

Knox, who, on Minto's return at midnight, told him that, "during the absence of the police boat (which had pulled off, as already stated, into the bay) three or four boats had left the pier for the Shenandoah, containing in all about twenty passengers."* Besides these, it appears that one officer (Blacker) joined the Shenandoah, from a ship called the Saxonia, under circumstances of which the Colonial Government could have had no notice whatever.

It is impossible to rely on the accuracy, as to numbers, of these estimates, which, if taken at their maximum, would appear to give about thirty-eight or forty men, exclusive of the seven others from Williamstown, who went on the morning of the 18th February. But of these, again, it would be very hazardous to assume that all were recruits, whether British subjects or foreigners. Some (a very few only were identified by name) were undoubtedly both recruits and British subjects; and whether the number of them was greater or less, the offence of Captain Waddell was very justly regarded by Governor Darling as a serious one against Her Majesty's neutrality. But it is consistent with all probability and experience that some of the proper crew of the Shenandoah may have remained on shore (as sailors constantly do) to the last moment, and may have returned with or without baggage. Justice would hardly be done to the policemen, Minto and Knox, if this habit of sailors, and also the fact that they are often accompanied by their friends to the ship, when nothing wrong is intended, were not borne in mind. Those two policemen appear to have told their story without any sign of consciousness that the circumstances had made it their duty to interfere with the boats and persons in question. If, in this respect, they should be deemed to have misconceived or to have failed in their duty, it is surely out of the question to hold Great Britain responsible on that account.

It now becomes necessary to advert to the part taken by George Washington Robbins (whose affidavit, sworn on the 21st of September, 1871, is made part of their evidence by the United States) as to this transaction. Robbins was a stevedore at Melbourne; he gave information, at the time of the inquiry there, as to these events, to the Melbourne police and others. He stated to Detective Kennedy† that between 10 and 11 o'clock at night, on the 17th of February, he was himself in a boat alongside the Shenandoah, and saw Riley's boat (with twelve men), and four other boats, put men on board that vessel. He also stated to Superintendent Lyttleton‡ that "he passed across the bay on that night, with a message from the American Consul to the police, to the effect that the Shenandoah was shipping men on board; and, on his way, saw a boat pulled by Jack Riley and a man named Muir; they had about twelve men in the boat. On his return, Riley and Muir, being alone, pulled off from the Shenandoah."

Consul Blanchard (to Mr. Seward, February 23) says :—§

"During the night several persons endeavoured to find me, to give information of the shipment of men for said vessel. *One Robbins, a master stevedore, found me at 11 o'clock p.m., and informed me that boatloads of men with their luggage were leaving the wharf at Sandridge, and going directly on board said vessel; and that the ordinary police-boats were not to be seen in the bay. I informed said Robbins that Mr. Sturt, police magistrate, told me the water-police were the proper persons to lodge any information with; and that he, as a good subject, was bound to inform them of any violation of law that came under his notice, which he promised to do.* . . . On the 18th of February the aforesaid Mr. Robbins called at the Consulate, and informed me that six boatloads of men left the wharf with their luggage during the previous night, and that they were taken on board said vessel through the propeller's hoist-hole. When asked to give his affidavit, he said, as the officials would take no notice, he would only injure his business by so doing, and he declined. He stated that about seventy men went on board said vessel on the night of the 17th February, and *that some of them took and used his boat to go in.* Captain Sears, of the American barque Mustang, was on the wharf watching; who informs me that he saw several boatloads of men with luggage go to said vessel while lying in the bay; and that he also saw Robbins go to the police."

It is manifest, from all the foregoing evidence, that Robbins did not go to the police till after midnight on the 17th February, when all the men in question had already been shipped. And, if the nature of what was being done was at the time clearly manifest, it might have been expected that some interference by the police would have been previously invited by the American Captain Sears, who witnessed the departure of so many boats full of men. Robbins, in his affidavit of the 21st September, 1871, does not undertake to say more as to the number of men who were shipped than this :—"I know that several men, residents of this port, went on board the Shenandoah in this port, as addition to her crew, and went away in her," naming two individuals who did so. He also there says : "I reported to the water police at Williamstown" (*i.e.*, on the opposite side of the bay, where

* British Appendix, Vol. I, pp. 550-553.

† Ibid., p. 553.

‡ Ibid., p. 550.

§ Ibid., p. 587.