

PROVINCE OF }
LOWER-CANADA. }

15
Court of Appeals,

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

ROBERT FROSTE,
(Plaintiff below,)
RESPONDENT,

WILLIAM LINDSAY,
(Defendant below.)

CASE ON THE PART OF THE APPELLANT.

THIS was an action of revendication brought in the Court of King's Bench at Montreal, in April Term, 1815, to recover twelve bales or packages of Flannels and one bale of superfine Cloth from the defendant William Lindsay.

To this action the defendant pleaded three pleas, which in substance, were as follows :

1st. The general issue.

2dly. That on 17th December, 1814, His Majesty being at war with the United States of America, the Flannels and Cloth in the declaration mentioned, at the Parish of St. Luke, in the District of Montreal, were seized as lawful prize to His Majesty, by the said defendant, (being then and still Collector of His Majesty's Customs at the Port of St. John,) for that the said Flannels and Cloth at the time of seizing them were the property and in possession of certain persons unknown, subjects of His Majesty, who, contrary to their allegiance, were adhering to and trading with the King's enemies, and were employed in conveying the said Flannels and Cloth from the said Province of Lower-Canada into the said United States, for the purpose of trade with the King's enemies and of affording them assistance and support; whereby the said Flannels and Cloth became forfeited to the King as lawful prize, and as such remained in the possession of the said defendant.

3dly. That the goods were seized by Minard Harris, land-waiter at the Port of St. John, together with a party of soldiers in His Majesty's service, for the same cause as was alleged in the second plea.

The plaintiff, by his replication, joined issue upon the three pleas.