

Jan. 16th.

Juan B. Pomet vs.

Adamville.

No. 10649. pp. 95252-95295.

27pp.

Suit to collect a bill amounting to 168 livres, dated February 15th, 1769, before

Governor Unzaga.

Garic, Notary.

exception of Mr. Adamville, settle their obligations.

July 12th, 1770. The plaintiff, through his attorney, Leonard Mazange, presents his bill against Adamville amounting to 168 livres and the notorial act by which he appoints Mazange to act as his agent, and declares that though he has obtained a decree from the Court dated the 17th of last January he has been unable to collect his bill; he therefore petitions for a writ of execution against the person and estates of the defendant to the extent of the debt, the tenth, and costs. The case follows the usual form of Spanish executory proceedings, and on December 6th, 1770, the sheriff (Alguacil Mayor) Santiago Hallays, armed with the writ of execution seizes two notes in favor of the defendant, signed by Carlos Le Conte, one for 200 livres on a bill of exchange, the other for 343 livres in old paper money

Juan B. Pomet, captain of the polack "The Thetis" of Toulon, declares that he has sold his cargo to those named in a list which he presents, but has not been able to collect the amounts due him. He petitions the Court to order these bills paid without delay. Governor Unzaga orders the debtors to pay immediately or appear before his Court and state their reasons for not doing so. All defendants, with the ex-

of the colony. These notes were deposited with the general receiver. Upon request of the plaintiff these notes are verified by Le Conte, who declares that though the signatures are admitted, the debt is offset by an account he holds against Adamville for 300 livres, for the collection of which he is just about to bring suit. Juan B. Pomet petitions for a writ of execution against Le Conte notwithstanding his claims of offset. The Court orders Le Conte to pay 540 livres due on his notes to Mr. Pomet within three days, who replies by presenting a declaration of Mr. Lagautrais, with his (Le Conte's) indorsement together with a certified copy taken from his books to prove that in 1764 Mr. Adamville owed him a certain sum of money, and gave in payment an order to collect 1278 livres, 5 sols from Mr. Lagautrais, who was his debtor. This order contained a special clause that in case Lagautrais did not pay, Le Conte could come back on Adamville. Lagautrais paid him 1000 livres on account as will appear from the receipt which he signed but he has not paid the balance of 278 livres, 5 sols. He now asks that he be allowed to collect this amount from Adamville, and further petitions that he be summoned to declare under oath that he owes Le Conte the sum stipulated. Adamville answers the summons, denied the whole previous transaction, and says he owes Le Conte nothing. Juan B. Pomet now declares that as nothing can be gained through the Lagautrais-Le Conte transaction, he asks that execution be carried into effect for the payment of 405 livres, 10 sols as appears from the Le Conte notes and an order by the old Council, its tenth and costs. The Court rules that the plaintiff must either be satisfied with the Le Conte notes or discover other property of Adamville to seize. The plaintiff decides to discontinue the case for the present, and asks that the note be returned to him to use at his convenience and that the costs be taxed. Granted. Taxation 27 pesos, 7 reales, dated March 8th, 1771.

Added to this record are two petitions of Juan B. Pomet saying he has discovered other property belonging to Adamville and asks that an Indian woman belonging to Madame Rouville be seized and sold to satisfy the Adamville debt and that the proceeds of the sale be deposited with the general receiver. The Court orders the woman sold to the highest bidder and the amount that she brings held in the depository at the disposition of this Court. The record does not show any further action.