

brought before us has not, in our opinion, corroborated the statement, that he expressed to Captain Austin at the time any such sentiments; and it will be seen that Captain Austin distinctly denies having received any communication to that effect.

Evidence, A. 343, 345,
and 380, pp. 37, 44.

Evidence, A. 336, p. 35.

3. Some desultory conversation, however, certainly appears to have taken place on this subject when Captain Austin and Mr. Penny met on the 11th August 1851, and it was for this reason that the former (very prudently and properly, in our opinion,) pressed Mr. Penny so strongly for his opinion in writing.

Evidence, A. 347 to 349,
pp. 39, 40.

Evidence, A. 336, p. 36.
Mr. Penny to Captain
Austin, 11th August 1851.

4. We think, therefore, that Captain Austin could only form his judgment on Mr. Penny's written communications, which, although very laconic, were sufficiently explicit; and that, under all the circumstances of the case, much weight is due to the feeling expressed by Captain Austin in his evidence, that as Mr. Penny's expedition was, equally with his own, equipped at the public expense, and receiving its orders from the Admiralty, although independent of his authority, he considered himself bound to abide by the strongly expressed opinion of the officer who had, by mutual agreement, undertaken that particular portion of the search, that "*all had been done which it was in the power of man to accomplish.*"

Evidence, A. 43 to 53,
pp. 4, 5.

5. We beg to remark on this part of the subject, that although Mr. Penny endeavours to draw a distinction between Wellington Strait and the channels to the north-west, which he has since named Queen Victoria's Channel, no such distinction appears in the track chart delivered by him to Captain Austin at the time, and which we annex to this Report; and we therefore think that Captain Austin could not fairly be expected to recognize any distinction between the upper and lower parts of this channel.

Enclosure No. 19.

6. It appears to have been under this impression, which we think Captain Austin fully justified in entertaining, that, after finding Wellington Strait closed, the ice still presenting the same impenetrable barrier it had done in 1850, he decided on occupying the remainder of the navigable season in the examination of Jones's Sound, to which Inlet his own instructions, as well as Mr. Penny's, directed attention, but which the latter had been unable to explore in the preceding season.

Evidence, A. 114 to 117,
p. 10.

7. We think that considerable benefit might have arisen, especially with reference to future operations in Wellington Strait, if one of the expeditions had remained near the entrance about a fortnight longer, in order to obtain the latest information of the state of the ice in that direction, and therefore the probable practicability of the navigation of this strait, and we think this might have been accomplished by Mr. Penny without involving any serious risk of being detained during the winter; but we are clearly of opinion that as no certain traces of Sir John Franklin's ships had been met with in any direction beyond their wintering place at Beechey Island in 1845-6, and no record of the route intended to be pursued by them could be discovered, after the most diligent and repeated search, (thus leaving this question a mere matter of conjecture,) both Captain Austin and Mr. Penny were fully justified by the tenor of their Lordships instructions in not risking their detention in the ice during another winter; and we beg to add that all the most experienced Arctic officers in both expeditions appear to have unanimously concurred in opinion as to the expediency of returning to England.

Evidence, A. 195 to 200,
p. 15, A. 460, p. 53,
A. 522, p. 59, A. 590,
p. 65, A. 651, p. 73,
A. 921 to 926, p. 92,
A. 977 to 980, p. 96.