

witness had finished the statement abovementioned, which he now holds in his hand, he read it deliberately over to the prisoner, and asked him if it was substantially true—he said it was.

Here the witness delivered the statement to the Judge Advocate, who read it, when it was referred to the Appendix.

Witness here also delivered to the Judge Advocate the newspaper abovementioned, who read the publications stated in the declaration of Mr. Sutherland, and referred it to the Appendix.

Witness also recollects a statement made by Mr. Sutherland when he was taken prisoner, which witness desires may now be taken down. After Mr. Sutherland stated that “they were American citizens going about their business,” *witness remarked that Americans had no business there in these times*, when prisoner replied, that “*he was going to Lower Sandusky to endeavor to intercept some persons who had stolen some money from him, and his clothes and valise while he was in Monroe.*” Witness then remarked that he was coming in a direct line from the American to the Canadian shore, and witness here adds, that he was then at least one mile at this side of the line leading to Sandusky, and their steps were directed towards the Canada shore. Witness adds that a line from where the prisoners were taken to Sandusky, would run in about a *south westerly* course, as far as he can judge, and that they, the prisoners, were going in a course about *south easterly* he thinks, and if they had pursued the course they had been travelling, they would have been on the Canada shore in about half an hour. Witness states positively that the prisoner is the same person he saw at Detroit, and whom he took prisoner on the ice.

*Sutherland.* Were you, at the time I was arrested, in a certain degree of excitement?

*Answer.* *I was excited in a little degree with pleasure on finding a man whom I had desired to meet. I was excited with pleasure, but nothing else.*

*Suth.* Might you not have mistaken what was said by Mr. Spencer at the time of the arrest, and after, for what had been said by me?

*Ans.* Certainly not. Mr. Spencer said nothing that I heard except his asking me whether he was bound to deliver his sword to Mr. Haggerty, when he demanded it by my order, and I have no recollect of any thing else said by Mr. Spencer on that occasion.

*Suth.* Did Mr. Spencer on that occasion say that we were on American ground?

*Ans.* Not in my hearing—I never heard him say so.

*Suth.* Was it not Sandusky instead of Lower Sandusky, that was named?