

intending wilfully to increase the distress of the ship, or vessel Acteon, then riding at anchor on the high sea within the jurisdiction aforesaid, to wit, about the distance of two leagues from the coast of Prince Edward Island, in a state of great danger and distress, or to produce, or cause to be produced, the loss or destruction of the said ship or vessel, did, in and on board of the said ship or vessel, slip, or cause to be slipped, the iron chain cable and anchor of the said ship or vessel, wherewith she was then and there safely moored and riding at anchor, and cut and cast off, or caused to be cut or cast off, the lashings and fastenings wherewith the same were lashed and fastened, whereby the danger and distress of the said ship or vessel was greatly increased, and the loss and destruction of the said ship or vessel produced, to the great prejudice of the said Thomas Hunter, the owner of the said ship or vessel, against the form of the statute in such case made and provided, and against the peace of our said Lord, the King, his crown and dignity."

The prisoners severally pleaded "Not Guilty."

The Solicitor General opened the pleadings; and the Attorney General, after having given a short and succinct history of the nature and jurisdiction of the court, from various statutes which had been made from the 27th Henry VIII downwards, as well as those which bore immediately upon the offence charged in the indictment, stated the case to the jury, the nature of which will best appear from the facts as they were elicited from the witnesses themselves :

The first witness called was :

"William F. Routledge, examined by the Solicitor General :— Was chief mate of the Acteon at the time she was wrecked. She belonged to Mr. Thomas Hunter, of Sunderland. The prisoners Burns and Whitty were seamen on board of her. They were hired at Bathurst where the Acteon was loaded. On the twenty-first of October last, the Acteon being all ready for sea, they hove from their moorings in Bathurst harbor, but in consequence of the warp parting, she hove round upon the bank, and soon after became leaky; it was supposed she had got upon one of her anchors. In the day following she floated, when she made very little water. Two days after a survey was held upon her. The surveyors finding that she had taken up, gave it as their opinion that the captain might proceed home with her by shipping two extra hands in case she might again become leaky. The same evening they got over the bar and moored in Bathurst Roads, and the captain landed and returned with Burns and Whitty, being the two extra hands he had engaged to assist in navigating the vessel home. This was the first time witness saw them. They set sail from Bathurst Roads on the morning of the 26th of