

the same purpose, and several others; that they proceeded in the common road leading from Laprairie to St. John's, 'till they arrived at Savanne, where Robertson directed them to turn off into the road leading through L'Acadie, which they accordingly did, and reached the road on the bank of the River Richelieu, about two miles and a half above St. John's, and one mile and a half below the Red House, where they arrived at eleven o'clock at night, and found a guard of soldiers, who obliged them to return to St. John's; that the road through L'Acadie was better than that by St. John's, and that he did not believe that Robertson had any intention of conveying the goods over the Lines.

Being cross examined on the part of the Crown, he said that the distance from Laprairie to St. John, was 18 miles; that it might take about five hours to go that distance with a loaded sleigh, and that it took them three hours to go from Laprairie to the half-way-house, where they turned off; that he was directed to leave the goods at Mr. Lester's Store, at Missisqui Bay; that Mr. Lester's Store was about four miles from the lines, and that it was very easy to take goods from Missisqui Bay over the lines, when people dared go over.

*Timothy Wheeler* was also hired by Robertson, and left Laprairie before Partlow, and waited for him at the half-way-house. The rest of his evidence in chief was, in substance, the same as Partlow's. On his cross examination, he said that it was not usual for those who employed him to cart goods, to explain their intentions respecting them, particularly if they had any evil intentions.

*David Nutt* deposed to the same effect, and added that they stopped twice between the half-way house and the Red house, but remained in the road, and did not go into any house; and that the American line joins Missisqui Bay.

*Edward Cooper* identified the goods as being the plaintiff's property, and proved their value, and stated that he was in the habit of carrying goods from Laprairie to his store at Missisqui Bay for retail sale, without any molestation or difficulty. On his cross-examination, however, he stated that he always took out his goods by going to Laprairie and from thence through the Port of St. John's, where he always got permits from the Custom-House Officer, (the defendant) to authorize him to take out his goods, particularly flannels and woollens; that he did not know a road which came out on the river Richelieu about three miles above St. John's; that the common road led through St. John's.

On his re-examination, he said he knew Andrew Barns and David N. Ogden, who carried on trade at Missisqui Bay, and who he believed, obtained all or the chief part of their goods from the plaintiff.

It is to be observed that neither Eager, to whom the goods were stated to be consigned, nor Lester to whose store they were to be conveyed, nor Barns nor Ogden, were called on the part of the plaintiff.

In support of the intervention on the part of the Crown, the following evidence was adduced:

*Christopher Aren*, Serjeant in the De Meuron Regiment, stated that on the 20th of December, 1814, being quartered at St. John's, he was ordered to take a detachment of men to the Red house, about two leagues above the port of St. John's, information having been given that ten sleighs, laden with contraband goods were on their way from this Province to the United States, and to seize and bring them to St. John's; that he went accordingly with a Corporal and six men; that towards ten o'clock in the evening, he saw a number of sleighs approaching, laden with bales of flannel and cloth; that upon going out, he heard one of the drivers exclaim "God damn it, there is a guard here!" that on his stopping the sleighs, which were to the number of 23 with about 30 men, a gentleman in a light sleigh came up very quick, and said that he had a good pass, to which the witness replied