

Colony of New Zealand, this 21st day of March, 1873, and informeth me that within the space of twelve calendar months last past, to wit, on a certain day between the 9th day of January last and the 2nd day of March aforesaid, on the high seas, James Fox, then being the master of the ship "Forfarshire," on the voyage of the said ship from the Port of London, in England, to the Port of Wellington, in the Province aforesaid (which said ship was then a passenger ship within the meaning of the said Act, and is now lying at the Port of Wellington aforesaid), unlawfully did neglect to comply with the requirements of the 35th section of the said Act, by not issuing to one Thomas Webb (then being the headman for the time being of a certain mess of passengers on board the said ship), on behalf of the members of the said mess, the allowance of water which he was entitled to receive for the use and on behalf of the members of such mess, that is to say, an allowance of pure water for every statute adult member of such mess at the rate of three quarts of water daily for such number, exclusive of the quantity by the said Act specified as necessary for cooking the articles therein required to be issued in a cooked state, contrary to the form of the statute in such case made and provided.

A. FOLLETT HALCOMBE.

Taken before me at Wellington aforesaid, this 21st day of March, 1873.

W. M. BANNATYNE,

A Justice of the Peace for the Colony of New Zealand.

Arthur William Follett Halcombe, Complainant, and *James Fox*, Defendant.

THIS is to command you to appear without fail on the 22nd day of March instant, at 11 o'clock in the forenoon, at the Resident Magistrate's Court, in the City of Wellington, before me or other the Magistrate or Justices of the Peace then and there present, to answer the complaint of Arthur William Follett Halcombe, a Government Emigration Agent, for a breach of the 35th section of "The Passengers Act, 1855."

Dated this 21st day of March, 1873.

W. M. BANNATYNE,

A Justice of the Peace for the Colony of New Zealand.

James Fox, the Master of the ship "Forfarshire," Wellington.

ADMITTED by Mr. Travers that Mr. Halcombe is authorized to prosecute; that the ship is a passenger ship within the meaning of the Act.

This deponent, *Thomas Underwood*, on his oath states:—I was a passenger on board the "Forfarshire," last voyage. I produce a contract ticket which I got on board. The number of my mess was 14. James Simpson was the head man of mess; there were $8\frac{1}{2}$ in the mess—eight adults, and one child. Water was issued by Mr. Lloyd; unless when he was ill, the head man got the water from Lloyd. In the hot weather we only got half a gallon each. I saw the water when Simpson brought it down; he always brought it down when he got it, and measured it in a hooky pot. The highest water I ever got was half a gallon for myself. In the cold weather I only got one quart daily. Three days before arrival in Wellington I only got one quart. On February 18th had only one quart; each person in the mess had only one quart each on that day. Got $1\frac{1}{2}$ pint of tea or coffee on that day for self and wife, morning and evening; the others in the mess got the same. Did not measure the water. Did not see Mrs. Davis measure it. When we got hot water at galley we gave an equivalent in cold water.

By Mr. Travers.] We took what Simpson gave us; he measured it out to the mess. We got $1\frac{1}{2}$ pint of tea or coffee in the morning, and same in the evening, for self and wife; got a teacup each, not full. We only got about $8\frac{1}{2}$ quarts on leaving England; did not complain to the captain.

This deponent, *John Hughes*, on his oath states: Was a passenger by "Forfarshire," and in same mess with last witness. Simpson drew rations. I did so when he was sick, for the whole mess. Drew water about two months before landing; got between seven or eight quarts for the mess; measured in the hooky pots, said to hold half a gallon. The water was measured to us in half a gallon cup. As soon as we got the water, we measured it out. I gave to each person about a quart imperial. Got not quite $4\frac{1}{2}$ gallon pots from issuer. We never got full supply of water all the voyage; therefore, on February 28th, did not get supply; in warm weather, spoke to captain. He said he would give us some more if he could; next morning we got more. We got about a pint of tea or coffee, morning and evening, for self, wife, and child; cook said he could not give more. During the last fortnight went to cook with our water, and asked for more tea or coffee. He gave us a little more; we never got three quarts of water all the way out.

By Mr. Travers.] The ship was healthy; was not short any other way.

DEFENCE.

This deponent, *Robert Winder*, on his oath, states:—I am chief officer. The tanks in hold were filled. Water inspected by Emigration Officer, or by some person from him, about two days before ship sailed. Passengers came on board afterwards. Had a condenser on board. It was inspected by Emigration Officer and passed. It was used throughout the voyage. Cannot say how much water it gave. Had an engineer to attend to it—Williams. He is on board. Ship pumped several times in Channel. Had bad weather. Then supposed that tanks were affected. Examined them and found them deficient in quantity of water. Attribute this to working of tanks in bad weather. Had a good deal of water when we arrived here. Crew twenty or thirty. There was not enough left to supply fully during voyage. Had forty-three tanks, 400 gallons. On arrival had over one large tank full of 1,600 gallons, built into vessel. Attribute shortness of water to leakage of tanks and non-efficiency of condenser. Had 500 people on board.

By Mr. Reid.] Relied on help of distilling apparatus. It was Gravelly's. Saw surveyor get up steam of condenser. About a month or six weeks out, condenser got out of repair. I don't know what it condensed daily. We had coals and wood. Had to saw up wood, so as to save coal. Tanks