

WERMORE, J. agrees with His Honor's judgment on the trial for receiving the evidence but disagrees with his reviewing judgment at Fredericton which His Honor gave "without particularly considering the question, "and did not wish to express any decided opinion upon the point." As one of the public however, in deferential opposition to His Honor the Chief Justice, I have fully considered the question as before referred to and for the reasons there offered have not the remotest doubt that the judgment delivered by His Honor at Bathurst was according to law and that His Honor's reversing judgment is against law. The evidence given of Chasson being party to a robbery committed at Young's and Robins' with others whose names were not given on the trial, the evidence being as separately directed upon Chasson only as if all the others were utterly unknown, (see His Honor's notes) it is truly astonishing that the Chief Justice should treat the matter, in his judgment, as if *acts of riot* only had been the purpose of the evidence, not including robbery, and as *riot by the prisoners* where no prisoner was named but Joseph Chasson alone, and this mistake is carried out with effect against the reception of such evidence by confounding Chasson who *did* with others who *did not* commit robbery, and confusing the matter in such a way that His Honor could not indeed see the connexion; but if the subject had been looked at according to the proof actually given, the connexion is as palpable as the link in a chain. Does His Honor consider that there is any connexion between cause and effect? between the discharge of a loaded gun and the carriage of that charge? If so there is equal connexion between the robbery *actually committed*, the complaint of it, the warrant for apprehension, a delivery thereof to the sheriff whose officers in going to execute it, are resisted and killed by the robbers; they are all connected and parts of the same transaction, and it matters not whether the parts be contemporaneously, successively or retrospectively connected, the principle and effect are the same. Not seeing this connexion, which His Honor says he does not, may be accounted for in His Honor's "not particularly considering the case" or "wishing to express any decided opinion upon the point." For the better understanding of the matter, however, it may be observed that the many cases in the books are presented in three classes; 1st. Where a crime not charged in the indictment is the cause of the one charged in the indictment—the proof of the first tending to show guilty knowledge and motive in the second as in the many cases before referred to in the note to *Roscoe's Criminal Evidence*, p. 92, and as in this case. 2nd. Where a crime not charged in the indictment is a contemporaneous part and as if one transaction with the crime charged in the indictment, and tending to show guilty knowledge and motive in it as in *Reg. v. Ellis*, 6 B. &