

NEW
BRUNSWICK.

the sailors had better biscuit. Deponent had one or two that came from the sailors, and they were good. Cannot say if the sailors refused the bad biscuit, or if they were offered to them; *heard they were*. Deponent saw worse biscuit than the sample produced by Daniel Doyle with some of the passengers: he saw the passengers taking them from the cabin on the issue days, worse than Doyle's sample was, among the first day's issue to deponent's family. The vessel arrived at the wharf at St. John on Wednesday last. The flour issued to the passengers was what is called *whole meal*, with the bran and all was in it as it came from the mill, and it had a bad taste, and was musty; the oatmeal had black seeds in it, and had dirt also in it; *it was passable meal*; it was not equal to what deponent brought for his own stores; could not use it separately, mixed it with his own occasionally, and used it; it had gravel or small stones among it. The provisions were examined below the Pool by Mr. Lynch, whom deponent understood to be a Government Emigration officer. Cannot say if he inspected the provisions or not; if he did inspect them he had but a short time for doing so at that time. The passengers generally, during the voyage, were making complaint of the quality of the biscuit that was issued. Every third issue was for biscuit to the passengers, and the others the issue of flour and meal. Deponent only received the flour and meal issue; did not take the issue of biscuit except on the first day's issue, and received nothing in lieu of the biscuit not taken.

Cross-examined by Mr. Robertson.

Deponent did not use any of the biscuit; believes the passengers generally had a good supply of provisions of their own on board. Deponent considers that he should get paid for seven and a-half stone of biscuit he did not receive, as he paid Mr. Bannatyne 21 $\frac{1}{2}$., the amount in his ticket for passengers; and he, deponent, believes that the present proceedings by the passengers is for the purpose of preventing others hereafter from being treated in the same way. Captain Hedigan was very kind and good to the passengers, and extremely attentive on his duty, as was also the whole crew generally.

(Signed) JOHN FINLEY,

Taken, read, and sworn before us, July 7, 1848.

(Signed) BENJ. L. PETERS, J. P.
DANIEL ANSLEY, J. P.

Edmund Cautlon called and sworn as witness, says—he was a passenger in the schooner "Hornet." Michael Hedigan was master or commander. Deponent paid 13 $\frac{1}{2}$. 10s. sterling for the passage of himself, with two daughters and two little boys, equal to four full passengers. Deponent and his family went on board the schooner at Limerick on the 18th of May last. About four days after, the first issue of provisions was issued; the mate and a person by the name of O'Brian issued them; the issue was biscuit. Deponent received one stone for his family. Deponent on that occasion objected to the quality of the biscuit when the bag was opened; they were rotten and musty, and also maggotty. Deponent showed them to the passengers, and they all objected to take them; and after that deponent himself took no more biscuit, and the other passengers also refused to take them until they became short of their own provisions. The biscuit deponent received on the first issue were so bad he could not eat them, and part of them were thrown overboard, as they could not be used. Deponent took flour and meal when they were issued; the flour was bad, principally bran; it was a fourth quality of flour; it was not sweet, but musty and bad. The oatmeal was gritty, it was otherwise good; there was black stuff like mice dirt in it, that when put in water they were obliged to skim off before using. Deponent bought flour from one of the passengers rather than take the biscuits issued. Deponent told the captain the biscuit was bad before the schooner got to Kilrush; he said it was not his fault, they were the same he had received for them. At Kilrush deponent and some of the passengers had determined to go on shore to get a summons for the captain for bad provisions; were making up money to get on shore for that purpose; the captain was on shore with one boat, the other was hoisted up astern; and deponent asked some of the seamen if he could get a boat to go on shore. Just at that time it was said the captain was coming on board; and it was said if any one went on shore, and the wind came fair, they would be left behind, as the ship would proceed to sea. The captain came on board, the wind was fair, and they came to sea.

[The Defendant's attorney declines asking any questions.]

(Signed) EDWARD CAULTON.

Taken, read, and sworn before us, July 7, 1848.

(Signed) BENJ. L. PETERS, J. P.
DANIEL ANSLEY, J. P.

Moses N. Perley, Esq., produces his commission as Emigration Officer for the Port of St. John, showing him to be officially appointed as Emigration Officer, which is admitted by the defendant's attorney as sufficient.

Adjourned for further consideration until Saturday morning, at 10 o'clock.

July 7, 1848.

(Signed) BENJ. L. PETERS, J. P.
DANIEL ANSLEY, J. P.

Saturday, July 8, 1848.

Met pursuant to adjournment, and Moses N. Perley, Esq., the complainant, declines offering any further evidence. Evidence for complaint closed here.