

trusted the Court would not refuse him permission to proceed in the present instance.

The Court doubted if it had power to grant permission.

Mr. Binns then proceeded to make some objections to the indictment, in the course of which he ingeniously contrived to make a few comments on the evidence, which answered all the purpose of an address to the Jury.

The prisoners being asked if they had anything to offer in their defence, MacPhee said he did not know he was doing wrong. He went by orders---to be sure they were Burns' orders. Burns said he had used every means in his power to save the property, and he only went by the authority he had received. As to any criminal intention he was innocent as the child unborn. Whitty said, after the captain and mate came on board, he went by their orders.

Exculpatory evidence:

"Alexander McDonald, Esq., J. P., recalled and examined by Mr. E. Palmer.---Is shown a paper; recognizes it as being the copy of a protest which Capt. Routledge had made before him. It was in witness' handwriting and was copied from his book. It had been sworn to by the captain, mate, and carpenter. He had given a copy of this document to Mr. Cullen, when he came to St. Margaret's to sell the wreck."

Some objection was made to this document being received in evidence, as it was only copied from another copy; and even after copying it from his book the witness acknowledged that he had not compared the two copies together. The Court decided that if the reading of it would tend to elicit any fact it ought to be read.

The document thus periphrastically introduced was then read by the Clerk, but was found to differ in no material respect with what the mate had stated in his evidence.

"Lauchlin McDonald.---Went to Souris with Capt Routledge; on his way there the captain said he was afraid it would be of no use. Finding that he could not get a vessel, he said: 'All I have to do is to run her on shore.' Had gone on board the vessel with the mate that morning.

"Cross-examined.---He seemed distressed; had very little to say.

"Michael Morrison.---Thinks he will not be able to tell it in English. Was in the boat with the captain and mate on the 30th of October when they went off to the vessel. When the captain asked Burns what he was going to do, Burns replied, 'to save the vessel and cargo.' As soon as they went on board the captain threw off his jacket and assisted in working the vessel. Did not hear him give any orders. Witness remained on board till next morning, when he landed with the mate. Does not think the captain took the command---thought those that were on board before them seemed to be masters.

"Lauchlin McDonald, called back---Heard the mate say something about taking an axe with them in the boat when they went on board the vessel off East Point. He told witness to take it, if for nothing else, to cut the masts overboard.

"William F. Routledge called in and confronted with the last wit-