

necessarily led into some Observations upon the Law relative to overt Acts, and to what I have already said, with the Permission of the Court, I will add, that, as the Statute of Treason, contemplates the King's civil, as well, as natural Death, all Conspiracies, all Measures to depose him, and every Act tending to subject his Dominions to a foreign Power, are overt Acts of compassing his Death. This is a broad Base for the Support of the first Count in the present Indictment. The Foundation of the second Count is equally extensive; for, every Attempt whatever to aid or assist the King's Enemies in the Prosecution of a War against him, whether successful or otherwise, is an overt Act of Adherence, these are Principles which, I must humbly hope, the Court will sanction and confirm.

Gentlemen, I trust we shall lay before you clear and full Proof of all the overt Acts charged in the Indictment, yet permit me to remark to you what has been often ruled that if one of them only is established by two Witnesses, or two of them by one Witness to each, whose Testimony you believe, the Evidence will be sufficient. The Prisoner will not then be entitled to the Presumption of Innocence. The Crime of High Treason will stand proved against him, and your Verdict, on the Oath you have taken, according to the Duty you owe to GOD, TO YOUR SOVEREIGN, YOUR COUNTRY AND YOURSELVES must be, that He is GUILTY in Manner and Form as He stands indicted.

EVIDENCE FOR THE CROWN.

MR. WILLIAM BARNARD (*sworn*).

Attorney General. Do you know the Prisoner?

Witness. I do.

Att. Gen. How long have you known him?

Witness. Since July 1796.

Att. Gen. Where did you first see him?

Witness. In the State of Vermont, but near the Province Line.

Att. Gen. Had you any conversation with him?

Witness. I had a good Deal.

Att. Gen. Pray give an Account of it?

MR. PYKE. If your Honors will permit us, We object to this Evidence. The overt Acts are all laid to have been committed in the Parish of Quebec, and they offer Evidence of Conversation which passed in Vermont.

Att.