

their station was) "the shipping of the men, but they said they were powerless to interfere without directions from the head authorities in Melbourne."* At that time the recruitment of the night in question had been fully accomplished.

It is submitted, that nothing can more plainly establish the good faith and zeal, in this whole matter, of the Government of Victoria, than the resentment which they immediately manifested at the breach of Captain Waddell's honourable engagement and at the violation of Her Majesty's neutrality which had thus taken place. A resolution was at once passed to refuse all further hospitalities to the Shenandoah in the event of her return; and information was promptly given (February 27, 1865) to the Governors of all the neighbouring British Colonies that they might adopt a similar course.†

With respect to Temple's affidavit, its only bearing is upon the question what number of men were shipped by the Shenandoah at Melbourne, and whether those were, or were not, British subjects. Apart from any extrinsic confirmation which it may be considered to receive from more trustworthy quarters, no reliance can be placed upon the truth of any word spoken by this man. He is proved‡ to have offered, in the case of Captain Corbett, to give evidence then admitted by himself to be wilfully false; and in this very affidavit he states several flagrant falsehoods, which he must have well known to be such, as to entertainments alleged by him to have been given on board the Shenandoah, not only to other officers of the Colonial Government, but to the Governor of Victoria, Sir Charles Darling, himself; and also as to assistance in like manner alleged by him to have been given to Captain Waddell, in the repairs of the ship, by the Government Surveyor at Melbourne.§

What Temple says is, that when the Shenandoah left Port Philip, she had on board "some fifty or sixty persons as stowaways, all British subjects." His means of knowledge as to who were, and who were not, really British subjects, do not appear, and cannot be assumed. In the list appended to his affidavit, the composition of the crew, when the ship arrived at Liverpool in the autumn of 1865, purports to be stated. By that list it is made to appear that she then had 24 officers, and 30 petty officers and men, who were on board her at the time of her arrival at Melbourne:—1 officer (Blacker, in place of another who had left her there), and 43 petty officers and men (37 said to be British, and 6 American), who joined her at Melbourne;—and 38 men, obtained from the crews of vessels captured subsequently to her departure from Melbourne. "Some 50 or 60" thus become, even on his own showing, reduced to 44.

It is submitted that nothing is added to the credit or weight of Temple's evidence, on these points, by the remarks made upon it in Governor Darling's despatch to Mr. Cardwell of the 21st March, 1866:—||

"Having expressed to you in my despatches, to which you refer, my belief that Captain Waddell had, notwithstanding his honourable protestations, flagrantly violated the neutrality he was bound to observe, in the shipment of British citizens to serve on board his vessel, I have read without surprise, but with deep regret, the long list of names furnished by Mr. Temple, *which completely proves that this belief was justly founded.*"

The Governor, without going into any exact computation, was content to take the statement of a man whom in other respects he proved in the same letter to have sworn to deliberate untruths, as sufficient to confirm his own general belief, previously formed and expressed. If Temple is not a trustworthy witness as to details, this cannot make him so; the original grounds of the Governor's own belief remain, as they were before, a far better source of information.

With respect to the affidavit of Ebenezer Nye, of the Abigail (United States' Appendix, Vol. VII, p. 93), he says nothing of his own knowledge, but simply reports information said to have been given to him, after May 1865, on board the Shenandoah, by Mr. Hunt, the master's mate of that ship. Even if there were nothing else by which to test the value of such miscalled evidence, it would plainly be of no value. Hunt is here represented as saying that "forty-two men joined the Shenandoah at Melbourne; that some of them came on board when she first arrived; that the United States' Consul protested against their joining, and the Governor finally attempted to stop them, and to search the ship; but that Captain Waddell would not allow the ship to be searched, though a number of recruits were then on board; that the Governor was then about to seize the vessel, but that Captain Waddell by his firmness, and threats to leave the ship upon the Governor's hands, and to return and report the matter to his Government, obtained her release."

* Appendix to United States' Counter-Case, p. 1185.

† British Appendix, Vol. I, p. 565.

§ Ibid., pp. 696, 721, and 722.

‡ Ibid., pp. 710, 711, and 723.

|| Ibid., p. 722.