

other of the passengers, requested the captain to let them have a boat, they wanted to go on shore to get law, and complain to the mayor; Captain Hedigan refused to allow them a boat, and said if any of them left the vessel and went on shore, if the wind came fair, they would lose their passage; none of the passengers left the vessel that day, and the day following they came to sea. Provisions were issued to the passengers twice a week during the voyage, seven weeks; the second day's issue was flour, it also was bad and ill-tasted; seven pounds of flour was issued to deponent for himself and his wife, the flour was sour; the third issue of provisions was oaten meal; deponent received seven pounds for his wife and himself, the meal was also bad, it was full of mice-dirt, otherwise it was sweet; deponent would not have used it had he been at home; biscuit was offered to the passengers on the two days that flour and meal was issued; the passengers would not take it as it was worse than the meal or flour. On Saturday last deponent allowed a boy to take an issue of ship-biscuit for him, deponent; the boy was short of provisions, and took the biscuit; deponent received flour and oaten meal from the ship in all cases, except the first day's allowance, and the issue on Saturday last; the flour and meal so issued, after the second issue of provisions was, some of it, better, and some worse, a small difference in the quality; deponent brought, on his own account, as provisions, seven stone of oaten meal, and three stone of flour, and 2s. worth of white bread; the flour and meal so brought by deponent was double better than what was issued from the ship; deponent always took the quantity of meal and flour issued to him from the ship, and eat it; deponent did not himself complain either to the captain or mate of the quality of the meal or flour issued; did not hear any of the passengers complain either to the captain or mate; they complained among themselves; deponent saw others of the passengers receive the ship biscuit, thinks they would not have taken it if they had any of their own. Captain Hedigan said the ship biscuit had been examined by Mr. Lynch, the Inspector, and Mr. Bannatyne did not care a bit about them (the passengers) when they got to St. John. The sailors had much better biscuit issued to them than was issued to the passengers, some of the passengers had better themselves, that they paid 3s. a stone for in Limerick; the whole of the biscuit issued to the passengers was as bad and some worse than the sample now produced; deponent saw a bag of biscuit brought out of the cabin or hold of the schooner for the inspection of Mr. Perley, the Emigration officer, on Wednesday last, Captain Hedigan was present at the time, and said bread when opened was of same quality, and as bad as the sample produced.

*Cross-examined by Duncan Robertson, Attorney for Defendant.*

Deponent saith—he does not know the number of passengers in the schooner; deponent was sea-sick 11 days after the schooner came to sea, as sick as any one on board the vessel, and more sick; and deponent, sick at stomach; he vomited for two days off and on, the biscuit swelled him up; deponent's wife ate of the biscuit once or twice a bit, it did not make her sick; she was afraid to eat them, and threw them overboard; others of the passengers also threw biscuit overboard. Deponent never eat any biscuit before coming to Limerick; has been sick in a boat on the water before in the same way, but not so bad as on the voyage. Captain Hedigan was very kind to the passengers generally, gave them physic when required; there was plenty of water issued, three quarts per day, he was a good, kind master; deponent never saw worse flour or meal used in Ireland as that issued to the passengers; deponent never ate worse meal, and would not have used it at home. Cannot say how many of the passengers used the biscuit, or how many did not take it, all took the flour and meal; deponent complained to captain, and others of the passengers also complained. The captain was kind to the passengers, and sometimes took some of them meat from the cabin table, and when sick he would give them brandy toddy; gave deponent castor oil when sick; brought it himself to deponent. The passengers appeared fully intended during the voyage to look about redress for the bad bread on the schooner getting to St. John, that they should see and get satisfaction according to the passengers' ticket to be paid according to contract.

(Signed) DANIEL DOYLE.

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

(Signed) BENJAMIN L. PETERS, J. P.

(Signed) DANIEL ANSLEY, J. P.

*John Finley*, witness called for complaint, and sworn, says—he was a passenger in the schooner "Hornet." The defendant Hedigan was master of the schooner. His passage was paid for in Ireland. The ticket produced is the passengers' ticket he received, and under which he, deponent, went on board the said schooner as passenger, and his wife and family; he paid 21l. passage money for himself and family. His occupation in Ireland was that of a house carpenter. The ticket produced is the one he received on paying the passage-money. Deponent went on board the schooner on the 19th of May last; his family went on board on the 18th of May. At Limerick, on the 22nd day of May, provisions were first issued to deponent and his family. One of his sons received the provisions so issued; it was ship biscuit. The biscuit now produced are part of the issue that day made. Deponent did not think it was fit for his family for fear of their getting sick and unwholesome; deponent saw worms in the biscuit. The sample produced was the best of the issue made to deponent's family; the worst was taken out by deponent's wife, and thrown overboard. Deponent had plenty of provisions of his own, and he would not eat the biscuit, as he did not consider them sound or good. Deponent saw the passengers, or some among them, take biscuit on the first issue; and after the first issue, the biscuit were generally refused by the passengers, until they became short of provisions, and then some of the passengers took the biscuit. Deponent never stood by at the time of the provisions being issued. Deponent told the mate the biscuit were bad, and he would not eat them;