

positively denying all the statements affecting them; and one of them, Acting-Master Bullock, said that he had been often asked by persons on board if they could be shipped; and had invariably answered,—“*We can ship no man in this port, not even a Southern citizen.*”\*

This was the position of matters when the 17th of February arrived: the reports of the detective officers had preceded, not followed, the investigations with respect to the men alleged to be actually on board for the purpose of enlistment, and the solemn and repeated declarations and promise of Captain Waddell, on the word of a gentleman and an officer, confirmed by the declarations of the other officers of the ship. The Eli Whitney had been strictly watched. No further definite information had reached the Government; who believed that all the men who had been secreted on board the Shenandoah had actually left the vessel.† Mr. McCulloch, the Chief Secretary of the Government, and Mr. Harvey, the Minister of Public Works, expressly so stated, in the Debates of the Legislative Council of the 15th and 16th February; the latter Minister saying (15th February),‡ “It was now known that several men who shipped in Hobson’s Bay had escaped, in addition to the four who were captured.” And although, on the 17th February, Consul Blanchard again requested attention to the statement contained in the affidavits originally sent (and in certain other affidavits of persons who were also produced as witnesses against the four prisoners), that there had been, at the dates when those witnesses left the vessel, ten or more persons on board under similar circumstances (the witnesses speaking with wide variations as to the number); § this was not inconsistent with the belief of the Government that all such persons had afterwards left the ship; especially as, in the depositions of the same witnesses before the magistrate (except that of Williams in one case, on cross-examination), no mention whatever was made of any such other persons; which was also the case on the subsequent trial, in March following. || It is further to be remembered, that on the 17th February the prosecutions against these four men (who were not tried till the 17th March), were actually pending.

As matters then stood, however unsatisfactory some of the circumstances might have been, it would be very difficult for any candid mind to draw a sound distinction between the position of Captain Waddell with respect to the men alleged by him to be “stow-aways,” and that of Captain Winslow, of the United States’ ship Kearsarge, with respect to the sixteen or seventeen men taken in that ship from Queenstown to the coast of France. ¶ If Captain Winslow, as a man of honour, was properly exonerated upon his own solemn assurance, from responsibility for that act, in which some of his subordinates must have, to some extent, participated, and as to which his own conduct on the French coast, before he sent the men back, was certainly not free from indiscretion,—can it be imputed as a want of due diligence to the Government of Melbourne (whose good faith and vigilance had otherwise been so manifestly proved) that although not entirely satisfied with Captain Waddell’s demeanour or conduct, they accepted the solemn assurances of not one, but several officers, of the same race and blood, and with the same claims to the character of gentlemen, as the officers of the United States?

In the Memorandum sent home by Lord Canterbury on the 6th of November, 1871, signed by the gentlemen who were the Chief Secretary, Commissioner of Customs, Minister of Justice, and Attorney-General of the Colony when the Shenandoah was at Melbourne, it is thus stated:—

“Whilst the Shenandoah was in port, there were many vague rumours in circulation that it was the intention of a number of men to sail in her; but *although the police authorities made every exertion to ascertain the truth of these rumours, yet (with the exception of the four men above alluded to) nothing sufficiently definite to justify criminal proceedings could be ascertained; indeed, at the best, these rumours justified nothing more than suspicion, and called only for that watchfulness which the Government exercised to the fullest extent in its power.* It was not until after the Shenandoah had left the waters of Victoria that the Government received information confirming in a manner the truth of these rumours.”\*\*

In the report from the office of the Chief Commissioner of Police, dated October 26,

\* British Appendix, Vol. I, p. 547, 548.—It appears from the depositions that there were at this time (and, indeed, until the vessel left the port) many men working on board; and it may be collected also from the depositions that the four prisoners came or remained on board of their own accord, being desirous of going to sea in her; although the fact that they were there may subsequently have come to the knowledge of some of the officers.

† See, also, Lord Canterbury’s despatch of November 6, 1871. British Appendix, Vol. V, p. 61.

‡ British Appendix, Vol. I, p. 633, 636.

§ Ibid., pp. 615, 606, 611.

|| Ibid., pp. 537, 545, 568, 571.

¶ See United States’ Appendix, Vol. II, pp. 419–454; particularly pp. 429, 430, 434, and 448.

\*\* British Appendix, Vol. V, p. 62.