

Huntly John Harry Elliott, Complainant, and *William Culbert*, Defendant.

THIS is to command you to appear without fail on the 1st day of April next, at eleven o'clock in the forenoon, in 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 give evidence on the complaint of Huntly John Harry Elliott against William Culbert, the master of the ship "Glenlora," for breach of "The Passengers Act, 1855."

Dated this 31st day of March, 1873.

G. S. COOPER,

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

To Darius Day, Tailor, Wellington.

This deponent, *Edward Filer*, on his oath states:—I am a carpenter, a passenger by "Glenlora," and held a contract ticket. Arrived at Mauritius, lived on board hulk "Joshua Bates." For first ten days drew rations; afterwards 1s. 6d. per day. Arrived in Mauritius November 15th, and sailed January 5th; drew rations for ten days only. On the third week after leaving Mauritius we were put on allowance of one pint of pickles instead of allowance of vinegar. I was head man of No. 4 mess, eight and a half in mess. Allowance was for mess. I complained of deficiency of pickles with the other captains of mess. He said they were not on board. On February 18th the captain stated that on account of picking up the crew he must put us on half allowance of meat. I produced my contract ticket. The short allowance continued till we reached Wellington. We had none before we arrived. A cask of pork was opened and was found bad, and thrown overboard. No meat was issued instead; there was no more on board. Arrived in Wellington on March 11th. On the Friday previous was the weekly issue (7). On that day got no meat. Flour was issued; one-half pound to each adult. We had been receiving three pounds. We had half allowance of coffee next day, no tea, no butter; the quantities had been gradually diminishing. The butter we received on the previous issue day had been refused by the crew; it was black and dirty. The captain allowed married women with children one bottle of porter each for four days. The captain allowed half a pound of rice to each adult, because we could not eat the biscuits. I asked the captain for wine to strengthen my wife; instead of that he gave us the porter.

By Mr. Izard.] Made no complaints of provisions before leaving the Mauritius. The crew of the "Fox" was picked up—ten of the crew and four Malabars. We were not put on short allowance until after this. We were becalmed off the Island of Bourbon for three days; we had fair weather otherwise. The captain said, when we were put on short allowance, that we might have rice and molasses or sugar, or oatmeal. The captain on the 18th told us that he was obliged to reduce allowance on account of the extra souls. Meat was served daily; the other provisions weekly, on Friday.

Re-examined.] After four weeks from England, the biscuit got mouldy from being kept in bags.

DEFENCE.

This deponent, *Ernest Livingstone*, on his oath states:—Is third mate of "Glenlora." It was my duty to serve out provisions to head men. Sailed from Mauritius January 6th. Up to February 19th served rations up to scale of contract ticket. Rations were inspected previous to leaving Mauritius. I showed them the provisions in the storeroom, and they were satisfied. Picked up "Fox's" crew (14); they were rationed on scale of our crew. Had bad winds from Mauritius. Cannot speak to average length of voyage. Was present on 19th when complaints were made. There were ample provisions on board for an average voyage. Certain things were offered to the passengers in lieu of deficiency. I always served out provisions. I referred complaints to captain.

By Mr. Reid.] We took in some stores at Mauritius; I know what stores came on board the ship. The inspectors merely saw the stores; I showed them no list; the pork was not in this store; salt meat was in this store; salt meat was in fore-hold; they did not go there; the captain was not present; everything was in the store except water and salt meat. We bore up for Twofold Bay for provisions; the wind headed us, and we could not get there. About a week before we reached this, the quality of the biscuit was eatable; there may have been weevils in; the sailors had their own stores of biscuits. The captain was always to be got at. I decline to answer whether he was drunk. I served the shipwrecked men from the crew's stores; when put on short allowance, all hands were put on; Lascars did not eat meat—they eat rice, biscuit, and sour vinegar; we had about ninety-eight adults on board, without including the shipwrecked crew.

Re-examined.] I took the word of ten passengers that the supply was sufficient. The crew's biscuit was kept in tanks.

This deponent, *William Culbert*, on his oath states:—Is master of "Glenlora." Put into Mauritius; subsistence money allowed. At Mauritius bought provisions as per account of A. Gillan and Co., receipted; also took on board provisions as per account of Renana Bros., from January 4th. General average of voyage from Mauritius to Wellington six or seven weeks. I was nine weeks and one day; was becalmed several times. On February 19th diminished the rations because I was afraid of getting short. Tried to run for Twofold Bay when I found I was running short. The land was about 150 or 160 miles off. Offered passengers rice, molasses, sugar, oatmeal; gave married women some porter out of my own stores. There were provisions enough on board for an ordinary passage of six weeks; would not have got any clearance without it.

By Mr. Reid.] Collector of Customs told so; got no official communication; cannot say how much provision was on board; the stores had been overhauled at the Mauritius. Had about 100 souls on board. In general we take in a little more than for an average voyage. The provisions bought at Mauritius were put on board. Ran about 100 miles towards Twofold Bay for five or six days after. Allowed a bottle of porter for two days to each of fourteen women. Medical stores were all