

became necessary to put the passengers on short allowance, they were told that it was in consequence of the protracted nature of the voyage and the number of extra people to feed. There would have been sufficient provisions for the voyage but for the causes stated.

*Re-examined by Mr. Reid.*] The persons who examined the provisions opened nothing. They merely saw what was in the storeroom, but did not go down in the hold to look at the beef. They tasted the water from the main tanks. Did not know who the persons were who examined the stores; they might have been agents of the vessel. The captain wished to put into Twofold Bay for fresh provisions, but the winds became unfavourable, and the voyage to New Zealand had to be continued. The biscuit became mouldy towards the end of the voyage, and had weevils in them, but they were fit to eat. The biscuit supplied to the crew contained no weevils, and complaints were made to the captain by the passengers in regard to the condition of the biscuit. He could not always be seen, because he was sometimes confined to his cabin by illness. Did not know from what kind of sickness the captain suffered.

*Mr. Reid.*] In plain language, was not often the captain lying drunk in the cabin?—I did not come here to be my captain's accuser.

*The Bench.*] Your reply, or refusal to reply, is more damaging to Captain Culbert than a straightforward answer would be. You will not say that he was drunk,—will you swear that he was not drunk?—I decline to answer the question.

*Examination continued.*] When the stores ran short, all hands were put on short allowance. The rations for the shipwrecked crew were supplied from the ship's crew stores.

*Mr. Reid.*] Then the passengers' stores were not diminished by providing for the shipwrecked crew?—The stores on board the ship were becoming so scarce that no distinction was made between passengers' stores and ship's stores. The Lascars ate no meat. Their rations consisted of rice, sugar, biscuit, and butter. There were ninety-one adults on board, not including the shipwrecked crew.

*Cross-examined by Mr. Izard.*] The biscuit supplied to passengers and crew was all of the same quality when the ship left London, but the crew's kept in better condition than the passengers', because they were kept in tanks.

*Captain Culbert* said that, up to the time of the arrival of the vessel at Mauritius, the provisions supplied were served out according to contract. While at the Mauritius fresh provisions were supplied for use of crew and passengers, and for the continuation of the voyage a large quantity of stores were supplied by the firm of Gilan and Co., sufficient in quantity to last an ordinary voyage to New Zealand, which usually occupies six or seven weeks, but the "Glenlora's" voyage lasted fully ten weeks, consequent on the ship being becalmed. He did not know that the whole of the goods charged for by Gilan and Co. were put on board the vessel. He saw them enumerated in the bill of items, and he took it for granted that they were put on board. The vessel was out from the Mauritius the ordinary length of the voyage before the allowance of provisions was shortened, and when he found the provisions running out, he endeavoured to bear up for Twofold Bay, but the wind became unfavourable, and the voyage had to be continued. The deficiencies in the provisions were made up by supplying other articles to the passengers. The provisions were examined by emigration agents at the Mauritius, and passed as satisfactory.

*Cross-examined by Mr. Reid.*] The Collector of Customs would have refused to clear the ship unless the Commissioners had reported satisfactorily. Witness was on shore when the examination was made, and he did not receive any official communication from them. The ship had about one hundred and twenty-five adults on board, and it was usual to carry a margin of stores to make allowance for delays or accidents. He thought he had sufficient to last the voyage to New Zealand, but the shipwrecked crew, fourteen in number, made a material alteration in his calculations. Lost about 200 miles in endeavouring to make Twofold Bay. The porter was served out to some of the single girls as well as to the married women. The medical stores, which were given out by the doctor up to the time of his death, were also replenished at the Mauritius, and were supplied by witness during the remainder of the voyage.

*Re-examined by Mr. Izard.*] Up to the 19th instant the provisions were supplied in full quantity. Personally he had nothing to do with the shipment of stores in London, but on his own authority as captain of the vessel he procured further supplies at the Mauritius.

*Mr. Izard* said the evidence proved very clearly that up to the time the vessel arrived at Mauritius the provisions were of good quality, and also that the proper quantity was supplied. During the detention of the vessel at that port also, the wants of the passengers were attended to, and it was owing entirely to such occurrences as the unusual prolongation of the voyage and the necessity of providing for fourteen persons additional to those belonging to the ship, that it had become necessary to shorten the allowance of provisions. It was scarcely consistent with fact to say that there was not sufficient provisions on board the vessel, in the face of the evidence that the ship had to provide for fourteen persons outside of those properly belonging to the vessel. As a matter of fact there would have been sufficient even then had the vessel's progress towards her destination not been retarded by unfavourable weather. He would submit that, under these circumstances, no fine ought to be imposed in the case.

*Mr. Reid* thought it would have been much better for the defence if it had rested upon the persuasive eloquence of his learned friend rather than upon the evidence of the master of the vessel and the third mate. It had been proved very clearly that the captain absolutely did not know what provisions he had on board the ship when he left Mauritius. He had performed his duties in a most slipshod and perfunctory manner, and had taken no trouble whatever to ascertain the correctness of the people who pretended to examine that he might go to sea. The third mate, who had charge of the stores, seemed to be as well informed as the captain. Then what were the facts alleged in mitigation of the charge? During the first week of the voyage from the Mauritius the ship picked up fourteen persons from a wrecked vessel, four of whom did not consume meat at all, and the question for the Bench to consider was, what proportion did the provisions consumed by the other ten persons bear to the supplies of which the one hundred persons on board the vessel were deprived. The offence in this case