

Mr. Robertson, attorney for defendant, says he shall not produce any evidence, but leave the matter in the hand of the magistrates to decide under the law.

Adjourned for further consideration until one o'clock this day, for a further hearing and consideration of the evidence.

(Signed)

BENJ. L. PETERS, J.P.
DANIEL ANSLEY, J.P.

One o'clock, July 8, 1848.

Met pursuant to adjournment. M. N. Perley, the prosecutor, states for the information of the magistrates that Captain Hedigan made a satisfactory settlement with the passengers as regards the allowance to indemnify them in the quantity of provisions that had not been received by them during the passage to St. John, in consequence of the quality of the biscuit being so bad they could not use it for food; and further stated as his opinion that much of the blame of having the provisions of damaged and inferior quality rested upon David Bannatyne, the owner of the schooner, who was the schooner's husband in port, and furnished said provisions for the passengers; and further, that it appearing by the evidence of the passengers that the conduct of Captain Hedigan to the passengers generally was of the most kind and attentive description, we, the said magistrates, under the circumstances, are of opinion that the owner and Government Agent are much more censurable—the owner for putting said provisions on board the schooner, and the Emigration Officer for omitting to have the provisions properly inspected.

After fully considering all the evidence in this case, we are fully of opinion that, under the Act of Parliament, the master is guilty of the offence charged in having cleared and put to sea, having on board said schooner bad and unwholesome provisions for the passengers' use, and for causing the same to be issued to said passengers during the voyage to St. John; and we do hereby convict him, the said Michael Hedigan, of the said offence, whereby he has forfeited a penalty under the said Passengers' Act; and we do further order the said Michael Hedigan to pay a fine of 5*l.* sterling money for the offence so by him committed, for the uses and purposes directed in and by the said Passengers' Act, together with the further sum of 2*l.* 3*s.* 8*d.* costs of prosecution (currency); and in default of payment being made of said amount of fine and costs, further ordered that execution do issue for the same as directed, and in and by said Passengers' Act is provided and directed.

St. John, July 8, 1848.

(Signed)

BENJ. L. PETERS, J.P.
DANIEL ANSLEY, J.P.

City and County }
of St. John. } Ss.

I hereby certify that the foregoing is a true copy of the evidence taken before Benjamin L. Peters and Daniel Ansley, Esquires, two of Her Majesty's Justices of the Peace in and for the city and county of St. John, on a complaint made by Moses H. Perley, Esq., Her Majesty's Emigration Officer at the Port of St. John, against Michael Hedigan, master of schooner "Hornet," from Limerick, in Ireland, for a breach of the Passengers' Act.

(Signed)

BENJ. L. PETERS, Justice of Peace,
City and County of St. John.

St. John, New Brunswick,
July 11, 1848.

No. 9.

No. 9.

COPY of a LETTER from B. HAWES, Esq., to Sir C. E. TREVELYAN.

STR,

Downing-street, August 9, 1848.

WITH reference to my letter of the 13th of April last, and to your reply of the 14th of April, upon the question of making an allowance to the provinces of Canada and New Brunswick, in consideration of a heavy outlay which they incurred for distressed emigrants last year, and subject to the condition that henceforward they were to look to no annual grant from this country for the relief of emigrants, I am directed by Earl Grey to transmit to you, for the information of the Lords Commissioners of the Treasury, the enclosed copy of a Despatch from the Governor of New Brunswick, accompanied by a statement of the sums which had been received and disbursed in that colony on account of immigrants in each year from 1832 to 1847.

Lord Grey has repeatedly applied for a distinct account of the sum which the province could claim on the same grounds as were laid down for Canada, but has been unable to obtain anything more explicit than the present statement; upon which, therefore, he would now propose to form the best decision which these materials will admit.

According to them, the general balance of expenditure over receipts for all the past years would appear to be 16,467*l.* But it appears to Lord Grey that the proper course, in reference to the general views which were adopted on this subject, would be to deduct from the expenditure of 1847 the receipts for

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1848.

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