

Although we have been unable to obtain clear evidence of any specific act of neglect on the part of the surgeon, yet there is proof that very early in the voyage he lost the confidence of the majority of the immigrants, and that, as disease increased in intensity and the deaths became frequent, this feeling deepened, till it took the shape of a formal protest on the 15th January, in which the passengers declined to have his further services. There is a conflict of evidence between the captain's version of this protest and the surgeon's, and which has a bearing on the duties of the latter from the time of the interview alluded to. The surgeon states that he then told the captain that if his services were dispensed with by these people he would cease his duties, and that when he handed over the key of the medicine chest he handed over his duties as ship's surgeon. The captain, on the other hand, states expressly that he told the surgeon that he was not released from his duty, and that he would compel him to attend the people. It appears to us that the subsequent facts are in favour of this statement, as we find that the surgeon did attend the people after this period during the illness of the captain, and thereafter during the rest of the voyage, whenever he was called upon; while, in addition, the entries in the log book and the journal kept by the surgeon show that he still continued his duties, and certain letters which passed between the parties on the voyage (K and L in the Appendix) seem further to bear out this view.

As already observed, no specific charge of actual negligence has been established against the surgeon, nor can we trace any wilful refusal on his part to attend a case reported to him. At the same time it is evident that he was annoyed at the steps taken by the persons who refused his services, and this refusal appears to have irritated him to a degree which, in his state of health and with the responsibilities incident to his duties, rendered him often incapable of performing them in a proper manner. As frequently occurs in inquiries of this nature, there is discrepancy in the evidence given in many particulars, and we experienced great difficulty in getting at the real facts, as there seemed to be an unwillingness on the part of many of the witnesses to speak otherwise than in general terms; yet enough has been stated to show us that the medical attendance was not of that kind which should have prevailed in a ship tainted with any kind of disease, infectious or otherwise, and we are forced to the conclusion that the surgeon's duties were not efficiently performed. What effect might have been produced by more skilful and diligent attendance we cannot say, but it is clear that all was not done by him that might have been to alleviate the sufferings of the sick.

In concluding this part of our Report, it is our duty to say that the concurrent testimony of the witnesses proves that the captain's active exertions in the treatment of the sick, and his unwearied efforts to lessen the sufferings of the emigrants, are worthy of the highest praise, and were gratefully appreciated by those on board.

IV.—CONCLUSION ARRIVED AT.

Having noticed all that seems to us of importance in the evidence, it only remains that we should state first our opinion on the whole matter, and secondly some general conclusions which may be of use hereafter in improving the arrangements for the introduction of immigrants.

- I.—(a.) We think that the emigrants should not have been put on board before the ship was ready to receive them, as they were thereby unnecessarily exposed to suffering and inconvenience; and that, as they arrived on the date fixed for their reception on board, arrangements should have been made by the charterers for their lodgment on shore till the ship was ready.
- (b.) That the evidence discloses a method of procedure with regard to the fulfilment of the requirements of the Passengers Act which is most unsatisfactory, some of the inspections by the Imperial authorities being apparently mere matters of form.
- (c.)—1. That small-pox existed on board the "England," and that it originated among the Danish emigrants, and to that disease the three fatal cases among the adults are to be attributed.