

and saw a person in plain clothes, whom he believed to be an officer of that ship, superintending the embarkation. He was succeeded on duty by another constable, named 1871, it is also stated, that "on the 16th February representations were again made to the Government that the Foreign Enlistment Act was being violated; and the police were instructed to use their utmost efforts to prevent this; but, as no visitors were allowed on board the Shenandoah, under any pretence, for three days before she sailed, and in the absence of any of Her Majesty's ships in our waters at the time, the efforts of the water police were necessarily of little avail."*

Late in the afternoon (about 6 P.M.) of the 17th February, the United States' Consul received information from one Forbes, which was afterwards, on the same evening, reduced into the shape of an affidavit, and intrusted to a Mr. Lord, with a view to being placed in the hands of the water police; too late, however (in Mr. Lord's judgment), to be so acted upon. From the haste with which the Consul was obliged to act in this matter, and the inability of the Crown Solicitor to take the affidavit, some misunderstanding arose; which, however, ceases to be in any way material, when the substance of the information is regarded. What was that information? That five persons, named by Forbes, standing on the railway pier at Sandridge, at 4 o'clock P.M., on the 17th of February, admitted to him (by the statement of one of them, made in the presence of the rest) that they were "going on board the Maria Ross, then lying in the bay ready for sea;" and that "when the Shenandoah got outside the Heads, the boats from the Maria Ross were to come to take them on board at 5 o'clock;" adding, "that there were many more, besides his party, going the same way."†

This statement, so far as it may be considered to have reached any officer of the Government in time for action, directed their attention positively and exclusively to the Maria Ross, as the medium intended to be used for the apprehended recruitment. The Government did their duty vigilantly with respect to this ship, the Maria Ross. She was twice searched; once by the crew of the Customs boat, and once again at the Heads; and it was proved to the satisfaction of Detective Kennedy (nor is there any reason now to doubt the fact) that, when she sailed on the morning of the 18th February, there were no men on board her, except her crew.‡

The information which had thus been given as to the supposed intention to transfer men to the Shenandoah from the Maria Ross may perhaps supply an intelligible reason for the fact, that, on the night of the 17th, the police boat, instead of remaining off shore, pulled in the direction of that part of the bay in or near which the Shenandoah was lying.§

Of the shipment of men, which did undoubtedly take place on the night of the 17th February just before the Shenandoah left, whatever may have been its real amount, and of the means by which it was accomplished, the Government of Victoria had neither knowledge nor means of information. The best evidence of the facts relating to it is that which was collected shortly after the Shenandoah had sailed by the Government of Melbourne itself, and which was published at the time, without the least disguise, by Her Majesty's Government. The substance of that evidence shall here be concisely stated; and some remarks must afterwards be made on the affidavit of Temple, sworn at Liverpool in December 1865, and on that of Ebenezer Nye, sworn in the United States on the 22nd September, 1871.

The Melbourne newspapers of the 20th February, 1865, spoke of certain rumours (which were believed to be partially true, though exaggerated as to number) that the Shenandoah had taken away with her "about 80 men." These reports were at once ordered to be investigated by the police. It appeared that seven men of Williamstown, who had been employed in coaling the Shenandoah, went on board her on the morning of the 18th, just as she sailed, under pretence of getting paid for their work, and did not return. So far, inquiry seems to have been made as to the occasion for their going. They went by daylight, and the occasion alleged was credible and lawful. Other men were taken off in boats between 9 o'clock P.M. and midnight on the 17th, from the Sandridge Railway Pier: their numbers were variously reported. According to the information obtained by Detective Kennedy, chiefly from Robbins, there were five boats employed; according to that of Superintendent Lyttelton, about 40 men were in the scrub near the pier, and three other boats went off with eighteen men. There was (according to the boatmen) an officer of the Shenandoah standing on the pier. Constable Minto, who was on duty at the pier at 9 P.M. on that evening, "observed three watermen's boats leave the pier and pull towards the Shenandoah, each boat containing about six passengers;"

* British Appendix, Vol. V, p. 121.

† Ibid., Vol. I, p. 555. . . ‡ Ibid., Vol. V, p. 120, 121.

§ Ibid., Vol. I, p. 551.