble Servant
J. Hill

St Johns Newfoundland 10 Oct 1766

Sir

M^r John Leigh on behalf of him-
self and Co^o having appealed from a Verdict given by a Jury in
a Cause between the said Company and Mess^{rs} Forestall
and

and Hobertin which was tried at Ferryland on the 25th of
September last before Captain Pellew of His Majesty's Ship
Winchelsea my Surrogate for that district, and it appearing
from his Statement of the matter that you first refused to
attach the Effects of the said Forestall and Hobertin for Messrs
Leigh and Co because they had been previously assigned to
you, and afterwards permitted an additional Assignment
to be made in favor of Mr John Hill without giving notice
to the said Leigh and Co who had in due time made appli-
cation to you as a Magistrate for a Warrant of Attach-
ment, I mean therefore to grant a new Trial (without
which the Verdict of the Jury cannot be set aside) But as
the Evidence transmitted to me by Captain Pellew is not suf-
ficient to enable me to judge properly of the business I desire you
will State (upon Oath) the whole of the Transaction so far
as it comes within your knowledge and transmit it to me
with Attested Accounts current between you and For-
estall; and Forestall and Hill; Copies of the original Assign-
ments, and such other Papers as may be necessary by the
first opportunity that offers for this Place.

I am

Sir

Your Most Obed^t

Humble Servant

Henry Sweetland Esq^r
Ferryland.

W. Hill

St Johns Newfoundland ¹⁰ Oct 1786

Sirs

In answer to your Memorial which I received by a Boat belonging to the Minchelsea from Bay of Bulls, I have no objection to granting you a new Trial (as you are dissatisfied with the Verdict which was given by a Jury on the 25th of Sept^r last) in the Case of Mess^{rs} Leish and C^t against Forestall and Hoberlin of Ferrisburgh; But as the Season is far advanced and the Navigation of the Coast become rather dangerous I am afraid it will be impossible to settle the business before next Summer unless Mr Sweetlands Statement of it (which I have desired him to send me upon Bath) should make it unnecessary for me to send for the Parties to this Place. It may not be amiss to observe to you that the granting a new Trial in a Case which has been decided by a Jury is a very serious matter, and I would have you consider every thing thoroughly before you go to any further Expence about it, as after all, If the question to be tried is simply, whether the assignment made in favor of Hill is a sufficient bar to your attaching the Effects of Forestall and Hoberlin, I am inclined to believe

believe that the Decree must be confirmed.

I am

Sirs

M^r John Leigh
Sumner.

Your Most Obed^t

Humble Servant.

