

The Tribunal knows, from the contemporaneous documents, what were the real facts, of which this is a garbled and inaccurate version. This same Mr. Hunt also wrote a pamphlet called "The Cruize of the Shenandoah," some extracts from which the United States have made part of their evidence.* In this narrative,† after speaking of the progress of the repairs of the Shenandoah at Melbourne, a story, in some respects similar, is told, but with the omission of all the particulars material to the present inquiry. Not one word is there said about recruits: on the contrary, there is an implied denial that, when the temporary suspension of the repairs took place, any recruitment had been attempted or was intended. "The work," he there says, "was nearly completed when an order came from the Governor to seize the ship, a rumour having been widely circulated and believed that he had a number of men on board, intending to take them to sea and enlist them *in violation of the well-established rules of International Law.*" Either Mr. Ebenezer Nye's memory after six years confounded things elsewhere read with Mr. Hunt's representations, or those representations must have had in them, as his "Cruize" itself has, a large element of "romance." Whatever view may be adopted, Mr. Nye's affidavit really adds nothing to the original evidence, from which alone the truth on this subject can be ascertained.

Let it, however, be supposed that the statements of Temple, and of Hunt, according to Nye, might be accepted as accurate; that, in all, forty-two, or even forty-four men, were taken on board the Shenandoah at or from Melbourne. The Shenandoah had lost, at Melbourne, one officer and twenty-three men out of those who constituted her crew when she arrived there (being the men, or the greater number of them, who had previously joined her from captured vessels). By this assumed addition, her number of officers, when she left, was the same, and her complement of men was greater by about twenty only, than when she arrived in the Colony. If such an addition (supposing it were deemed, contrary to the effect of the whole evidence, to have been improperly "suffered" by the Colonial Government) were deemed a sufficient ground for holding Great Britain responsible to the United States for all her subsequent captures, it seems impossible to escape from the conclusion that if the Kearsarge had gone to sea, and made captures with the sixteen or seventeen men on board whom she shipped from Queenstown, the Confederates (had they been successful in the war) might have held Great Britain responsible for all the subsequent captures of the Kearsarge; nay, further, that France is, at this moment, *à fortiori*, responsible to the United States for all the captures made by the Florida, after she had been permitted to renovate her crew in that country.

On what ground is it to be assumed that the addition of this number of men was a direct or proximate cause of all or any of those captures, so as to make Great Britain responsible for them?

True it is, that when the Shenandoah came into Port Philip, on the 25th of January, with seventy hands on board, Captain King reported, that "from the paucity of her crew at present she could not be very efficient for fighting purposes."‡ But she never was meant, and she never was used, for fighting purposes. Her first cruise, after leaving Desertas, began with a complement of officers and men certainly not larger than that which remained in her at Melbourne, after all the desertions which took place there, and before any new enlistments. Yet, with that limited number, she began a series of captures; and, as she made these captures, she increased her crew successively from the vessels taken, the *Alina*, the *D. Godfrey*, the *L. Stacey*, the *Edward*, and the *Susan*. If she had left Melbourne without any recruitment whatever, she would have been in quite as good a condition for her subsequent cruise as she was for her original cruise, when she left Desertas. The whaling vessels, which she met with afterwards, could no more have offered resistance to her than the merchant and whaling ships which she had met before.

On the day of her leaving Port Philip (18th February), Consul Blanchard, who had then received all the information which Robbins and others could give him as to the number of men taken on board during the preceding night, wrote thus to Mr. McPherson, the American Vice-Consul at Hobart Town:—"My opinion is that she intends coming there, with a view to complete her equipment; she having much yet to do to make her formidable. She cannot fight the guns she has on board."§ In point of fact, her subsequent cruise was conducted exactly as her previous cruise had been, and, on Temple's showing, she added to her crew, during the interval between her leaving Melbourne and her arrival at Liverpool, 38 more men, taken from subsequently-captured vessels—the *Hector*, *Pearl*, *General Williams*, *Abigail*, *Gypsy*, *W. C. Nye*, and *Favourite*. It is, therefore, perfectly apparent from the whole history of

* United States' Appendix, Vol. VI, pp. 694-698.

† Ibid., p. 696.

‡ British Appendix, Vol. I, p. 409.

§ Ibid., p. 617.