

island without leave was to be fired on, if they did not return when ordered.

*Suth.* Has not witness heard prisoner say, while he was on Navy Island, that he, the prisoner, had nothing to do with Mackenzie, and that he would have nothing to do with him?

*Ans.* I never heard him say so.

*Suth.* Did you ever apply to prisoner for leave to go from Navy Island?

*Ans.* I do not recollect that I did.

*Suth.* Did Mr. W. L. Mackenzie exercise any military command while prisoner was on Navy Island, or assume to direct or command any persons who acted there as soldiers, to the knowledge of prisoner, while prisoner was there?

*Ans.* Nothing further than preventing people from leaving the island. I recollect on one occasion that Mr. Mackenzie exercised this authority when prisoner was present. I think the prisoner must have been close enough to hear, for I was one of those who wished then to leave the island.

*Suth.* Does witness know from what country and from what place the muskets, swords, rifles, cannon and other munitions of war, which he saw on Navy Island, or any part of them, were brought from, or by whom they were brought there; if so, state?

*Ans.* I saw a company come to the island, about 40 or more, of Americans and Canadians, who were armed with muskets, rifles, swords and pistols. I think those came from Schlosser on the American shore to the island.

*Court.* Are you aware that there was a provisional government established on the island, and if so, who were the members of that government?

*Ans.* There was a proclamation on the island establishing a provisional government, and Mackenzie was chairman of it, pro tem. There were more names signed, but I do not recollect them. I think that Nelson Gorham and Silas Fletcher were of the number.

*Court.* Were the military forces over which prisoner was seen in command, acting under the orders of that government?

*Ans.* Yes.

*Suth.* What can witness offer of that fact, that the military on the island were acting under the orders of a provisional government while prisoner was there?

*Ans.* I was told by Mackenzie that he was the person who was the author of the proclamation published and placed upon the Island in different places.

*Suth.* You say there was a provisional government, define the powers of that provisional government, and by whom granted, and