

seven other men, on board the *Acteon*, when she was lying at anchor off the East Point. The captain spoke of going to Charlottetown to procure a steamboat to tow her into a harbor. Witness told him there was none there but the packet, and he would not get her; and advised him to go to Souris, and try and get a vessel or two there, which he accordingly did. Witness remained on board with the mate and others to prevent plunder. Burns and Whitty came on board. Heard the mate say the vessel was not abandoned, that she was left in his charge. On landing that evening, Burns and his crew helped them to haul their boat on shore. Next morning was rather misty; he could hardly see the vessel; her topsail was loose and she was wearing round. The captain and mate went off. He was desired to come off with the crew in the long boat; they put off but could not catch the vessel, and returned to the shore. The brig was well moored when he left her the night before. The water was rather rough. He did not like to stay all night, in case it should get worse.

"Cross-examined by Mr. Binns.—Knows the MacPhees; has nothing to say against them. Did not see the anchor that was out, but saw the chain. She was not adrift. They took a barrel of pork on shore in the boat, but nothing else. Saw nothing put into the other boat. Saw another barrel of pork left on board. Lives about three miles from where the boats landed; St. Margaret's is about seven miles to the westward. Knows nothing about the cabin chairs and tables.

"Alexander McDonald, Esq., J. P., examined by the Solicitor-General—Is in the Commission of the Peace. The prisoners, Burns and Whitty came to his house on the morning of the 29th of October. They said they had information that the *Acteon*, from which they had landed the day before, had been abandoned at sea, and asked if he had not authority to act in that case. Witness told them that by a law of the Island he had. At their request gave them a note in writing, authorizing John Burns, and others, to endeavour to save the vessel and cargo for the owners, if possible, or as much as could be saved, in case the captain and crew abandoned her. As they were going away, Burns said something about slipping her cable, when witness told him on no account to do that as that was a valuable part of the vessel's property. He had seen Burns and Whitty when they landed the day before. After the brig had been brought to an anchor in St. Margaret's Cove on the evening of the 30th, captain came to witness's house, and asked him if he had authorized Burns to slip the cable. Witness then explained to him what he had done. He said he would yet try to save her. Witness, being fearful that the wind would change in the course of the night, advised him if possible to get her further off land, and as his son's vessel was hourly expected, everything would be done to get her to a place of safety. He said he was afraid of those on board. Witness told him not to be alarmed, that he should be protected. Burns was also in the house. The captain stopped at witness's house all night. Next morning the wind was round to N. W. and blowing hard.

"Cross-examined by Mr. E. Palmer—Is shown the note which he gave to Burns, which he identified. It agreed with what he had stated. If his son's vessel had to come in, the captain was to give him one hundred pounds to take the *Acteon* to Souris. It was his impression that Burns wished to save the vessel. He asked witness what salvage would be allowed. On Monday the 2nd of November, the captain and mate came to him and noted a protest.

"Peter McCallum, Esq., examined by the Attorney-General—Was at St. Margaret's on Saturday, the 21st of October: observed a vessel at anchor in what he considered a very dangerous situation, near the