

I am an advocate practising at New York since one thousand eight hundred and fifty-two. I was employed as counsel in the proceedings instituted against the prisoner Lamirande at New York. The prisoner, M. Lamirande, was arrested and brought before the Court presided over by Mr. Commissioner Betts. We had a great many sessions, in which the firm or partnership of Coudert Brothers represented the French Government, and several advocates, (among them Mr. Spilthorne here present,) represented the prisoner Lamirande. These sessions continued till the third of July last. At that last session or meeting, or at the one next preceding it, I cannot affirm which, Mr. Spilthorne prayed leave of the Commissioner to carry away with him a document written in the French language, which came from France, and which we term the *arrêt de renvoi* (Indictment.) This document had been proved by us to be authentic, and admitted to be so by the Judge Commissioner. We had also proved in like manner a translation of the same document into the English language, made in my office, and the correctness of which I am able to certify. This translation had been also received by the Judge, and marked by him with his initials; it is now in my possession. When Mr. Spilthorne prayed leave to carry away this document with him, he said that he would bring it back at the following session. I made no objection to the granting of this request of Mr. Spilthorne's, but my brother, who was associated with me in the management of the proceedings made the remark that he would not entrust a document of such value to Mr. Spilthorne, that probably I should never see it (the document) again. Since that day, I have never set eyes on that document again, although I have made search for it among all Mr. Betts' papers. Not finding it, I went to Mr. Spilthorne's office. I reminded him that he had carried away the document in question. He acknowledged that he had taken it, but declared that he did not know whether he had returned it or not. That in order to satisfy his mind respecting it, he must look for it among his papers, which were at his dwelling house, and he swore to me that if he could find the paper in question, I should have it at my office the following day (Wednesday) at nine o'clock. I told Mr. Spilthorne that the case was one of urgent importance; and that he would render me a personal service if he would go at once to his house, that I would pay for a carriage in order that he might lose the less time, but I could not get him to do that. Next morning, about ten o'clock, as I had received no communication from Mr. Spilthorne I sent one of my clerks to him, with a letter requesting that he would send me the indictment. He returned me no answer, and I have never set eyes on the paper since. I do not know that there is a French copy of the document, and I do not believe that there is one.

Question.—Have you in your possession the English translation of the Indictment which was made use of before Mr. Commissioner Betts, at New York? *Ans.* Yes Sir, I have that document. Here it is.

Mr. Ramsay, representing the Crown, moved that that document should be received and filed by the Court. Mr. Doutre, Counsel for the prisoner, objected to the motion and to the production of the document, inasmuch as it possessed none of the characters required by the Statute 6 and 7 Vic., c. 75, section 3.

The Court overruled the objection, and the document was filed and marked with the letter B.

The deponent continued as follows:—

The translation is one compared by myself with the paper proved in evidence before Mr. Betts, which translation has been submitted to the opposite parties, and against which I never heard a word of objection.

Further, the deponent saith not and this deposition being first read, declares that it contains the truth, in which he persists and hath signed.

(Signed,) F. R. COUDERT.

Sworn before me, at Montreal, this }
fourteenth day of August, one thou- }
and eight hundred and sixty-six. }

(Signed,) W. H. BRÉHAUT, P.M.