

Captain Penny to grant the letter, saying, he was sure Captain Austin did not intend to make any dishonourable use of it. On the same day, I had received a letter, sent by Captain Austin, which I delivered to Captain Penny; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his late Majesty William the Fourth, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof; and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

3d February 1852.

(signed) *Alexander Robertson.*  
*Alexander Henderson.*

John Leiper was second mate on board the "Lady Franklin;" and I do solemnly declare that I recollect of seeing Captains Austin and Ommanney on board the said vessel on the morning of the 12th of August last, between five and six o'clock; I was then in charge of the watch. Captain Penny was on deck. He and the other two captains were talking together when Captains Austin and Ommanney were going over the gangway. I was in the main rigging, and only a very few yards from them; I heard Captain Penny at this time say to Captain Austin, "Go up Wellington Channel, and you will do good service in the cause." I saw from the manner of the parties that there had been some disagreement. At the time I heard the above statement by Captain Penny, James Hodgson, seaman, was at the wheel. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his late Majesty William the Fourth, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof; and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

(signed) *John Leiper.*  
*Alexander Henderson,*  
Magistrate.

3d February 1852.

James Hodgson was a seaman on board the "Lady Franklin;" I recollect of Captains Austin and Ommanney coming on board the said vessel one morning about five o'clock. This was during Leiper's watch. I heard them and Captain Penny talking together, but I did not pay attention to what was said; I knew however from their manner and words, that the conversation was not pleasant. As Captains Austin and Ommanney were leaving the vessel, I heard Captain Penny say in a loud voice, "Go up Wellington Channel, sir, and do good to the cause." At this time Leiper was within two or three yards of them. I had taken the wheel at four o'clock in the morning, and when I heard what is above stated, I was within from seven to ten yards of Captain Penny and the other two captains, and I make this solemn declaration, conscientiously believing the same to be true.

(signed) *James Hodgson.*  
*Alexander Henderson.*

And by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his late Majesty William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof; and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

(signed) *James Hodgson.*  
*Alexander Henderson,*  
Magistrate.