

Our Sovereign Lord the KING,
(*Intervening party in the Court below,*)

APPELLANT,

and

ROBERT FROSTE,

(*Plaintiff in the Court below,*)

RESPONDENT,

and

WILLIAM LINDSAY,

(*Defendant in the Court below.*)

THE RESPONDENT'S CASE.

THE present appeal is brought from a Judgment, rendered in the King's Bench at Montreal, dismissing an intervention filed by "David Ross, Esquire, King's Counsel, for and on behalf of our Sovereign "Lord the King," in a cause wherein the Appellant was Plaintiff and one William Lindsay was Defendant, by which Judgment the intervention of the King was dismissed.

The original action was an action of revendication, instituted by the Appellant against the said William Lindsay, for the recovery of twelve bales of flannels and one bale of superfine cloths, of a large value, belonging to the Appellant and whereof the said William Lindsay had illegally possessed himself.

To this action William Lindsay pleaded the general issue, and two pleas of justification: the first plea of justification alledging that the said goods and chattels were by the said William Lindsay, then and still being Collector of His Majesty's Customs at the Port of St. Johns, arrested, taken and seized *as good and lawful prize to our Lord the King*, for that the said goods were in the possession of persons who, contrary to their allegiance were adhering to and trading with the enemies of our Lord the King, and were then and there employed in conveying the said goods from the Province of Lower-Canada unto the United States of America, for the purpose of trade with the enemies of our Lord the King, in the said United States of America, and of affording assistance and support to the enemies of our Lord the King, whereby the same became and were forfeited as good and lawful prize to our said Lord the King, and that the same then were in the possession of the said William Lindsay as such *lawful prize*.

The second plea of justification states the seizure to have been made by one Menard Harris, one of the Officers of His Majesty's Customs, and by a party of soldiers in the service of our Lord the King. It does not differ in other respects from the preceding plea of justification.