

And this deponent further says, that he was called upon for information relative to General Sutherland's arrest, and at request accompanied John Farmer, the Surveyor, on the 9th and 10th of March, 1838, for the purpose of examining the place of General Sutherland's arrest, and that although he, this deponent, signed a report, the result of said examination, as set forth in the affidavit of said Farmer; yet nevertheless, he, this deponent, upon mature reflection and deliberation entertains strong doubts about those being the tracks of Gen. Sutherland and Spencer, which he, this deponent pointed out to said Farmer, which he and said Farmer traced, and upon which the report of said examination was founded, as set forth in the affidavit of said Farmer: because this deponent was below Point Mouillee when he saw Gen. Sutherland and Spencer arrested, from which place this deponent is now confident he could not have seen Gen. Sutherland and Spencer when arrested, if arrested at the place of examination on the 9th and 10th of March, as set forth in the report of said examination, referred to in the affidavit of said Farmer.

And this deponent further says, that if those were the tracks of Gen. Sutherland and Spencer, which he pointed out to said Farmer at the time of the examination on the 9th and 10th of March, that then he, this deponent is clearly of the opinion that the thaw which had taken place subsequent to the arrest, but previous to the examination must have so obliterated the impression of Gen. Sutherland's and Spencer's tracks at and beyond the place of examination, as to have prevented the tracing of them to the place of arrest. This deponent thinks the appearance of the sleigh tracks referred to in the report, could not have been that of Prince's, and that if those were the tracks of Gen. Sutherland and Spencer referred to in the report of the examination, that then Gen. Sutherland and Spencer must have changed their direction at the place of examination, and proceeded towards a certain vessel which was frozen in the ice, and the only one at the head of the Lake—and which said deponent saw during the examination on the 9th and 10th of March, and which said deponent should think, and know was five or six miles distant—and as far as the eye could reach. If this was the vessel within half a mile of which it is reported that Prince has stated he arrested Gen. Sutherland, and being the only one in that vicinity, then he must have been arrested on our own waters, for this deponent thinks said vessel was not less than two and a half or three miles westerly of and from the boundary line.

BENJAMIN CHITTENDEN.

Sworn and subscribed before me, }  
 this 22d day of June, 1838. }  
 J. W. HUDG.