

ship Donegal, who was in charge of the Shenandoah, that those of her officers and men who were not ascertained to be British subjects, either by their own admission or by the evidence of persons who knew them, should be allowed to quit the vessel with their personal effects. As to those who should be ascertained to be British subjects, inquiry was to be made whether evidence on oath could be obtained against them. Those against whom evidence could be obtained were to be detained and taken before a magistrate, the rest discharged.*

Captain Paynter reported, on the 8th November, that, on receiving these instructions he had gone on board the Shenandoah, and had ascertained that the crew were all shipped on the high seas. "I mustered the crew, and was fully satisfied that they were foreigners, and that there were none known to be British-born subjects on board; they were therefore all landed with their effects."†

Captain Paynter subsequently stated that his conclusion was formed partly on the assurances given him on board by the late Commander and officers of the ship, and partly by the answers returned by the men when mustered and questioned, one by one, on their general appearance, and on the absence of any evidence against them. He added that any men who were British subjects, and had formed part of her original crew, might have found means to make their escape whilst she was in the Mersey.‡

On this subject the following Report was made by the Lieutenant commanding the Goshawk :—§

Lieutenant Check to Captain Paynter.

"Sir,

Goshawk, Rock Ferry, January 26, 1866.

"In compliance with your order calling on me to report the proceedings on board the Shenandoah during her detention at this port by the British authorities, I have the honour to inform you that, agreeably to instructions, dated 6th November, 1865, I proceeded in Her Majesty's gun-boat Goshawk, under my command, and lashed her alongside the vessel.

"In the evening Captain Waddell informed me that, the vessel having been taken charge of by the Custom-house authorities, he considered himself, the officers, and crew relieved from all further charge and responsibility of the ship, and that his authority over the crew would also end.

"The following day (November 7) the crew requested that I would allow them to land, none of them having been on shore for more than nine months. I told them that under the circumstances it was not in my power to grant it, and persuaded them to remain quiet for a day or two, till orders could be received from London.

"They then demanded to see my authority for detaining them. I explained that I acted under orders from you. They replied that you could have no charge of them without instructions from Earl Russell, the Foreign Office, or the American Minister, as they were American subjects.

"This evening, as on the previous one, I succeeded in pacifying the crew by reasoning with them.

"On the following morning (8th November) the crew were getting riotous, and determined to remain on board no longer. Eight or ten had already deserted. I, therefore, in a letter to you, explained the excited state the crew were in, and that I had heard from one or two of their officers their determination to leave the vessel that evening at all risks. I should, therefore, be compelled to let them escape, or else detain them by force.

"The answer I received from you was, that I was to act up to your orders, and the crew were to remain on board, but that you hoped soon to have instructions from London.

"I would call your attention to the excited state of the crew by their conduct in attempting to desert, many of them jumping on board the steamer and trying to conceal themselves when you came to muster and examine them; on which occasion I accompanied you into the cabin and heard you question Captain Waddell as to whether he believed any of his crew to be British subjects: he replied in the negative, and stated that he had shipped them all at sea.

"On your questioning the officers, they also made the same statement.

"The First Lieutenant mustered the crew from a book of his own, the only list found on board, and you stopped and questioned the men as they passed before you.

"Each one stated that he belonged to one or other of the States of America.

"The personal baggage of the officers and crew was examined by the Custom-house officers to prevent any American property being taken on shore.

"On the evening of the 9th November you again came on board the Shenandoah, and met the American Consul in the cabin of a tug he had hired to bring him alongside; he then promised to send an officer to take charge of her, as a captured Confederate cruiser, on behalf of the American Government.

"On the 10th November, Captain Freeman came on board and took charge, under orders from the American Consul, and, in compliance with your memorandum, I handed the vessel and stores over to him.

"On my leaving the Shenandoah, Captain Freeman hoisted the American ensign and pendant, and proclaimed her a man-of-war.

"During the time I was on board I received no information, nor could I obtain any evidence, that

* Appendix, vol. i, p. 676.

† Ibid., p. 678.

‡ Ibid., p. 682.

§ Ibid., p. 712.