

our labours, we learned that the required bond is in the possession of the Customs authorities here. From this fact it may, perhaps, be inferred that the clearance also has been obtained in due form; and although the captain refers to his charter-party, by which Messrs. Shaw, Saville, and Co. obtained the entire control of the vessel, and which he seems to consider relieved him from the responsibility of attending to the requirements of the Act, the Commissioners do not assent to this, and think that the captain is to blame in not having satisfied himself of the fact whether a clearance had been obtained or not. We need scarcely point out that the terms of the charter-party will not release the master of the vessel from the liability to which he is subjected by law; but a reference to the charter-party discloses the fact that it contains a clause to the following effect:—That the responsibility of the charterers as regards the cargo, passengers, and Passengers Act, shall cease on the completion of the loading. Independently of this, however, it is clear that the requirements of the statute have not been fully complied with in so far as the captain is concerned. It may be that the clearance has been obtained and is in the hands of the charterers, as alleged; but it is very unsatisfactory to the Colony not to be in a position, in a case of this kind, at once to cast the onus on those persons who are chargeable with neglect of the law in the particulars to which we have referred.

Before quitting this subject, we also take occasion to refer to the official log, and to the evidence of the captain as to the mode in which this was kept. Many of the entries made are not properly signed by the master, and in no cases are entries of the deaths signed by him; while sometimes the surgeon entered them, sometimes the chief officer, and, as a consequence, mistakes have been made in names of the persons reported to have died. There are two especial instances of this among the records of death—in the case of the person named in the log “Maria Olson,” but whose real name was “Bertha Maria Olsdatter;” and again in the case of the man whose name is entered as “Peter Nielsen,” but whose real name was “Neils Peter Larsen.” Peter Neilsen is a different man, and is still alive. It must be admitted in extenuation that the captain was, at the time of these entries being made, fully occupied with the duties of the ship, and that, with a crew reduced by sickness, and with the anxiety which must have affected him during the alarming spread of disease on board, there is some excuse for the absence of his personal attention to this matter. Taken, however, in conjunction with the want of the proper passenger list, we feel somewhat doubtful of the value of the log as a correct record of the deaths which occurred on board.

II.—OUTBREAK AND EXISTENCE OF DISEASE ON BOARD.

Very shortly after leaving London, disease appears to have broken out amongst the children. The date is fixed about the 21st December by the captain, that being the occasion when his attention was called to the fact by one of the female passengers; but there is a difference in the evidence given on this point. One of the Scotch immigrants (George McDonald, Appendix, page 6) says that measles had appeared amongst the foreigners at Gravesend, but his authority for this is his having overheard them before the ship left speaking of “measly” and “kinkhaust,” the former being the Norsk for measles, and the latter a term well-known in Scotland to designate hooping-cough. There is other testimony, however, as to the existence of hooping-cough, which, with catarrhal complaints, would appear to have been in existence on board at leaving.

On the 28th December, a child (Carl Neilson) died after having had measles, and thereafter measles, followed by diarrhoea, seems to have spread rapidly among the children; and although the disease gained ground, there do not seem to have been any effectual steps taken to arrest its progress. The surgeon states that he urged isolation by the use of the hospital; but the captain represented that a removal of the stores to the hospital from under the main hatch was required to put the ship in safe trim. The space subsequently vacated by this removal being left free for better ventilation, the surgeon acquiesced in the change, and asserts his belief that it was to the advantage of his patients. From the description given of the hospital, however, its position and small size, it was palpably inadequate for the purposes of effectual isolation during such an epidemic.