

According to the evidence of the surgeon (Mr. Leigh), the medical inspection of the emigrants, which is an important provision of the statute, is stated to have been "loosely conducted," inasmuch as there was confusion among the passengers assembled on the deck, and it is not clear that all who were called answered to their names.

We cannot say, with any certainty, whether any person was not inspected. The interpreter (Swenson) is positive that all were inspected; yet there is evidence given of some of the crew having been sent below to get up any stragglers, and although they did turn a man out of his bunk, the evidence does not establish whether or not he found his way to the inspection. It would be quite likely, from the confusion prevailing on board just prior to the departure of a ship, that some persons might have escaped notice. Other witnesses besides the surgeon speak as to the apparently imperfect nature of the inspection. The reason why we were anxious to get full information on this point, will be evident when that part of the Report is reached which speaks of the origin of the epidemic.

With regard to the inspection of medical comforts, medicine, &c., which is required under the same section of the Act that provides for the inspection of the passengers, there is an absence of direct testimony; but as there is evidence that they were supplied in accordance with the law, and as no complaint has been made with respect to the quality of the medical comforts, we may assume that they were duly passed by the proper authority.

The surgeon, indeed, states in his evidence that Dr. Featherston came to his cabin and looked at his instruments, but he is not aware that there was a regular inspection as required by the Act; while at the same time he states that he preferred a request for splints for use on board, which was not complied with. Of medicines there seems to have been an ample supply.

There is another point of some importance, as evidencing the hurry with which the ship was got ready for sea, and which for a time endangered the safety of the ship and passengers. We allude to the defective stowage, referred to in the evidence of the captain and the carpenter. About a week after leaving, and when passing the Bay of Biscay, the ship was found to roll and labour so much that a part of the cargo had to be shifted, and efforts made to trim the ship.

The cargo was stowed by stevedores employed by the charterers; the captain, under the charter party, has the general direction of the stowage.

This is clearly one of the evils resulting from the divided responsibility of the captain and the charterers; but, at the same time, the persons intrusted with the final inspection of the vessel should have taken especial pains to see that the cargo was properly stowed, so as not to endanger life. Fortunately fine weather was experienced all down the Channel and across the Bay of Biscay. Had it been otherwise, there might have been a greater penalty paid for negligence in this respect.

Proceeding further in the inquiry, we find that the captain did not fill up the passenger list in the manner required by the 16th section of the Act; and the absence of this list, and this non-compliance in the matter of recording deaths and births occurring on board, becomes of importance, because, as we shall hereafter have occasion to show, the official log of the ship, which would have been valuable as a check on these matters, has also been insufficiently kept. But further, one of the most important requirements of the Act respecting the fitness of the vessel, which would have afforded evidence of the due compliance with the provisions before alluded to, does not appear to have been observed;—we allude to the clearance to be obtained by the master of the ship, under the 11th section of the Act. That section provides, in effect, that no ship fitted as a passenger ship shall clear out or proceed to sea until the master shall have obtained, from the Emigration Officer at the port of clearance, a certificate that all the requirements of the Act have been complied with, and that the ship is seaworthy, in safe trim, and in all respects fit for her intended voyage; and he is further required to enter into a bond, as provided by the 63rd section.

The captain states that he neither obtained the certificate nor entered into the bond, and says that Messrs. Shaw, Saville, and Co. will have it. The captain may have been mistaken as to the execution of the bond, inasmuch as, just before closing