

FIFTH DAY.

TUESDAY, MARCH 20, 1838.

The Court met pursuant to adjournment. Present, the same members as yesterday.

Sutherland. What is the distance between Amherstburgh and Monroe in Michigan?

Answer. What the distance across the river is I cannot tell, but I believe the distance between the American shore opposite to Amherstburgh and Monroe, is about twenty-five miles.

Suth. When you overtook me were we on the north or south side of such line between Amherstburgh and Michigan, and if on the south, what distance on the south?

Ans. It is impossible for me to answer that question without reference to a map; but I believe the prisoner was not on the south side but on the east side of that line.

The Judge Advocate here produced a map from the Surveyor General's office, and called up the Surveyor General to prove the same as being part of the records of his office. The Honorable John Macawley was then called, and he produced certain sheets of the copy of a map shewing the line of demarcation between Upper Canada and the United States of America, as laid down by the commissioners under the treaty of Ghent. He then withdrew.

Suth. What is the nearest land to which the schooner lay?

Ans. The nearest land was the Canada shore, but I am unable to designate the place for want of a name to it.

Suth. Was it not within the prisoner's power to have crossed over to the American side of the line before you could have taken them?

Ans. I can only give an opinion on that point, but I am of opinion that they could not.

Suth. At what distance might the prisoners have seen you approaching them?