

pire, who was liable to arrest under a warrant of arrest issued by the *Juge d'Instruction* at Poitiers aforesaid, on the charge of embezzlement of funds to the prejudice of the Bank of France to the amount of seven hundred thousand francs. My information acquainted me with the fact that the said Ernest Sureau Lamirande had left France to go to England. I followed him thither, and found traces of him at London and at Liverpool, where he had embarked under the name of Thibault on board the steamship "Moravian" bound for Portland, in the State of Maine, one of the United States of America. I at once embarked for the United States, and arrived at New York on the second day of April last. After having sought for him at New York, he was found at the Metropolitan Hotel, and apprehended on the ninth of the said month of April. After his apprehension at New York as aforesaid, an indictment (*arrêt de renvoi*) was despatched by the *Procureur Impérial* at Poitiers to the Consul General of France at New York, accusing him, in addition to the embezzlement of funds, of falsification of writing, and of forgery of commercial documents by his false balance sheet, and by false entries in the books of the said Branch, thereby defrauding the said Bank of France to the extent of seven hundred thousand francs. The said indictment was issued after complete instruction made by the *Juge d'Instruction* at Poitiers. During his detention at New York I paid him numerous visits, and he became very talkative to me. He several times voluntarily acknowledged and confessed, without either promises or threats in my presence, that he had embezzled funds to the amount aforesaid, and he even often told me the means he adopted to get the money out of the Bank. After the arrival of the indictment at New York, I notified him of it, telling him that he was further accused of forgery of commercial documents by his balance sheet, and he answered me, "It is true, I know it well." He has several times since made the same admission to me, and all his admissions to me respecting the offences of which he was accused were spontaneous and voluntary on his part, and without any promise or threat on my part to obtain them. While the suit for his extradition was in process at New York, the said Ernest Sureau Lamirande escaped. He has since been arrested in the Province of Canada. I have seen him in the common gaol of the District of Montreal; I perfectly recognized him as being the said Lamirande, and I have no doubt whatever as to his identity. He even had on the same clothes that he wore on the day of his escape. The said Ernest Sureau Lamirande is now a prisoner at the Police Office of the said City of Montreal, where I make this deposition. At New York the said Lamirande took the name of Dyhers, from Belgium, but after his apprehension and at my second visit he acknowledged that he was indeed Lamirande. I was then accompanying the Consul General Gauldrée Boileau.

I therefore demand justice and have signed after reading.

(Signed,)

E. J. MÉLIN.

Sworn before me, at Montreal, }
this 6th August, 1866. }

(Signed,) W. H. Bréhaut, P.M.

The foregoing deposition having been read in the presence of the prisoner Ernest Sureau Lamirande, he was asked whether he wished to put any questions to the deponent, and he replied that he wished to put to the witness the following questions by his Counsel, Mr. Doutre.

Question.—Besides the calling which you have ascribed to yourself, do you not also hold that of spy of the secret police, that is to say,—of paid spy? (Mr. Ramsay, on behalf of the Crown, objected to the question. Objection sustained.)

Question.—According to the French law, is it not the case that the paid spy in the service of the secret police, or in other words the accuser pecuniarily recompensed by law, cannot be a witness in cases in which he acts in that capacity?

(Same objection. Objection sustained.)

Question.—Is it not true that by Article 322 of the Code of Criminal Instruction of France, paragraph 6, the depositions of accusers, whose accusation is pecuniarily recompensed by law, cannot be received?

(Same objection. Objection sustained.)