

own crew. Saw his brother take the helm when she went about. Burns asked witness to take the helm while he lighted his pipe; witness did so. He was afraid; could not tell what the shoremen were—they spoke to each other in Gælic. They stood so close in shore that she touched as she was staying. Witness hove the lead and let go the anchor. The wind was off shore then. Burns and the captain both landed, and neither came on board again. The captain afterwards offered young McDonald a sum if he would take the vessel round to Souris.

To a question from the Foreman of the Jury witness answered that the long boat with the ship's crew had landed about eight miles to the eastward of where the vessel anchored.

"Avery Hornsby, examined by the Attorney-General—Is an apprentice and served on board the Acteon. Heard Peter Whitty say he had signed the articles. When the first boat came off to the vessel, the people in her seemed quite frightened and refused to remain. Burns and Whitty both jumped into the boat. The captain said he would swear his life against them, and Burns said they would swear theirs against him. At dusk they brought the vessel to an anchor, and went on shore. He went on board next morning with the captain and crew, leaving the mate to bring off the long boat. Found the vessel full of water. The captain and part of the crew went on shore, leaving the mate, witness, and some shoremen. Burns and Whitty came on board afterwards with five or six men—the prisoner McPhee was one. Heard Burns say he had a note to run the vessel on shore, to save the cargo. The mate refused to let them. They went off in about an hour after. Went on shore that night—saw Burns and Whitty there. Went off the next morning with the master and mate; the vessel was under sail. Heard the captain call to Burns to back the main yard. It was not done. The master and mate jumped into the chains. Witness also went on board. Did not pay much attention to what was going on; being hungry he went down to the forecabin to look for something to eat. During the time he was there Burns and some of the shoremen came below. Heard Burns say: "if the master said anything he would throw him overboard." Told the captain of this. Heard the captain ask Burns to let the vessel go round the East Point, which he refused. Witness stopped on board that night. Whitty and others remained, as witness thought, in charge. When Burns and Whitty first left the vessel, the rest of the crew were quite disheartened—thinks they might have made East Point with the wind as it then was.

"Cross-examined by Mr. E. Palmer.—Did not hear Whitty or Burns assign any reasons for not throwing the main yard aback. When Burns was below Whitty took the command, at least witness thought so. Did not see the mate do anything to the sails.

"Angus McDonald.—Lives at East Point. Was called upon by Captain Routledge to accompany him on board the Acteon, and went. There was sail on the vessel. Burns and Whitty were on board. The captain threw off his jacket when he got on board. Heard the captain talking to Burns about taking the vessel somewhere. Burns said no, he was master of the ship, that he had an order from a magistrate.

"Cross-examined by Mr. Binns.—Burns had a rope in his hand to throw to the boat. When they got on board they were all busy. Thinks it was the mate who ordered more sail to be made. Before going off in the boat the captain told him to take an axe in the boat, which he did. Did not hear him say what it was for.

"Donald MacCormack.—Went in the long boat with the mate and