

In reply to this, I beg to say, (1.) That as a fact I was not aware, at the time the ship sailed, of the unusual proportion of children, not receiving the emigrant list from the despatching officer until within an hour of sailing; but, on the other hand, was assured by Dr. Hosking, who had charge of the depôt, that the proportion of children for the "Mongol" was very small; and (2.) That the instructions handed to me on my appointment did not allow me to detain the ship except in the case of actual disease being on board. In proof of the latter I produce my letter of appointment from the Agent-General, dated December 19th, 1873, in which paragraph 3 reads, "I enclose for your guidance a printed copy of the instructions to which it will be your duty strictly to attend." I produce this printed copy of instructions, dated August, 1873, in which paragraph 8 reads that the surgeon "will carefully inspect the emigrants as they come to the ship, and will not allow any one to go on board who may be suffering from any disease dangerous to others." No other allusion is made in these instructions to the embarkation of emigrants, and therefore my action is clearly limited to the removal of people ill with contagious disease. In accordance with this, as stated in my report, two families were sent on shore at the time of embarkation; and with regard to the time intervening between embarkation and the sailing of the ship, I hand in a letter addressed to me from the Emigration Officer, dated at Plymouth, December 22nd, 1873, in which he inquires into the health of the emigrants (embarked on that day), and a copy of my reply thereto, dated December 23rd (the day of sailing), from which it is clear that no disease existed on board at the time the ship left Plymouth. I distinctly maintain that my instructions limited me to detaining the vessel only in the case of actual disease being on board, and that when the despatching officer (who represented the Agent-General) gave orders for the sailing of the ship, no disease being on board at the time, it was wholly and entirely beyond my province and out of my duty to interfere for her detention.

In paragraph 6 the Commissioners say—

"That the surgeon-superintendent was aware of the necessity for isolation on board, as is proved by the precautionary measures at first taken by him; but he did not continue to use the same precautions after the 10th of January.

"The cases first treated, and which were removed to the hospital, all did well, and the compartments whence they came were, during the remainder of the voyage, comparatively healthy, thus showing the success that followed these prudent measures. The epidemic having been arrested and driven out from the single women's compartment abaft the engine-room, suddenly, on the 21st January, reappeared with great virulence in the married people's compartment forward; but we do not find, in the surgeon-superintendent's report, that in these cases any such active and efficient steps were taken to separate the healthy children from the sick. After recording distinctly all the early cases, and giving a very satisfactory report of them, and the precautions taken to prevent the spreading of the infection, his report of the really serious outbreak of disease is contained in the following words,— 'On 31st January a child forward was most virulently attacked with malignant sore-throat, and from this date onwards scarlet fever of a severe type continued prevalent there.'"

"Now, as these cases in the married people's compartment forward were not removed and entirely separated from the healthy, and as the same sanitary precautions were not taken as in the earlier outbreak, we consider that the surgeon-superintendent was guilty of neglect, and we cannot accept the want of hospitals as any excuse. A steamer of the capacity of the "Mongol," carrying only 313 emigrants, must have sufficient deck space to enable the captain and surgeon to improvise hospitals sufficient to accommodate even the large number of children on board. We are more surprised at the apparent want of precaution taken during the second epidemic, starting on the 21st January, as the surgeon-superintendent in his report so satisfactorily shows how successful had been his strict treatment during the early part of the voyage. It appears from the report that the surgeon-superintendent regretted that the strict separation of the two parts of the vessel was not maintained during the whole voyage, at the same time he took no steps to separate the sick from the healthy in the infected compartment situated forward."

The points in this paragraph to which I reply are the following:—

1. That I did not continue to use the same precautions after the 10th January as I did before it.
2. That the compartments in which the first cases occurred (those preceding 10th January) were, during the remainder of the voyage, comparatively healthy.
3. That I did not take, after January 21st, such active and efficient steps to separate the healthy from the sick children as I had done previously.
4. That my report of the after cases is embraced in a few lines.
5. That I was guilty of neglect in not erecting hospitals on deck, and removing the sick children to these, and thereby isolating them.

In reply to these, I state,—

1. That, with the exception of the removal of the sick children to hospital (there not being sufficient accommodation there), exactly the same precautions were taken after as before 10th January, and there is nothing in the evidence indicating that it was otherwise.
2. That the reason of the comparative freedom from disease of the compartments in which the first scarlet fever cases occurred (those preceding 10th January), was not owing to any previous superior precautionary measures, as the Commissioners' report states, but simply to the fact that in both these compartments taken together there were under twenty children, whilst in the single compartment forward, that bore the brunt of the disease, there were about one hundred children.
3. That I did, after 21st January, take exactly the same active and efficient steps as I had done previously, to separate the sick from the healthy children so far as the hospital accommodation allowed.
4. That the briefness of my report of the after cases arises from the fact that I had already fully shown what steps I had taken in my efforts to stay the disease; but that when the cases became so numerous as to be no longer capable of perfect isolation, my report was therefore limited to a mere statement of their number and the result.
5. The whole weight, therefore, of the censure involved in paragraph 6, arises from the fact that I did not obtain additional hospital quarters and remove the sick there. In reply, I would say that