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RELATING TO

FOREIGN AFFAIRS,

1864, PT. 2

ACCOMPANYING THE

ANNUAL MESSAGE OF THE PRESIDENT

TO THE

SECOND SESSION THIRTY-EIGHTH CONGRESS.

PART II.

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GOVERNMENT PRINTING OFFICE.
1865.

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CORRESPONDENCE.

GREAT BRITAIN.

(CONTINUED.)

Mr. Seward to Mr. Adams.

No. 950.]

DEPARTMENT OF STATE,
Washington, May 18, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 27th of April, together with the reports of debates which have occurred in the House of Lords and in the House of Commons, concerning the case of the Tuscaloosa. I observe with much pleasure that the ministry have successfully vindicated the proceedings which they adopted in that case, for the purpose of maintaining the neutrality which her Majesty so unequivocally, though prematurely, proclaimed at the beginning of our civil war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 951.]

DEPARTMENT OF STATE,
Washington, May 18, 1864.

SIR: Your despatch of the 28th of April, No. 672, has been received, together with copies of your correspondence with Earl Russell, on the subject of enlistments for the insurgent seamen in British ports; also reports of the judicial proceedings in the case of Rumble, who is implicated in these unlawful enlistments; as well as a report of similar proceedings in the case of the pirates of the Joseph L. Gerrity.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 952.]

DEPARTMENT OF STATE,
Washington, May 18, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 28th ultimo, No. 671, which relates to the approaching trial of the case of the Messrs. Laird's rams; the restoration of the Alexandra to the nominal owners, her

fitting for sea, your instructions to Mr. Dudley in regard to her; the disposition of three vessels of the Osborne flotilla; the movements of the Alabama; the whereabouts of the Georgia and the Rappahannock; and the unprofitableness of the rebel fleet of late.

You will accept my thanks for the information thus imparted, and my approval of your proceedings.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 953.]

DEPARTMENT OF STATE,

Washington, May 19, 1864.

SIR: I have received your despatch of the 28th of April, No. 670, and have read with much advantage the remarks it contains on the subject of political affairs in Great Britain.

The reflection which your survey excites is, that Great Britain is at this moment preoccupied with a domestic party strife; while Germany and Denmark show her so much deference as to meet in London to discuss their differences there, quite free from any dependence upon her opinions or wishes as to the terms of settlement. Meantime, while the British people earnestly desire peace everywhere, except in the United States, storms seem to be gathering in every quarter of the world. I cannot suppress the thought that if Great Britain, at the beginning of our civil war, had regarded it as a wound that ought to have been speedily healed, rather than aggravated by unfriendly hands, her own great prestige would have been better preserved. Every day's experience confirms the belief that nations which insist upon maintaining free constitutional elective governments must, for their common safety, stand by and sustain each other.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 693.]

LEGATION OF THE UNITED STATES,

London, May 19, 1864.

Sir: I have to acknowledge the receipt this week of despatches numbered 917, 919, and 920, heretofore reported as missing, and likewise of others in regular order from 924 to 938, inclusive.

The short adjournment of Parliament for Whitsuntide, and the warm weather, have combined to send almost everybody into the country for this week. The consequence has been a sudden and extraordinary calm on the surface of affairs. This will, however, prove but temporary, as none of the elements of agitation have yet been removed. The conference sat three hours on Tuesday, and then adjourned to the 28th instant, without coming any nearer to an agreement. There are multitudes of flying and unfounded rumors as to the health of Lord Palmerston, and the divisions of the ministry, which only indicate the feverish condition of opinion, and the expectation of an early change. It is not easy to say how much longer this period of transition may continue. On the one hand, it may be that some arrangement of the Danish matter will be hit upon, the effect of which would be to tide the ministry over to another season. On the other hand, the breaking up of assembly without a result may

lead at once to a new organization at home and grave events abroad. The bitterness of the press of the respective nations towards one another is rapidly increasing. One thing is certain, nothing will restore vigor to this government but a dissolution of Parliament.

* * * * *

Whilst we are in this condition, matters in America become of decidedly secondary interest.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract]

No. 694.]

LEGATION OF THE UNITED STATES.

London, May 19, 1864.

SIR: I sent you last week, by the ordinary post, a copy of the London Times, containing a report of the debate which took place in the Commons on Friday, the 13th instant, on the motion of Mr. Thomas Baring.

Had the government felt itself competent to the assumption of any positive policy, here would have been an excellent opportunity. The general effect of the discussion, as well as the gradual progress of opinion of the commercial classes, had paved the way for the support of any measure of repression of the proceedings of the rebel agents and their sympathizers, which might have been proposed. The ministry shrunk back from the occasion, partly from its innate dread of anything positive, and partly from a sense of a necessity not to shake the feeble base of resistance it has laid against our claims of indemnity for the consequences of its past errors. The attorney general, in his singularly professional speech, was candid enough to admit that the spectre of the Alabama stood in the way of doing what might, at the present moment, be just in itself as well as effective in the prevention of future abuses.

* * * * *

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of May 13, 1864.]

THE GEORGIA.

Mr. T. BARING, in rising to call attention to the circumstances under which this vessel has been allowed to enter the port of Liverpool and to put a question on the subject, said that as he brought this matter before the house simply as one of English interest, he should not refer to the feelings or prospects of either of the contending parties, nor should he endeavor to provoke an expression of sympathy with either side. He wished to make no charge against the government, and, if he referred at all to the past, it would be to illustrate the position in which the country was placed as to its international engagements. An incident had recently occurred which was of a most extraordinary character. A

vessel-of-war carrying, as they were told, the flag and commission of the confederate government, had recently entered the port of Liverpool. She was still there, and when the house heard her history it would be somewhat surprised at the course which had been pursued. This was her history: The *Japan*, otherwise the *Virginia*, commonly known as the *Georgia*, was built at Dumbarton, on the Clyde. She was equipped by a Liverpool firm. Her crew was shipped by the same Liverpool firm for Shanghai, and sent round to Greenock by steamer. She was entered on the 31st of March, 1863, as for Point de Galle and Hong Kong, with a crew of forty-eight men. She cleared on the 1st of April. She left her anchorage on the morning of the 2d of April, ostensibly to try her engines, but did not return. She had no armament on leaving Greenock, but a few days after her departure a small steamer called the *Allar*, freighted with guns, shot, shell, &c., and having on board a partner of the Liverpool firm who had equipped her and shipped her crew, left Newhaven and met the *Georgia* off the coast of France, near Ushant. The cargo of the *Allar* was successfully transferred to the *Georgia* on the 8th or 9th of April; her crew consisted of British subjects. The *Allar* put into Plymouth on the 11th of April, bringing the Liverpool merchant who had directed the proceedings throughout, and bringing also fifteen seamen who had refused to proceed in the *Georgia* on learning her real character. The rest of the crew remained. At the time of her departure the *Georgia* was registered as the property of a Liverpool merchant, a partner of the firm which shipped the crew. She remained the property of this person until the 23d of June, when the register was cancelled, he notifying the collector of her sale to foreign owners. During this period, viz: from the 1st of April to the 23d of June, the *Georgia* being still registered in the name of a Liverpool merchant, and thus his property, was carrying on war against the United States with whom we are in alliance. It was while still a British vessel that she captured and burnt the *Dictator*, and captured and released under bond the *Griswold*, the same vessel which had brought corn to the Lancashire sufferers. The crew of the *Georgia* was paid through the same Liverpool firm. A copy of an advance-note used was to be found in the diplomatic correspondence. The same firm continued to act in this capacity throughout the cruise of the *Georgia*. After cruising in the Atlantic and burning and bonding a number of vessels the *Georgia* made for Cherbourg, where she arrived on the 28th of October. There was at the time much discontent among the crew. Many deserted, leave of absence was given to others, and their wages were paid all along by the same Liverpool firm. In order to get the *Georgia* to sea again the Liverpool firm enlisted, in Liverpool, some twenty seamen, and sent them to Brest. The *Georgia* left Cherbourg on a second cruise, but having no success she returned to that port, and thence to Liverpool, where her crew have been paid off without any concealment, and the vessel is now laid up. Here, then, was the case of a vessel clandestinely built, fraudulently leaving the port of her construction, taking Englishmen on board as her crew, and waging war against the United States, an ally of ours, without having once entered a port of the power the commission of which she bore, but being for some time the property of an English subject. We heard nothing of the steps, which, under those circumstances, were taken by the government, but he felt assured they had done all that lay in their power, and was consistent with their duty under the existing law. It was, therefore, not their conduct in the matter, but the impotency and insufficiency of the foreign enlistment act, which our courts of justice found it impossible to interpret, that he wished to bring under the notice of the house. The vessels to which he alluded were vessels which would undoubtedly have been arrested if time had been given and if their purpose had been known. The question was, in fact, could we be said to be carrying out our obligations as a neutral power towards a belligerent which was an ally, in a manner consistent with international law, though it might be in harmony with our municipal law, while such a state of things was permitted to exist? For

his own part, he had no wish to lose himself in the mazes of a legal discussion on the subject, but common sense as well as international law, he believed, prescribed that a neutral should act towards a belligerent who was an ally as she would like to be done by. (Hear.) It was in order to prevent a war between neutrals and belligerents that the foreign enlistment act was passed, and if vessels were allowed to proceed on a course of devastation, if they were admitted into the ports of our dependencies and colonies, and not only that, but to put into ports in this country, was it not, he would ask, time to consider whether we should not do our duty towards others, and whether the existing law afforded us the means of protecting the interests of our ally as well as our own? The question as to the extent to which those vessels ought to be admitted to the ports of our colonies and dependencies was, he contended, one of serious importance; but it was, at the same time, one as to which he thought there could be no doubt what course the government should adopt. When a vessel left our ports, which would have been arrested here had her objects been ascertained and her construction certified, and proceeded to carry into effect proceedings of hostility against an ally to the endangering of the peace of this country, it seemed to him that it was the duty of the government to avail themselves, in her case, of the powers which they possessed, and to shut our ports against her. (Hear, hear.) If the house would permit him, he would read on the subject a passage from a writer on international law who signed himself "Historicus," and who said, speaking of the Alabama:

"First of all, the English government must decide on the best information at their disposal whether she was or was not unlawfully equipped in this country in breach of our neutrality. Their decision on this point ought to be final, for they are the sole judges of it, and the federal authorities may impugn their judgment, but cannot question their determination. If the English government determine that the Alabama was not unlawfully equipped within the realm, she will, of course, enjoy the privileges and immunities of any other lawful belligerent cruiser. If, on the other hand, she is decided to have been unlawfully equipped, then she ought to be forbidden access to any port within the jurisdiction of Great Britain. If she comes within our ports with a prize, her prize should be taken from her and restored to the original owner, and she herself compelled to depart."

There was another extract from the same writer to which he wished also to invite the attention of honorable members. It was as follows:

"Now, it is a sound and salutary rule of international practice, established by the Americans themselves in 1794, that vessels which have been equipped in violation of the laws of a neutral state shall be excluded from that hospitality which is extended to other belligerent cruisers, on whose origin there is no such taint. Accordingly, the cabinet of Washington compelled all the French privateers which had been illegally fitted out in America against England to leave the ports of the United States, and orders were issued to the custom-house officers to prevent their return. This course of proceeding appears equally consonant to the principles of law and the dictates of policy. The question then remains, Was the Alabama unlawfully equipped and manned within the jurisdiction of Great Britain? Now, setting aside the vexed question of equipment, I think there can be very little doubt on that of enlistment. The question is one which, from its very nature, is not and cannot become the subject of judicial determination, because a neutral government cannot exercise a jurisdiction over such a vessel. It is a matter on which the executive of the neutral government must, according to the best information it can obtain, form its own judgment, and that judgment is final and conclusive on all parties. Now, I observe that in a despatch dated March 27, 1863, (parliamentary paper, p. 2,) Lord Russell writes, 'The British government has done everything in its power to execute the law; but I admitted that the cases of the Alabama and the Oreto were a scandal, and in some degree a reproach to our law.' Now, with

the greatest deference to those persons who may be of an opposite opinion, I submit that vessels of which such a statement can be properly made—and that it was properly made no one acquainted with the circumstances of their outfit and manning can honestly doubt—are not entitled to the hospitality of the country whose laws they have eluded and abused. I think that to deny to the Florida and Alabama access to our ports would be the legitimate and dignified manner of expressing our disapproval of the fraud which has been practiced upon our neutrality. If we abstain from taking such a course, I fear we may justly lie under the imputation of having done less to vindicate our good faith than the American government consented at our instance on former occasions to do."

Now, these were vessels which avowedly ought to have been stopped if their purpose had been known. They were vessels whose destination was to roam about, never getting home, and which were tainted with the offence of having violated our neutrality. They were vessels, therefore, which on every ground had no claim to the hospitality of the country, and he was bound to say that both our international obligations and a due regard for our own interests ought to have led us to exclude them from our ports. The Georgia had arrived in Liverpool and there discharged her crew, and what guarantee had we that other vessels might not do the same; that our neutrality might not be violated, and that we might not hereafter have to deal with a state of things in which our position would be reversed? [Hear, hear.] While, therefore, he was anxious to express his belief that under the law as it stood we could not carry our international obligations fully into effect, he was likewise desirous of inviting the attention of the house to the situation in which this country would be if the precedents now established were acted upon in the event of our being involved in war, while other States were neutral. Under the present construction of our municipal law there was no necessity that a belligerent should have a port, or even a sea-shore. Provided she had money, or that money was supplied to her by a neutral, she might fit out vessels, and those vessels might go about the seas dealing destruction to British shipping and property. Take the case, which I hope we shall avoid, of our being at war with Germany. There would, as things now stand, be nothing to prevent the Diet of Frankfort from having a fleet. A number of the small states of Germany might unite together and become a great naval power. Money was all that was required for the purpose; and Saxony without a sea-shore might have a first lord of the admiralty, without any docks, who might have a large fleet at his disposal. The only answer we could make under those circumstances to France and the United States, who as neutrals might fit out vessels against us on the pretence that they were German cruisers, was that we would go to war with them; so that, by the course of policy which we were pursuing, we rendered ourselves liable to the alternative of having our property completely destroyed, or entering into a contest with every neutral power in the world. [Hear, hear.] We ought, under these circumstances, to ask ourselves what we had at stake. He would not trouble the house with statistics on the point, but we all knew that our commerce was to be found extending itself to every sea, that our vessels floated in the waters of every clime, that even with our cruisers afloat it would not be easy to pick up an Alabama, and that the destruction of our property might go on despite all our power and resources. What would be the result? That we must submit to the destruction of our property, or that our shipping interests must withdraw their ships from the ocean. That was a danger the apprehension of which was not confined to himself, but was shared by many who were far better able to form a judgment than he was, and so strongly was it felt by shipowners that memorials had already been addressed to the government upon the subject. Last year such a memorial was sent to Earl Russell by the shipowners of Hull, and, if he was not misinformed, a similar one had been sent by the shipowners of Belfast to his honorable and learned friend the member for that borough, who had forwarded it to the noble earl. The memorialists stated

that they viewed with the greatest apprehension the permission which was now being given for the violation of our neutrality and the clandestine furnishing of ships to a belligerent; and last night the honorable member for Liverpool presented a petition, signed by almost all the great shipowners of that place, enforcing the same view. He was a little surprised at this, because what was happening around us was a source of great profit to our shipowners [hear, hear;] but it was a proof that they were sensible that the future danger would far preponderate over the present benefit and advantages. [Hear, hear.] Merchants and shipowners were generally a quiescent body, attending to their own affairs and leaving the concerns of the country to those in whose abilities, position, and experience they had confidence, and on whom they could rely, on whatever side of the house they may sit, patriotically to unite to avert the evils against which private individuals could not secure themselves. He was surprised that no proposal was made by the government for the modification of the existing law, and he could not imagine that if such an attempt were made honorable members on his own side of the house would refuse to assist them in taking steps to insure this country against the dangers which menaced its commerce. They ought no longer to dally with this question. It was one of immense importance and of a most dangerous character. Neither the government nor any one else could be deterred from proposing or adopting a necessary measure by the fear that they might be taunted with acting at the dictation of the United States. No one could be more indisposed than he should be to sacrifice the rights, the interests, or the honor of the country to the dictation of a foreign power, but no one could be more convinced that they ought to blush for themselves and their country if they were deterred by the fear of some newspaper taunt, some electioneering speech, or some piece of stump oratory, from yielding to the dictation of reason and good sense, and applying a remedy where an evil had been proved to exist. [Hear, hear.] He had heard it said that this was not the time to take such a step; that we ought to wait until the war was over, when we could pass an act without apprehension that its purport or intention might be mistaken. Was any foreign enlistment act ever passed in time of peace? [Hear.] Our own act was passed in 1819, while Spain was at war with her colonies. And let the house remember the act of General Washington, perhaps the boldest act of his life, when he issued his proclamation to prevent the citizens of the United States from taking part in a war against Great Britain. The whole feeling of that country was on the side of France. "France and freedom" was opposed to "Great Britain and tyranny." All the recollections of the past war with Great Britain were fresh in the memory of the Americans, and their gratitude to France was still alive. Popular feeling was strongly against General Washington, and yet he perilled his power, his influence, and his popularity, and had the courage to propose and carry a measure for which he was afterwards praised and blessed by his countrymen, because they recognized it as being in accordance with wisdom, with their own interests, and with justice. [Hear.] The moral which he drew from that was, that whatever might be their individual sympathies or their wishes and views as to the causes or results of the pending contest, they need not be afraid of being charged with acting under the dictation of a country which was now engaged in the most exhausting conflict that had ever occurred. They ought not to yield to sympathy when the dictate of duty was clear that they should act to others as they would that they should act to them [hear;] they ought not to be prevented from adopting such a measure as might avert the calamity to which he had adverted so imperfectly, but which now loomed in the view of every shipowner [hear;] they ought not to be deterred from passing such an act as would protect this country against the charge of being neutral only when it suited her purposes, and violating it when it suited her interests. He could not help thinking that if there was to be a change of the law this was the moment when those who guided and controlled our destinies were bound to

consider what course should be pursued. We could do it now without giving rise to any idea that we had been threatened. If we did it now we might save ourselves, while if it was delayed we could not avoid retribution hereafter. If we missed this opportunity, what we might do at a time of general peace would not be accepted when war occurred. We should be referred back not to what we had done after the war was over, but to the acts which we had sanctioned by our present policy. He was anxious to ask the government whether they did not see that what had occurred at Liverpool might lead to our neutrality being called in question, that it perilled the performance of our national obligations, and might seriously affect our interests and welfare in the future. [Hear, hear.]

The ATTORNEY GENERAL. With many things which have been said by my honorable friend in the course of his able and temperate speech I entirely agree. [Hear, hear.] No one who has observed the conduct which the government have endeavored to pursue with regard to this most important political subject during the past two years can doubt that, whether successful or otherwise, they have endeavored to the best of their power to vindicate the laws of this country, and at the same time to fulfil the obligations of a sincere and impartial neutrality. I know that these professions will not meet with the assent of those who, in their own minds, have no sympathy with the neutrality itself, who have given themselves, doubtless under the impulse of generous motives, to entire, unqualified, and enthusiastic sympathy with one or the other of the belligerents. Nevertheless, I have great confidence that the country generally will perceive that the government, in the course which they have pursued in circumstances of some slight difficulty, have really desired to maintain the law and preserve the honor of the country, and at the same time not to deviate from the path of a real and impartial neutrality. [Hear, hear.] Addressing myself first to the last and most generally important of the topics of my honorable friend's speech, I need hardly say that we are quite sensible of the gravity of the public evil which exists when merchants or any other persons in this country hold themselves at liberty, by all kinds of shifts and evasions, [hear, hear.] to treat with contempt her Majesty's proclamation of neutrality, to make themselves parties in a war in which her Majesty has proposed to be neutral; to shelter themselves under all those opportunities of escape which the just regard of the law of our country for persons accused of any offence invariably offers; and to do acts which in their immediate effects place in peril the friendly relations of this and another great nation, [hear, hear.] and which in their ultimate consequences may possibly recoil with the most disastrous and destructive effect upon the trade and commerce of their own country. [Hear, hear.] The government had some right to hope that in the circumstances of such a war as this English merchants occupying eminent positions would not spell out the law under the advice of lawyers, saying "I cannot find it in the bond," [hear, hear.] and, availing themselves of every means of escape which ingenuity can suggest, bring this country into peril, and create a precedent for future mischief and danger, against which the law of this country seeks to provide. [Hear.] I hope the time will soon come—indeed, I think I may infer from the memorial to which my honorable friend has referred that the time has come, when the voice of the mercantile community will be raised, so that those who may be unwilling to hold themselves bound by her Majesty's proclamation of neutrality shall see that they cannot expect the support of the great body of their fellow-countrymen. [Hear, hear.] I must endeavor to show that the conduct which has been pursued by her Majesty's government has been that which the country had a right to expect. The house is aware that there are only three vessels which are alleged, and in those cases I do not say the allegations are well founded, as they have never been brought to the test of judicial proceedings, but there are only three vessels which are alleged to have been fitted out in this country in violation of the law, and with the practical effect of placing this country in the situation of ministering in a

most important and formidable manner to the warlike requirements of one of two belligerents. [Hear.] The government believe that the law was intended to strike, and does strike, at such acts. With regard to these three ships, the house will recollect that the first which left the shores of this country, the Oreto, afterwards the Florida, left before any information upon which the government could act had been imparted to them. That vessel was afterwards arrested at Nassau, was tried there and acquitted, but it was found that there was reasonable cause for the arrest. So far the government was not to blame. As to the next ship, the Alabama, I need not repeat what was said upon a former occasion as to the steps which were taken by the government, after full consideration of the evidence laid before them, with a view to arrest that vessel. It is well known to the house and to the country that orders to that effect were given, but the ship in the mean time made her escape. Then, lastly, there was this vessel, the Georgia, as to which no information whatever reached her Majesty's government; no evidence upon which we could act until she was actually gone. So successfully disguised were the real designs of those connected with that ship that, as my honorable friend has stated, the crew were actually engaged for a voyage to Shanghai, and all other arrangements were made with a view to concealment and disguise, and it was only off the coast of France that, meeting another vessel, she received her armament and re-enlisted her crew. The government had no opportunity of interfering so as to stop that vessel. If there be those who think that all those proceedings connected with these ships were perfectly lawful, they will, I am sure, join with me in regretting that, being lawful, they were not also open, avowed, and above-board. [Hear.] It does not seem favorable to the conclusions of the persons engaged in these proceedings that, believing in their lawfulness, they should have taken all possible pains to disguise their real character. [Hear.] Afterwards, as the house is aware, her Majesty's government took action in the case of the Alexandra, and since then with regard to other vessels, concerning which I will say nothing, as they will soon be the subject of judicial trial. I may also mention that in Scotland the government directed the seizure of the vessel Pampero, under the foreign enlistment act, and the result of that proceeding has been that a verdict has been given by consent for the crown, and that, while great liberality has been shown in the waiving of the forfeiture to the crown, security has been taken against the employment of the vessel for any belligerent service, and the authority of the law has been successfully vindicated. [Hear.] I am happy to be able to say that, whatever may happen in these cases in point of law or evidence, the interference of the government does appear to have been productive of good effect, as it has impeded the progress of the system of fitting out of naval armaments for a belligerent state. We have no reason to believe that the efforts of the government have been unsuccessful in the practical object, nor even so far as regards the elucidation of the law, although it would, perhaps, be premature to express a confident opinion upon a subject concerning which high authorities have differed. But I cannot avoid expressing a sanguine hope that the result of the measures taken by the government will be to clear up much of the difficulty attaching to the construction of the law, and to lead in future to a better observance of it. I am encouraged in that hope by the fact that in the court of exchequer two learned judges adopted the construction of the act upon which the crown had been advised to proceed. Their construction has since received the indorsement of a learned judge in the Queen's Bench, under circumstances which make it probable that other judges of that court may concur in his opinion, and in the case of the Pampero, in Scotland, the judges of the court of session pronounced opinions tending to a great extent to confirm the construction of the act contended for by the crown. [Hear, hear.]

The result of all this is to leave the government in a situation in which they have a right to hope that the law, as it is, may be capable of being vindicated, and that steps taken to vindicate it will not fail in their object, and therefore the

house will probably think that it will not be improper, in the event of any suggested change of the law, for the government to act upon that view; but if it should prove to be otherwise, and that the present law is not sufficient, then they may look for that support and encouragement from this house and the country which upon a subject so important it is essential to obtain. If, in the absence of such support and encouragement, proposals for a change of the law were effectually made, it would commit those who ought to have the common interest of the country at heart to a premature expression of opinion which might have disastrous effects upon the future of this country. We think, therefore, that if it should ever become necessary to consider the subject, it should be considered at a time when no party feelings nor temporary sympathies may exist to induce the house to take a course which it will be difficult afterwards to retract, and which, if persevered with, might be attended with serious consequences to the welfare of the country. Under these circumstances, the house will, no doubt, consider that government are doing right in adhering to their original hope that the law as it is may be found sufficient for its purpose, and, at all events, that they ought not to propose any change in the law until they are convinced that there is absolute necessity for it, and that such proposals will receive the encouragement and support of the house and the country, without which they could not be carried into effect. Having said that, I will address myself to the particular subject of the motion of my honorable friend. I have shown that with regard to the former history of the Georgia the government have omitted nothing which they could do under the circumstances. That ship has now returned as a confederate ship—a public ship-of-war, with a regular commission as such. I must here notice one observation of my honorable friend. He says that from the 1st of April, 1863, until the following 23d of June, this ship—the Georgia—was registered in this country in the name of a British owner, a merchant of Liverpool, and that therefore she was cruising, burning, and destroying vessels at a time when she was a British ship. I must demur altogether to the law of my honorable friend in that respect. The register is nothing but the title of a British owner for a municipal purpose in this country. A ship which has a British register, and which is afterwards transferred to a foreign belligerent power, cannot, by the mere fact of her still remaining registered in England as the property of a British owner, in any way be justly styled a British ship. [Hear, hear.] Nor can it be said that she has not become what this vessel really is—a public vessel-of-war. I regret that my honorable friend should have used an argument that may seem to give countenance to assertions which have repeatedly been made, but which are quite destitute of foundation, that these ships are British pirates. [Hear, hear.] That expression is untrue in fact—dishonorable to this country; and I trust that all those who have the honor of this country at heart, whatever they may see to condemn in the conduct of persons concerned in fitting out and navigating such vessels as those referred to, will not give encouragement to a proposition so extravagant, and so completely without foundation. I now come to the point suggested by the motion of my honorable friend. He points to the fact that the Georgia is now at Liverpool. The ship came in, being at the time a regular commissioned public ship-of-war. There is no doubt she was entitled to come in in that character by license of the crown as long as the rules issued by her Majesty in January, 1862, remain unaltered, because those rules permit ships-of-war belonging to belligerents to come into our ports under certain restrictions. They must not remain more than twenty-four hours, except for repairs; they must not receive repairs in the nature of warlike equipment, and there are strict limits as to leaving as soon as the repairs are completed. This ship being a public ship-of-war, is permitted to come into our ports, and so comes in lawfully as a ship-of-war. The government desired to have information regarding the circumstances under which she had entered our port, and as to the length of time she was likely to remain. They understood she had been brought into dock, it was presumed, for the purpose of repair, and it was after-

wards stated that she was likely to be dismantled and sold. If the latter were the case, there would be no harm done to the other belligerent power by relieving her from all fear of opposition on the part of the dismantled vessel. My honorable friend has asked whether the government think the admission of such ships as he describes that ship to be consistent with their international obligations, their profession of neutrality, and the preservation of British interests. The government certainly has not considered the limited and qualified admission of ships of this kind into British ports to be at all inconsistent with their duty in any respect. But for the first element in the case to which the honorable gentleman has called attention, that the vessel was originally manned and equipped from British ports, I think that every one would grant her right to admission into our ports. I must, however, notice that my friend has imported into the case a consideration which has been frequently dwelt upon in the various publications issued upon this subject—namely, that this ship has never been in any of the ports of the belligerent power under whose flag she sails. It is argued from this fact that this is a circumstance which prevents a ship from acquiring the character of a belligerent ship-of-war. It has been said that there is some rule or other, some settled principle of international law, which will bear out this conclusion. It should not be our practice to invent new rules of international law to suit particular cases, and such a rule as this was never heard of. [Hear, hear.] To say that a country whose ports are blockaded is not at liberty to avail herself of the resources which are at her command in other parts of the world, that she may not buy ships in neutral territory and commission them as ships-of-war without bringing them to her own country first, is a doctrine which is quite preposterous, [hear, hear.] and all the arguments founded upon such a doctrine only tend to throw dust into men's eyes and to mislead them. We cannot, therefore, upon those grounds make this ship an exception to our ordinary rules. And now I come to the real question. I have not the least doubt that we have a right, if we thought fit, to exclude any particular ship or class of ships, if we consider that they have violated our neutrality, but such power is simply discretionary on the part of the government, and should be exercised with a due regard to all the circumstances of the case. Does the circumstance of a ship happening to have been fitted out in violation of the neutrality of a neutral nation entitle her to be refused recognition as a public ship-of-war? Happily, we find answer to this question in the history of the jurisprudence of the United States, and I do not find that the United States, which have really settled all the doctrines of law applicable to this kind of neutrality by fitting out vessels in their ports for belligerent nations, ever adopted the practice of inquiring into the previous history of public ships-of-war which labored under the suspicion or allegation of having been fitted out in their ports in violation of their neutrality. In the cases of the *Santissima Trinidad* and the *Cassius*, the particulars of which were similar to those of the *Georgia*, Mr. Justice Story said:

“In general, the commission of a public ship, signed by the proper authorities of the nation to which she belongs, is complete proof of her national character. A bill of sale is not necessary to be produced, nor will the courts of a foreign country inquire into the means by which the title to property has been acquired. It would be to exert the right of examining into the validity of the acts of the foreign sovereign, and to sit in judgment upon them in cases where he has not concealed the jurisdiction, and where it would be inconsistent with his own supremacy. The commission, therefore, of a public ship, when duly authenticated, so far at least as foreign courts are concerned, imports absolute verity, and the title is not examinable. The property must be taken to be duly acquired, and cannot be controverted. This has been the settled practice between nations, and it is a rule founded in public convenience and policy, and cannot be broken in upon without endangering the peace and repose as well of neutral as of belligerent sovereigns. The commission in the present case is not expressed in the most unequivocal terms, but its fair purport and

interpretation must be deemed to apply to a public ship of the government. If we add to this the corroborative testimony of our own and the British consul at Buenos Ayres, as well as that of private citizens, to the notoriety of her claim of a public character, and her admission into our own ports as a public ship, with the immunities and privileges belonging to such a ship, with the express approbation of our own government, it does not seem too much to assert, whatever may be the private suspicion of a lurking American interest, that she must be judicially held to be a public ship of the country whose commission she bears.'

That decision referred to a case in which the United States foreign enlistment act had been violated over and over again. The other belligerent has no concern whatever in the course which the government may think fit to adopt with reference to this vessel; and if the government refused her admission to the ports of the United Kingdom, it would only be done for the purpose of vindicating our authority. I cannot find, however, that the United States ever followed such a course. The Santissima Trinidad and the Cassius were both received into the ports of the United States, held not to be amenable to courts of law, and never ordered by the government to leave any port. There are, also, a very considerable number of cases reported in which prizes brought into the ports of the United States were either restored or questions raised in courts of law as to their restoration; but I can find no instance of any prohibition or exclusion from any port of any prize after her conversion into a ship-of-war. We are therefore warranted, upon the authority of the United States, in excluding this vessel from our ports. The hon. member for Huntingdon has asked if the government think the admission of such vessels to British harbors consistent with our international obligations. This question renders it necessary to determine the right of the other belligerent in this matter. Now, upon this question I will quote from the judgment of Mr. Justice Story in reference to the case of the *Amistad de la Ruez*. I hope not to utter a single word in the slightest degree offensive to any one in the United States, and least of all to their government; but I cannot help wishing that the authority I have mentioned had been more recognized when, over and over again, those extraordinary and extravagant demands were made upon our government to pay the value of all the ships taken on the high seas by the *Alabama* and similar vessels. (Hear, hear.) I need hardly remind the house that in 1793, when the United States did give us compensation for certain prizes not restored, that compensation was strictly limited to ships when brought into their ports fitted out in violation of their laws, and was not extended to any prizes taken upon the high seas. All they did was to name a particular date, and to prohibit the French from bringing in any more of their prizes after that date. Mr. Justice Story thus lays down what is the limit of the obligation which the neutral owes to the belligerent in this matter:

"When called upon by either of the belligerents to act in such cases, all that justice seems to require is that the neutral nation should fairly execute its own laws, and give no asylum to the property unjustly captured. It is bound, therefore, to restore the property if found within its own ports; but, beyond this, it is not obliged to interfere between the belligerents."

So that he distinctly says that we are to execute our laws fairly; we are to give no asylum to prizes captured by ships fitted out in violation of our neutrality, and to property unjustly captured; but he does not say that an asylum may not be given to public ships-of-war, whatever their previous history; and he adds that, beyond the limits which he mentions, we are not obliged to interfere between the belligerents. The authority of Mr. Justice Story, therefore, distinctly excludes the proposition that belligerents have any rights entitling them to require interference by the neutral to the extent of excluding absolutely from her ports ships of this description, if it does not seem to the neutral herself necessary so to do. [Hear, hear.] I say, then, we have done all that authority requires us to do. And now I will ask what reasons there are for the

hesitation of the government to take the extreme step of absolutely excluding these particular ships from our ports when, at the same time, all the ships of the United States government were admitted. [Hear.] Some reasons can be given; the house will judge of them. I believe they have had considerable influence upon the determination of the government upon this question, and I think they are such as are consistent with an honest desire to maintain our neutrality and fulfil our international obligations. In the first place, the maintenance of neutrality is plainly consistent with the maintenance of our own rights, and I entirely repudiate the argument, sometimes used, that you are not to enforce your own laws, because the effect of doing so may possibly be to put one of the parties to greater disadvantage than the other. Neutrality does not require that. On the other hand, where you have no law to enforce, then it becomes worthy of consideration whether you may not be weighing down the balance in a manner not entirely consistent with neutrality, if you adopt, voluntarily, a rule which would practically exclude from the asylum you allow in your ports the whole of the navy of one belligerent and no part of the navy of the other belligerent. [Hear, hear.] That is one principle. And then there is another. The whole of the honorable gentleman's argument assumes that the facts, and the law applicable to the facts, are substantiated; that we are in a position as between ourselves and the Confederate States to treat the matter as beyond controversy, and that the Georgia was, in fact, fitted out in violation of our neutrality. Now, we may have strong reason to suspect this, and may even believe it to be true; but to say that we are to act upon mere suspicion, or belief, against another State, upon certain facts which have never been judicially established, and which it is not easy to bring to the test as between government and government, that is a proposition which is not without grave consideration to be accepted. [Hear, hear.] The difficulty of that view is increased by the fact that we have no diplomatic relations with the Confederate States, and cannot communicate with them in the ordinary way. We have not recognized them, and, what is more, the government of the United States, by its ships, bar us from the means of communication. [Hear, hear.] Only the other day her Majesty's government were anxious to communicate and remonstrate with the government of the Confederate States, and actually gave a commission to one of our diplomatic servants, a consul, to do so; and then it was announced that the blockading squadron, under the orders of the United States government, could not permit even a ship-of-war of this country to enter into a blockaded port for the purpose of this communication. [Hear, hear.] These circumstances greatly enhance the difficulty of bringing to a practical test the question whether there has been, in this case, a violation of our neutrality. Upon that allegation the whole thing depends; and here, again, American authority by no means warrants the notion that you ought to act lightly, or without cogent proof. In the case of the Santissima Trinidad, to which I have before referred, Mr. Justice Story says as to the kind of proof which ought to be insisted on in these cases:

“In a case of the description of that before the court, where the sovereignty and rights of a foreign belligerent nation are in question, and where the exercise of jurisdiction over captures made under its flag can be justified only by clear proof of the violation of our neutrality, there are still stronger reasons for abstaining from interference, if the testimony is clouded with doubt and suspicion. We adhere to the rule which has been already adopted by this court, that restitution ought not to be decreed upon the ground of capture in violation of our neutrality, unless the fact be established beyond all reasonable doubts.”

There, again, is a principle which the confederate government are entitled to have the benefit of, and which makes it matter of serious difficulty to say that because we have very strong moral presumptions and very strong reason to believe that a certain ship-of-war was fitted out in violation of our neutrality, we are, therefore, to act summarily upon the supposition. [Hear, hear.] You have

here a mixed question of facts and of law—the facts to be established by evidence, the law to be decided with reference to the facts; and, considering the controversy which has gone on as to the bearing and effect of our law, it is not impossible that in some of these cases the Confederate States may have believed that they were acting within that law. [Hear.] All this increases the difficulty; and now I want to suggest other reasons. Of course, if we act according to the suggestions made to us in this case, we must act on the same principles and deal out the same measure to the other belligerent. And if we are to proceed on grounds of moral belief, and do not stop to ask whether they constitute proper legal grounds of action—if we are to proceed upon information of the kind which carries conviction to the mind—it is impossible to acquit the agents of the United States, although we may acquit the government, of acts which are inconsistent with our neutrality. The case of the Kearsarge was a case of this character. Beyond all question a considerable amount of recruiting was carried on at Cork for the purposes of that ship, she being employed at the time in our own waters, or very near them, in looking out for her enemy; and she was furnished with a large addition to her crew from Ireland. [Hear, hear.] Upon that being represented to Mr. Adams, he said, as might have been expected, that it was entirely contrary to the wishes of his government, and that there must be some mistake. The men were afterwards relanded, and there can be no doubt that there had been a violation of our neutrality. [Hear, hear.] Nevertheless, we admitted the Kearsarge afterwards into English waters. We have not excluded her from our ports, and if we had I think the United States government would have considered that they had some cause of offence. [Hear, hear.] But it does not rest there. I see from the paper that the honorable member for Horsham wants information respecting the enlistment of British subjects for the federal army. Now, from all quarters reports reach us, which we cannot doubt to be substantially true, that agents for recruiting for the federal army, with or without the concurrence of the government, are in Ireland, and engage men under the pretext of employing them on railways and public works, but really with the intention of enlisting them, and that many of these men are so enlisted. [Hear, hear.] In Canada and New Brunswick the same practices prevail. Representations have been made to the United States government respecting particular cases of persons who have been kidnapped into the service, and I feel bound to say that those representations have not met with that prompt and satisfactory attention we might have expected. [Hear.] How are we to act in this case? Are we to exclude from our ports all the ships of the belligerent whose agents are believed to have engaged in these practices? practices which, whatever may be the intention of the United States government, operate to supply their ranks with British subjects in violation of British law. [Hear, hear.] If we are to act in the one case upon suspicion, or upon moral belief going beyond suspicion, it would be difficult to say that we ought not to act so in the other. But in what difficulties we should entangle ourselves were we so to act, not being bound to act by any international obligation! What may fairly be asked is that we should do all we can to enforce our own laws within our own jurisdiction. That is the course which the government have taken; that is the course to which they will adhere; and, in view of the difficulties I have mentioned, I think it is a course which is fully justified. [Hear.] There is one other consideration of importance which I wish to mention; and here again I hope that what I say will not cause offence in the United States, for I state it because it is true, and because it is important that the matter should be understood. The British government are not assisted by the government of the United States in matters of this description. The demands which the United States government make upon us go so far beyond the limits of anything they can be entitled to ask, according to any recognized rules and privileges of international law, that it becomes absolutely necessary that this government should exercise great caution indeed before they do acts which

might possibly be misunderstood, and might give foundation to the idea that they do them under the supposed necessity of complying with demands of this kind. [Hear, hear.] The house well knows that I refer to the extraordinary demands arising out of the case of the Alabama. [Hear, hear.] I have no hesitation in saying that the United States government by advancing such demands and by seeking to make our government responsible for pecuniary compensation for prizes taken by the Alabama upon the high seas, and never brought within our ports or in any way whatever under our control, are making demands directly contrary to the principles of international law laid down by their own jurists, and thereby render it infinitely more difficult for us, at their request, to do anything resting on our own discretion, and which we are not bound to do in law. [Hear, hear.] What we may fairly say is this: "We will adhere to the rules laid down by your own authorities. We will execute our own law. We will allow no asylum to prizes or to property unjustly captured. If any such are brought in, any demand for their reclamation shall be investigated. But we will not undertake to recognize claims going beyond these limits. We will not undertake to interfere between belligerents in any other way than that in which, by the rules of international law, we can fairly be called upon to interfere." [General cheering.]

Mr. W. E. FORSTER said that the strong sympathy which he felt with one of the parties in the American contest might have enabled him to obtain information which otherwise he could not have procured; but he should endeavor to treat this question in an impartial manner. The instructions issued by the admiralty with reference to the ships of either of the belligerents which might enter any of our ports were as follows:

"If any ship-of-war or privateer of either belligerent shall enter any port, roadstead, or waters belonging to her Majesty, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed."

Now, he thought there could scarcely be ground for alleging that the Georgia came here for repair, for she had been repaired at Bordeaux, and had only made the voyage from that port to Liverpool. It had been alleged that the Georgia came into an English port to pay off her crew. He asked whether a federal vessel would be allowed to come into one of our ports to pay off her crew. [Hear, hear.] The Georgia was a confederate vessel which, notoriously, had been built in England. She had sailed from a port in Scotland, and the entire of her crew, with two exceptions, one a Swede and the other a Russian, were Englishmen. She had received on the coast of France her equipment from England, and for a month after she began to take her prizes she was owned by an English merchant. That appeared from the custom-house papers, which stated that the vessel was sold to a foreigner, per letter from the owner, dated 23d of June, 1863. In connexion with these circumstances ought to be taken the fact that from the time of the purchase she had not been in a confederate port. [Hear, hear.] Would not the facilities which we had given to this vessel tell against ourselves in future, when, unfortunately, it should happen that we were belligerents? The attorney general had given several reasons why he thought the law should not be altered; but he contended that we had had an opportunity of bringing about an alteration in the law which would be of advantage to ourselves and to the world generally. The two countries which had advo-

cated the claims of neutrals as against belligerents were America and France. They had been the supporters of the neutral rights of commerce against the belligerent pretensions of England. We might, therefore, have pressed upon America to join us in amending the maritime law. On the 19th of December, 1862, Lord Russell wrote to Mr. Adams to the effect that in the opinion of her Majesty's government certain amendments might be introduced in the foreign enlistment act, and that it was willing to receive from the government of the United States suggestions as to what amendments might with advantage be made in the foreign enlistment act of each country. On the 14th of February Lord Russell wrote to Lord Lyons, stating Mr. Adams had intimated that, while the United States government was ready to listen to any proposition on the subject, they did not see how their law could be improved. It was quite true Mr. Adams had said the government of the United States thought their law effective, experience having shown it to be so; but he would read for the house extracts from despatches which had not appeared in our blue-book. On the 16th of September, 1863, Mr. Adams wrote to Lord Russell:

"It will doubtless be remembered that the proposition made by you, and which I had the honor of being the medium of conveying to my government, to agree upon some forms of amendment of the respective statutes of the two countries, in order to make them more effective, was entertained by the latter, not from any want of confidence in the ability to enforce the existing statute, but from a desire to co-operate with what then appeared to be the wish of her Majesty's ministers. But upon my communicating his reply to your lordship, and inviting the discussion of propositions, you then informed me that it had been decided not to proceed any further in this direction, as it was the opinion of the cabinet, sustained by the authority of the lord chancellor, that the law was fully effective in its present state."

On the 25th of September, 1863, Lord Russell wrote to Mr. Adams:

"I deem it incumbent on me, in behalf of her Majesty's government, frankly to state to you that her Majesty's government will not be induced * * * to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted."

He did not complain of Lord Russell telling Mr. Adams that the government would not propose any new law except for good reasons of their own, but he was surprised that they had not discovered that this was an excellent opportunity for putting the law on a more satisfactory footing. We could not suppose that the precedent we were now setting would not be used against us by every neutral power in the future whenever we might be at war. [Hear.] Take the case of a possible war with Germany. Nobody would more deeply deprecate such a war as that than himself; but, to judge from the language of some of the newspapers, and from some speeches, there were persons who looked upon such a war without any particular feeling of horror. Supposing such a war should unfortunately arise, what would be our feelings if when, by our overwhelming naval force, we fancied that we had made every German port safe, one vessel should steal out of Marseilles and another out of Brest, and that, meeting on the coast of Italy, one of them, shipping a crew and armament from the other, should be converted into a cruiser to sail off and destroy British merchantmen wherever she could find them? [Hear.] Should we allow France for a moment to do that? Certainly not, if we dared to prevent her; and with our usual pluck we probably should dare, unless the war were a struggle for our very existence. [Hear, hear.] This precedent, if we allowed it to be established, meant for us a second war whenever we had a war on our hands, unless we were fighting for our existence, and did not dare to undertake another war. "What a wretched navy," it was said, "the Americans must have not to put these cruisers down!" [Hear, hear.] But it was a comparatively easy matter to carry on operations of this kind. All that a ship of this character had to do was to attack vessels which could not resist her, and run away from those which

could. [Hear, hear.] There was not the slightest occasion for them ever to fight a battle. If they were taken, the officers were only prisoners of war; if they were not taken they made their fortunes. Was it to these risks that they would wish to expose British trade? Our merchants at first were disposed to triumph in the fact that the carrying trade of the United States was being transferred to them, but it was clear now that they had found out that present gain would not be balanced by the future loss. There could not be a stronger illustration of the damage which had been done to the American trade by these cruisers than the fact that, so completely was the American flag driven from the ocean, the Georgia on her second cruise did not meet a single American vessel in six weeks, though she saw no less than 70 vessels in a very few days. If we did not take care to settle the international law before a war began, our merchants would be obliged to transfer their ships to foreign flags, and he regretted that the government had not discerned how excellent an opportunity this was for that purpose. The question put by the honorable gentleman opposite was whether these particular ships which had eluded our neutrality should be admitted into our ports, but the attorney general had turned that into the question whether the whole navy of the confederates should be excluded from our ports because one of them had broken our neutrality. If federal agents were engaged in enlisting men in Ireland, it was open to the government to express their disapproval of that course, and to endeavor to put a stop to it; but while they did that they might very fairly say also that vessels which left our ports in breach of our neutrality should not be allowed to return to them. Surely the attorney general did not mean to contend that in our representations to other nations we were obliged to be armed with the same proof as we should require in the case of one of our own people who had committed an offence against the law! Were there not sufficient grounds for saying that we ought not to be required to extend to the vessels in question the same degree of hospitality which we would gladly afford to ships which had not broken our neutrality? Then came the point as to what course our interests called upon us to take in the matter, and was it not, he would ask, clearly our interest to prevent the invasion by neutrals of the rights of belligerents, by taking those steps which he understood the honorable and learned gentleman to admit it was in our power to adopt? He wished to add a word with respect to international law. He did not profess to be able to define what that law was according to precedents; but even a layman might be permitted to state his views in reference to it as based upon the principles of common sense; and what he understood its great object to be, as operating between belligerents and neutrals, was that there should be such an arrangement between nations that an individual country should not be allowed by the sovereign power of that country to carry on war with other states without the leave of the government. There was, he maintained, the greatest possible difference between selling munitions of war to either of the parties in a contest and the sending out armed ships from our ports; for in the one case a neutral country was made the basis of hostilities, whereas in the other it was not. [Hear, hear.] He had no wish to enter into the question whether the federals had received from us a larger quantity of the munitions of war than the confederates, though that was a point more open to doubt than some honorable gentlemen opposite seemed to suppose; but he should like to observe that the nature of the question at issue in the present instance was very much qualified by the fact that the confederates had no navy. That was their weakness, it was true, but in war weakness was a fault, and we might very well say to the federals when they complained of our furnishing the south with munitions of war, "Why not stop them, and prevent them from being carried into southern ports?" When, however, it came to be a question of armed ships leaving our own ports, the matter assumed a different aspect, because the only way in which a belligerent could stop them was not by blockading the ports of

another belligerent, but the ports of the neutral power from which they sailed. Let him, however, suppose that the port of Liverpool was blockaded by the United States navy for the purpose of preventing these vessels from leaving it, could any one imagine that we could remain at peace with America? Such, then, being the position of the case, it was evident that if the government could succeed in obtaining such concessions as he had indicated, and if neutrals were prevented from allowing their subjects to carry on war, they would not only be promoting our interests, but advancing the interests of civilization. He trusted, therefore, that the discussion raised by the right honorable gentleman opposite, with an authority which scarcely any other member of that house could command, backed as he was by the strongest possible memorial from the shipowners of Liverpool, would impress upon the government the necessity of not allowing the opinions which had been expressed to pass by without endeavoring to place us in a better position than that in which we seemed to stand in the event of our unfortunately becoming belligerents ourselves. [Hear, hear.]

Mr. COBDEN. I will not occupy the attention of the house but for a very few minutes. I wish to say a word or two in reference to what has fallen from the attorney general. Two questions have been brought under our notice by the statement of the honorable gentleman who introduced this subject. The suggestions which he makes are that we should alter our laws, or that we should, in the exercise of the powers which it is conceded we possess, prevent vessels of the description referred to from entering our ports. With respect to altering our laws, the attorney general has entered into a long argument to show that the law as it stands is effective for the purpose of preventing a breach of our neutrality; but I cannot imagine a more cruel joke than the honorable and learned gentleman's speech must appear when it comes to be read at Washington. [Hear, hear.] What is the fact? You have been carrying on war from these shores with the United States, and have been inflicting an amount of damage on that country greater than would be produced by many ordinary wars. It is estimated that the loss sustained by the capture and burning of American vessels has been about \$15,000,000, or nearly £3,000,000 sterling. But that is a small part of the injury which has been inflicted on the American marine. We have rendered the rest of her vast mercantile property useless. You condemn free trade, by which the world's affairs are now so largely carried on. If you raise the rate of insurance on the flag of any maritime power, you throw the trade into the hands of its competitors, because it is no longer profitable for merchants or manufacturers to employ ships to carry freights when those vessels become liable to great war risks. I have here one or two facts, which I should like to lay before the honorable and learned gentleman, in order to show the way in which this has been operating. When he has heard them, he will see what a cruel satire it is to say that our laws have been found sufficient to enforce our neutrality. I hold in my hand an account of the foreign trade of New York for the quarter ending June 30, 1860, and also for the quarter ending June 30, 1863, which is the last date up to which a comparison is made. I find that the total amount of the foreign trade of New York for the first mentioned period was \$92,000,000, of which \$62,000,000 were carried in American bottoms and \$30,000,000 in foreign. This state of things rapidly changed as the war continued, for it appears that, for the quarter ending June 30, 1863, the total amount of the foreign trade of New York was \$88,000,000, of which amount \$23,000,000 were carried in American vessels and \$65,000,000 in foreign—the change brought about being, that while in 1860 two-thirds of the commerce of New York was carried on in American bottoms, in 1863 three-fourths was carried on in foreign bottoms. You see, therefore, what a complete revolution has taken place in the value of property; and what has been the consequence? That a very large transfer has been made of American shipping to English owners, because the proprietors no longer

found it profitable to carry on their business. A document has been laid on the table, which gives us some important information on this subject. I refer to an account of the number and tonnage of United States vessels which have been registered in the United Kingdom and in the ports of British North America between the years 1858 and 1863, both inclusive. It shows that the transfer of United States shipping to English capitalists, in each of the years comprised in that period, was as follows: In 1858, 33 vessels, 12,684 tons; 1859, 49 vessels, 21,308 tons; 1860, 41 vessels, 13,638 tons; 1861, 126 vessels, 71,673 tons; 1862, 135 vessels, 64,578 tons; and 1863, 348 vessels, 252,579 tons. [Hear, hear.] I am told that this operation is now going on as fast as ever. Now, I hold this to be the gravest part of the question of our relations with America. I don't care what newspapers may write or orators may utter on one side or the other. We may balance off an inflammatory speech from an honorable member here against a similar speech made in the Congress at Washington. We may pair off a leading article published in New York against one published in London; but little consequence, I suspect, would be attached to either. The two countries, I hope, would discount these incendiary articles or these incendiary harangues at their proper value. [A laugh.] But what I do fear in the relations between these two nations of the same race is the heaping up of a gigantic material grievance, such as we are now rearing by the transactions connected with these cruisers; because there is a vast amount of personal suffering, personal wrong, and personal rancor arising out of this matter, and that in a country where popular feeling rules in public affairs. I am not sure that any legislation can meet this question. I candidly confess I don't think that if you were now to pass a law to alter your foreign enlistment act you would materially change the aspect of this matter. You have already done your worst towards the American mercantile marine. What with the high rate of insurance, what with these captures, and what with the amount of damage you have done to that which is left, you have virtually made valueless that vast property. Why, if you had gone and helped the confederates, by bombarding all the accessible seaport towns of America, a few lives might have been lost, which, as it is, have not been sacrificed, but you could hardly have done more injury, in the way of destroying property, than you have done by these few cruisers. [Hear, hear.]

Well, I turn to another point that has been opportunely raised by the honorable gentleman—I mean as to the practicability of refusing hospitality to these ships. I regard that as a very important question. I alluded to it twelve months ago in this house, and I still think that that is a step which the government might take with advantage to our future relations with America. [Hear, hear.] And when I come to hear what the honorable and learned gentleman says in opposition to that view, I confess I am puzzled beyond measure by his argument. He made a very long and elaborate statement to show that we were not entitled to refuse hospitality to these ships. He admitted, indeed, that we had the right to do it, but he contended against the expediency of our exercising that right. Now, this is a question for the government, and not one for legislation; and therefore I wish to impress its importance on the government. The honorable and learned gentleman wound up by saying he thought they had better wait until they saw whether the House of Commons was quite prepared to support them in any alteration of our law. I will only say it struck me, when I heard that, that we clearly had not a Washington at the head of affairs, ["hear, hear," and a laugh,] because that certainly was not the way in which Washington earned the tribute of our applause for the course that he took. The government admit, through their legal adviser, that they have the power, if they choose to exercise it, to prevent these vessels from entering our harbors; but the honorable and learned gentleman doubts the expediency of exercising it; and his reason is, that he thinks we have not clear proof of guilt. This brings me to a striking piece of inconsistency on the part of the honorable

and learned gentleman. He begins with administering a solemn exhortation, and something like a solemn reproof, to English ship-builders for infringing our neutrality laws and disregarding the Queen's proclamation by building these ships. Well, but if they are violating our neutrality and disregarding the Queen's proclamation, it must have been because they built these vessels for some belligerent to be employed against some power with which we are at peace. The honorable and learned gentleman assumes that these individuals are guilty of these acts. He knows they have been guilty of these acts. He knows that these three vessels in particular, and the Alabama more especially, have been built for the confederate government, and employed solely for that government, and yet he doubts the expediency of stopping them from entering our ports. He speaks as though we were asking that he should send out ships-of-war to order away these vessels without trial. He says there must be legal proof; but it does not require legal proof to warrant you in telling a government, "You have got these vessels clandestinely; you got them by the infringement of our neutrality code, or, at least, we suspect you, upon fair grounds, of doing so; and unless you prove that they came legitimately into your hands, we must refuse them the hospitality of our ports." Why, how do you act in private life? You hear charges and reports compromising the honor of your acquaintance or friend. You may have a moral conviction in your mind that that individual's honor is compromised, but you may not have legal proof of it, and still you may be quite satisfied in saying to him, "Until you clear up these charges, which on the face of them criminate you, I must refuse you the hospitality of my house." I hold that you have the right to say the same thing in regard to these cruisers. But what was the course of the government in the case of the Alabama? They told Mr. Adams, the American minister, that they should give orders to stop the Alabama either at Queenstown or at Bermuda. Therefore the principle was recognized in the case of that vessel that you had a right to stop her when she reached your jurisdiction. I say, therefore, in the same way, "Prevent their entering your harbors until they give an account of themselves, to show how they became possessed of that vessel." This has a most important bearing, and one so apparent that it must be plain to the apprehensions of every honorable gentleman who hears it. If the people of the United States are to be told that not only do individuals here fit out cruisers to destroy their commerce, but that our government will allow these cruisers themselves to enter our harbors, and there to be equipped—civilly equipped I mean—and victualled, see in what a predicament you place yourselves towards that country, in case you are ever again engaged in war. [Hear.] Recollect her geographical position. She has one sea-coast in the Atlantic and another in the Pacific, and her Pacific coast is within about a fortnight's steaming of your China trade. Let any man take and read the shipping list at Shanghai. It is almost like reading the Liverpool shipping list. Suppose, then, you were at war with any other power, and you had laid down this doctrine for other countries to imitate: Why, let the American government be as true and as loyal to its principles as it has been, can you doubt, if American nature is human nature, if American nature is English nature, that out of their numerous and almost inaccessible creeks and corners there will not be persons to send forth these fleet steamers to prey on your commerce? Why, many Americans will think it an act of absolute patriotism to do this. They will say, "We have lost our mercantile marine through your doing this, and by doing the same towards you we shall recover it again, and you will be placed in the same position as we were. You will have a high rate of insurance; you will be obliged to sell your ships; you had the profit before—now we shall have it, for the game is one that two can play at." But only look at the disadvantage you will experience under those circumstances. We understood the importance of this at the commencement of the Crimean war. In April, 1854, when war was declared

with Russia, the British and French governments sent a joint note to the American government, in which we asked them, as an act of friendly reciprocity towards us, to give orders that no privateers bearing the Russian flag should be allowed to be fitted out, or victualled, or equipped in American ports. [Hear, hear.] Recollect that the words "equipped" and "victualled" were contained in the request which we addressed to the American government. [Hear, hear.] And this leads me to make a remark with reference to a most important point—I mean as to the distinction drawn by the honorable and learned gentleman between a government ship-of-war carrying a commission and a privateer. That is a question of the utmost importance to us. We have been in a fool's paradise for the last seven or eight years. We have believed that the conference of Paris achieved a great work in the interest of civilization—that it abolished privateering. Now we find that that was nothing but a stupendous hoax. ["Hear," and a laugh.] For, what is the Florida? What is the Alabama? What is the Georgia? Why, they are not privateers at all. I remember that the honorable member for Liverpool who sits opposite—I wish to distinguish him from his colleague—I remember that he made a speech lately at Liverpool, in which he said that if the Americans had only joined in the declaration of Paris against privateering they would not have been placed in their present predicament; and the honorable gentleman led his hearers, the ship-owners of that port, to believe that if we got into a war we could not be retaliated upon in the same way as the Americans were, because we were under that safeguard which had forever abolished privateering. [Hear.] Well, let us take the case of the Florida as an example, and look at her history for a moment. She was off the coast of Ireland, and went across to Brest. On her way thither she burnt an American merchant ship, and therefore went into Brest red-handed. At Brest she claimed to be allowed to civilly equip and victual. The *Opinion Nationale* immediately put forth a leading article, denouncing the Florida as being what the French call a *corsaire*, and what we term a privateer. Therefore the commander of the Florida wrote a letter to the Paris newspapers, declaring that M. le Redacteur was under a great delusion in supposing that his ship was a privateer, and stating that she bore a regular commission of the confederate government, and that he and all his officers were regularly commissioned officers; that, in fact, the Florida was a regular ship-of-war. On the publication of that letter, Mr. Dayton, the American minister at Paris, took the affair in hand, and in the despatches on our table between Mr. Seward and his representatives abroad we have the whole correspondence that took place between Mr. Dayton and the French government. Mr. Dayton called the attention of M. Drouyn de l'Huys to the circular addressed to the American government in 1854, at the breaking out of the Crimean war, and told him in effect, "You and England jointly requested us not to allow any privateer to equip or victual in our ports, but here is a vessel that is either a privateer or nothing; she makes no war on armed vessels; she goes about burning and destroying merchant vessels, and she does not profess to do anything else, because she is neither armed nor manned in a way to act as a regular ship-of-war." M. Drouyn de l'Huys and the English government appear both to have come to the same conclusion that the Florida, as well as the Alabama and the Georgia, is a regular ship-of-war; but Mr. Dayton, in communicating with his own government, fairly stigmatized the declaration of Paris as "mere moonshine," and Mr. Seward in his reply indorsed his language. [Hear.] I mention this to show that it will not save us, in case we are engaged in war, from having reprisals practiced upon us, that we have joined in the declaration of Paris, and I am glad that upon this point the honorable member for Liverpool has not succeeded in misleading his constituents, because they appear to take a very sound and far-seeing view of the question. [Hear, hear.] I am only sorry, indeed, that two years ago our ship-owners did not rise *en masse* and compel the gov-

ernment of this manufacturing and mercantile country to put our laws and regulations in harmony with the present state of our interests and relations; for I hold we are not here to stand up like lawyers and quote pedantically from the reports of 1810 and 1812. We are living in a progressive age, and in a most progressive country, and let me tell the government that we have now five times as much at stake as we had at the beginning of the century. Our exports and imports are five-fold what they were at the time when those authorities spoke whom the attorney general has cited, and I maintain that it is in the power of any country, but especially in the power of great countries, to lay down maxims and establish precedents which themselves become international law. [Hear.] We have, unhappily, lost a precious opportunity of putting ourselves in a better position for the future, if ever we intend to go to war again. Nor is it merely in time of war that we shall feel the effects of the existing state of things. Do you suppose that foreign governments do not observe what is going on, and do not fully appreciate our altered circumstances? I might apply that observation to other matters, and ask why we scatter our forces all over the world, and then think we are as safe and powerful at home as if we had those forces under our wing. But, confining myself to the question of belligerent rights, I say that foreign governments will take into account the danger we must incur in case of war, and will find in it a motive for our remaining at peace. Look at what happened last autumn. We held out what was supposed to be a threat, that, in conjunction with France, we should go to war with Russia on the subject of Poland. What did Russia do? She sent her fleet immediately to America, and, knowing the astute, long-headed men who rule in St. Petersburg, does anybody doubt what the motive was? The Russian government reasoned thus: "If England and France are going to attack us again, we will take care to be in a position to carry on reprisals, and particularly we will carry on operations against the commerce of England, in the same way as the confederates are carrying on war against the commerce of the United States." Therefore they sent their fleet, and, what is still more important, they sent their crews to America, no doubt with the intention of putting those crews into the swiftest vessels that could be obtained both on the Atlantic and on the Pacific side, in order that they might be employed against our commerce. [Hear, hear.] Take the case of Germany. Recently the German newspapers have often pointed to the vulnerability of England, in consequence of the state of the law as established by ourselves in the case of these cruisers. [Hear, hear.] We have, in truth, set a most perilous example, the effects of which, I believe, will be felt in our foreign office in negotiations with Brazil, or the weakest power we could have transactions with. Such has been the result of building three or four swift sailing vessels! Are we to be told that England is so much cleverer than America in mechanics that she can build ships which America cannot? Read the report laid on the table by Mr. Whitworth when he went to America ten years ago to inquire into its mechanical resources. Nobody who knows the aptitude of the American people for mechanical discoveries will lay claim to any superiority on our part. Do you want an Alabama, a ship that was built neither for war nor for trade—a vessel that can run away from anything or catch anything? America can produce any number of such vessels. When I went first to America, some twenty years ago, they were running steamers on their rivers at the rate of eighteen miles an hour, a thing unheard of elsewhere. The Americans have never done much in the way of ocean steamers; their specialty is on their rivers and lakes, where we find the swiftest vessels in the world. But is it supposed that because we have more ships-of-war, therefore we are sure, in case of war, to find their cruisers? Perhaps nothing is more difficult, not to say impossible, than to find a ship on the ocean after she has once got out of sight. Nelson himself passed many weeks trying to find a fleet of 500 sail going from France to Egypt. You may find a vessel in a harbor, just as

Nelson found the French fleet in the Nile; but even if you should find an American cruiser in a harbor, by your own rules you must allow her to escape, because you say she must have a start of twenty-four hours. [Hear, hear.] It appears to me, on the whole, that the only thing remaining that you can do to conciliate the American people under the cruel losses they have undergone at your hands, is to say that henceforth you will deny hospitality to vessels that have been built in your ports, that have clandestinely left your ports, that have been manned and armed from your ports, because you are convinced that to allow such ships to come back here after committing havoc upon a friendly nation would be to injure yourselves and endanger your own best interests in the future. [Cheers.]

Lord R. CECIL. The present hour and the present state of the house do not invite discussion, but the speech we have just heard contained a fallacy which I cannot allow to pass without notice. The honorable member for Rochdale has drawn a powerful picture of the evils to which England will be exposed in any war in which she may be engaged hereafter. I do not think he has exaggerated those evils, for I am afraid that, in the event of war, we must reckon upon seeing our mercantile marine harassed on the ocean by swarms of hostile privateers. But the point which the honorable member has overlooked is the impossibility of our avoiding the evils in store for us by any action we could take now. If by sending the Alabama or the Georgia away we could insure ourselves against the risks which the honorable member has so eloquently painted, I should at once admit that there was great cogency in his arguments; but I cannot conceive how anybody can imagine that, by refusing hospitality to a confederate ship, we could add one iota to the safety of our mercantile marine in any future war. [Hear, hear.] You say that you desire to set the Americans a good example. Do you mean seriously to tell me that when hostile passions are aroused, when men are driven by their feelings, or still more by what they consider an overwhelming interest, towards a particular line of conduct, they will imitate your example? Do you mean to say that the Americans, who have never been very particular as to how they contend with other nations, who certainly were not very particular in their dealings with us in Canada—do you mean to say that they will care two straws whether we did or did not at some previous period act in a manner which they deemed hostile to themselves? But I will remove the question from this American dispute. Look at what has happened between other nations. Are France and Russia any the less likely to unite now because they hated each other bitterly in 1853 and 1854? Are England and Denmark, who hated each other bitterly during the great war, on that account less sympathetic or friendly now? Nations in selecting their policy are not affected by events which may have taken place five, ten, or fifteen years before. Gratitude or indignation may last in the breasts of individuals for so long a period, though even that is a rare phenomenon, but I am quite sure that you can find in the history of the world no instance in which those feelings have endured so long in the breasts of nations. To go from example to precedent. We have heard a great deal about precedent from both the honorable member for Bradford and the honorable member for Rochdale. They say that we ought to set up a precedent which shall change international law. I confess that sounds to me very strange language. We heard from the attorney general, stated with the greatest eloquence and clearness, what international law is. You say to us, "Don't keep to that; don't keep international law as it is, but by the process of healing it make it something else, and your reward for so breaking it shall be, that other nations, instead of breaking it, will keep it, and keep it in the way which will be advantageous to you in future wars." I confess that that is a process which I don't think that other nations are very likely to go through. At all events, if they follow our example in nothing else, they will follow our example in the convenient plan of amending international

law by the process of breaking it. But there is something more to be said. You profess neutrality, and I presume that you intend that neutrality to be honest. I presume that even the honorable member for Birmingham, strongly as he feels upon the subject, will not recommend us to depart from strict neutrality. But can there be a greater breach of neutrality than that you should break international law on the one side and not on the other; that you should alter international law by so breaking it, and that entirely in favor of one belligerent? And what adds to the peculiar baseness of such a proceeding is, that you are asked to take this course, not because you believe that one side is right and the other wrong, but solely that it may give you an advantage in some future war. I confess that such a mode of dealing with international law appears to me more dishonest and more immoral than anything I ever before heard proposed. The honorable member for Rochdale told us a great deal about the bitter feelings of the inhabitants of the federal States at the losses they have endured. He counted up those losses, and asked us to believe, as we well could, that a race come of the same stock as ourselves would be operated upon more strongly by the bitterness of feeling occasioned by these losses than by any other motive. I thoroughly believe it. I dare say that for many years those nations will feel bitterness towards the nation through whose instrumentality they believe that they have been inflicted. But have there been losses only on one side? [Hear, hear.] Has there been suffering only on one side? [Hear, hear.] And has British aid been given only to one side? I have in my hand a paper which tells a different story, and to the tale which it tells I invite the attention of the house. In the course of the year 1862 there were exported to the federal States rifles and muskets of the value of £546,000, besides 11,947,000, or in round numbers 12,000,000, percussion caps. What the Americans have done with all those caps I cannot imagine. I believe that, according to the most recent authority, they have killed 200,000 confederates. That allows sixty shots for each man killed, which undoubtedly is not very good practice. (Lord R. Montague: "Yes it is.") My noble friend says that it is. I trust that in any war in which we may be engaged he will wield his weapon with more effect. I cannot pass over the fact which has been stated in this house, and is well known, that the mercantile house which has been mainly instrumental in conveying this enormous assistance to the federals, and effecting this fearful injury upon the confederates, is the house of Baring & Co. Now, I want you to consider the feelings with which the confederates regard these enormous re-enforcements, which have been conveyed by the English people through the hands of Messrs. Baring & Co., in violation of her Majesty's proclamation of neutrality. [Mr. Cobden: "Not in violation."] The attorney general is not here to inform us as to the law, and I will adhere to my statement until it is contradicted by some more competent authority. Whether contrary to law or not, it is an enormous assistance conveyed through the house of Messrs. Baring & Co. by the English people to the federals. You have been considering the feelings of the federals. Do you suppose the confederates have no feelings? Do you suppose they do not feel for their rich country desolated, for the enormous injury which has been inflicted upon their industry, for their towns bombarded, for their population slaughtered, and for the fearful trials to which every class of their people have been exposed? And do you suppose that when they learn that all this havoc has been committed through the instrumentality of munitions of war conveyed by English merchants, the bitterness on one side will not be as great as that on the other? If our neutrality is honest, we must regard the bitterness of one side as much as that of the other. I am sure, considering what in the future are likely to be the opportunities of greatness offered to the two divisions into which the American republic is fast dividing, that we shall have as much cause for regret if we permanently alienate from England the inhabitants of that country which lies to the south of

the Potomac as we shall have if we alienate those who inhabit the smaller country which lies to the north of that river. [Hear, hear.] We cannot give too much praise to the very learned and moderate speech of the attorney general. [Hear, hear.] It seemed to me to give an exhaustive and complete statement of the law, comprehensible by the least instructed intellect; and I hope that it will be accepted as an official reply to many fallacies upon this subject which have been current in this country. I will only express my regret that after that speech the honorable member for Rochdale should have repeated the statement that it was proved that the Georgia came out in violation of our neutrality. Why, you have not even got a verdict. It will be time enough to talk about the law being broken when you have got any court of law to pronounce in your favor. The only court which pronounces in your favor is that which sits in your own brains. There is not a ghost of a justification for saying that the Georgia has broken our foreign enlistment act. All the facts are against you. ["No, no!"] It is probably well known to the member for Rochdale that it is quite as much within the international law to sell ships-of-war to another nation as it is to sell any munitions of war. [Hear.] There seems, therefore, to be no ground for the statement that the Georgia has invaded our ports in defiance of our neutrality, and we should ourselves be guilty of a clear breach of neutrality if we shaped our policy on an assumption which cannot be proved either in law or in fact. [Hear, hear.]

Mr. SHAW-LEFEVRE said that he had listened with great regret to the speech of the attorney general, and especially to his statement that he was not prepared to recommend her Majesty's government to take either of the courses suggested by the honorable member for Huntingdon. Probably, if the honorable and learned gentleman had paid more attention to the history of America and less to law cases, he would have come to a different conclusion. When in 1793 we remonstrated with the American government against the fitting out of privateers in their ports, they did not say that they had no municipal law to meet the case, and were not bound by international law, but at once passed an act to meet our complaints. The act of 1793 was for a time sufficient for the purpose. He could not find that it was evaded by any privateers during the French war. Shortly afterwards, however, a war broke out between Spain and their colonies, and then a flaw was discovered in the act of Congress, which it should be borne in mind was precisely similar to our act of Parliament. In defiance of the law privateers were despatched from American ports. The course adopted was much the same as that taken by those who, in our own day, fitted out the Alabama, Georgia, and Florida. The vessels were chartered as traders, and received ammunition under the disguise of cargoes of merchandise. When they got out to sea they hoisted their guns out of the hold and mounted them on deck, and displayed the flag of the South American republic. The American government, he was bound to say, did all they could to enforce the law against these cruisers. There were numerous cases in which they were seized and condemned, and there were also cases of prosecution for infringement of the foreign enlistment act. Those measures, however, were not sufficient to repress the evil. Spain and Portugal both remonstrated with the United States for allowing cruisers to be fitted out in their ports; and the complaints which were made bore a striking resemblance to some of those which the federal government had lately addressed to us. The Portuguese government pointed out that the fault was entirely in the insufficient state of the existing law, and urged its amendment. Similar representations were made by the Spanish minister; and even this country and France joined in the remonstrances. What was the reply of the United States? They did not say that they had a municipal law, and that no international obligation required them to go beyond it. On the contrary, the President immediately sent a message to Congress, stating that it was essential to the interest and honor of the country that the neutrality should

be honestly preserved, and that no opportunity should be given for evasions of the law, and proposing that the law should be revised, with a view to its being rendered more effectual. He should like to see her Majesty's government in the present juncture adopt the same policy as the government of the United States in 1817. In accordance with the President's message an act of Congress was proposed, containing two clauses not in the original act, and, he might observe, wanting to our statute, giving collectors of customs authority to detain, to exact bonds from vessels suspected of an intention to engage in hostilities against an ally of the States. There was then, it should be remembered, quite as strong a sympathy in the United States for the South American colonies as prevailed among honorable gentlemen opposite for the southern States of North America. Of course there were objections to the proposed act. It was said that it had been brought forward under pressure from foreign powers, and that traders had a right to sell ships if they chose. The United States government replied that they had duties to perform, not to one nation, but to all; that they had listened to the representations of foreign powers only because they deemed them reasonable, and that traders must take care that in their mercantile dealings they did not do anything which was incompatible with the higher interests of the country. [Hear, hear.] He did not hesitate to say that such cases as had occurred in this country could not have taken place under the law of the United States; and he held that we ought to adopt the clauses which had been added to the original American act. He had spoken of the proceedings in 1793; but there was an earlier precedent in 1779. When privateers were fitted out in French ports for the service of the American government, the British government strongly protested against it, and offered France the alternative of checking the practice or going to war. France chose peace, and undertook to dismiss all the privateers from her ports at once. Therefore there were two precedents directly in point, showing what ought to be done in regard to these vessels. It was said that there had been no judicial investigation in connexion with the southern cruisers, but that was because they escaped from this country before any trial could be instituted. He did not suppose that any one could doubt that these vessels were built in violation of our neutrality, and he hoped the government would entertain the proposals suggested by the honorable member for Huntingdon. [Hear.]

Lord R. MONTAGUE said there could be no doubt either as to the bias of the honorable member's sympathies or the source of his inspiration. Instead of availing himself of the authentic sources of information in this country, he had gone for facts and arguments to the American papers laid on the table of Congress. The honorable member for Rochdale had proved conclusively that the trade of the northern States had been considerably diminished; but his speech was like a bridge without a keystone. The honorable gentleman had omitted to show how we were responsible for the injury which American commerce had sustained since the war began. Not only had the southern States manufactured a navy, but they had beaten the federal ships which had long ridden the sea so completely that the latter were now fain to avoid the conflict [Hear, hear.] How were we to blame for that? Should we have done anything to prevent the south from sending their ships to sea, or have refused to them that hospitality which our neutrality bound us to concede equally to both sides? [Hear, hear.] The attorney general had pointed out that as yet the southern States were not recognized by us, and that, consequently, we had no legal channel for those communications which might otherwise have been addressed to them. The federal government had themselves prevented us from communicating with the south, and had declined to permit a British man-of-war to proceed to one of the southern ports. The honorable member said the Florida was a privateer. That was not the case, for a privateer was an armed merchant vessel, which, whenever opportunity offered, plundered enemy's property; but the

Florida carried no cargo, and was a commissioned man-of-war. He did not think, as the honorable member seemed to believe, that if England altered her law Russia would not send privateers to sea to plunder English property in case of war with this country.

Mr. Alderman ROSE believed that the definition of the law contained in the attorney general's admirable speech was correct. The honorable member for Rochdale had described the amount of shipping lost by the United States, but the honorable member might also have adverted to the loss of all liberty and credit in that country; and it seemed that the period was not far distant when England would have to recognize the southern States.

Mr. Adams to Mr. Seward.

No. 697.]

LEGATION OF THE UNITED STATES,
London, May 20, 1864.

SIR: By intelligence received from Mr. Dudley, as well as from the public newspapers, I learn that the steamer Georgia is advertised for sale at Liverpool.

Meanwhile the British subjects enlisted as seamen are permitted to remain with their families at that place with impunity. It is only the poor Irishmen taken into the Kearsarge at Queenstown who have been passed through the formality of a conviction in the courts for an offence against neutrality.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 956.]

DEPARTMENT OF STATE,
Washington, May 21, 1864.

SIR: You are doubtlessly aware that for several weeks we have been suffering painful apprehensions lest by means of the subsiding of the waters in the Red river we might be obliged not merely to forego the effort to maintain our position on its banks, but even to leave our iron-clad fleet to be destroyed, or to fall into the hands of the insurgents. We have just now been relieved from these fears. An artificial rise of the river at the rapids above Alexandria was effected, and the fleet has safely descended to the Mississippi. The expedition of Major General Banks has failed, but the failure is believed not to have materially impaired our own strength, or given to the insurgents any new advantage. The return of the fleet and the land forces to the Mississippi reassures our control of the navigation of that great river.

We hear from Major General Sherman, who has taken Rome, and is at Kingston, that having there repaired the waste of his army, and renewed his supplies, he would move to-day, and resume his march upon Atlanta, with an army of 80,000 effective men.

Lieutenant General Grant had severe conflicts during the last week, by way of manœuvre and reconnoissance. On Friday night the insurgents withdrew from their strongly intrenched position at Spottsylvania Court-house, retreating, as is supposed, across the North Anna river. The army of the Potomac was already on its advance, which of course was continued; and thus far there has been no serious conflict. Our position is now at Millford station, on the rail-

road from Fredericksburg to Richmond, and along the south side of the Mattapony river. Rappahannock station was used as our depot for supplies at the beginning of the advance. Since the battles of the Wilderness we have used Fredericksburg. To-day we change our station from that place to Port Royal, on the Rappahannock.

Major General Butler has had some severe conflicts with the enemy, but he still holds his position on the south bank of the James, and to the extent that he succeeds in detaining the enemy's force in his front, he contributes to the success of the main army of the Potomac in its advance upon Richmond. If we may rely upon the official reports of the operations of cavalry which reach us, the enemy's connections are broken up beyond his ability to restore them before the event of the campaign must be determined.

General Sigel with a portion of his forces was defeated on the Shenandoah, but the loss incurred has been fully compensated by the successful operations of General Crook in another portion of western Virginia.

Congress is maturing the tax bill with great care, and I think in a form that will be effective to sustain the national credit. The bank bill is still a subject of serious debate, but it will ultimately assume a satisfactory shape. The importations are enormous, and the shipment of gold is increased by the high rates of interest adopted by the banks of England and France. Nevertheless, the government stocks are well sustained, and the new loan bearing five per cent. interest is taken up at the rate of four or five millions a week. The flood of immigration is on the increase. Ultimately the nation cannot fail to be the gainer that sends out its gold and receives in exchange free men from foreign countries to extract the metals from its mines, and to expand cultivation over newly reclaimed territories.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 958.]

DEPARTMENT OF STATE,

Washington, May 21, 1864.

SIR: Your despatch of the 5th May, No. 679, states that the pirate steamer Japan, now known as the Georgia, has returned into British waters, but that you have not yet seen your way clear to remonstrate with her Majesty's government against her receiving British protection. It is not intended or desired to overrule your well-considered judgment in the case. But when we remember that she was built, equipped, armed, and manned by British subjects, in a British port, in violation of British laws, to make war against the United States, and that she escaped the vigilance of her Majesty's government, it seems to us quite clear that she ought to be detained and prevented from resuming her piratical occupation. In any case, I trust that, unless you have some good reason for forbearance, not now known here, you will at least not leave her Majesty's government free to suppose that we acquiesce in regarding her as a lawful belligerent vessel.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 698.]

LEGATION OF THE UNITED STATES,
London, May 26, 1864.

SIR: Despatches have been received the present week at this legation, numbered from 939 to 943, inclusive. * * * * *

Little has taken place of any interest during the week. The celebration of the Queen's birthday and the races have contributed to distract attention from business. It has been with great difficulty that a quorum of the Commons has been kept together since the close of the Whitsuntide holidays.

The conference reassembles on Saturday. It is intimated that the time may be extended, and that a plan is on foot for a settlement by a final separation of the Duchies from Denmark, and the establishment of them under a distinct government. This is the alternative to a more or less general war.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 699.]

LEGATION OF THE UNITED STATES,
London, May 26, 1864.

SIR: Messrs. Laird & Sons have sold the iron-clad rams to the British government. The fact was formally stated in the *Globe* of the 24th instant, though it has never been officially announced to me. In conversation with the attorney general last evening, I learned that two successful offers had been made by Messrs. Laird. The first had fixed a price considered so high as to have been at once declined. The last had proposed to abide by any reasonable adjustment, and had therefore been acceded to. I understood him to say that he intended to move a discontinuance of the suit in the court to-day.

This relieves the immediate pressure of a delicate and difficult question between the two governments. But it determines nothing for the regulation of their future relations. Opinion is taking so strong a form here on the impolicy of further countenancing these rebel operations, that my impression is that, hereafter, the base will be substantially transferred to the other side of the channel. The proceeds of the respective sales of the *Georgia*, the *Glasgow* ram, and these iron-clads will be, probably, applied to the outfit of the four vessels now in process of construction in France. They are not, to be sure, ships of the same formidable character with the rams, but they are, perhaps, the best which they can under present circumstances command. The fact is certain that they are still enlisting men and sending them over, whilst officers continue to come from America. Information from one of the crew of the *Alabama*, dated at Singapore so late as the 12th of April, discloses an expectation prevailing on board that she was to come to France about the middle of July. The *Florida* is now there. What this assembling of the vessels means, or whether it means anything, I do not pretend to say. I content myself with calling the attention of the government to it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 700.]

LEGATION OF THE UNITED STATES,
London, May 26, 1864.

SIR: I have the honor to transmit copies of the Times of the 25th and 26th inst., containing a report of the final proceedings in the Court of Queen's Bench on the application for the rendition of the pirates in case of the Joseph L. Gerrity. As usual in the case of English law decisions, the result turns upon technical construction of language rather than on broad principles.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

COURT OF QUEEN'S BENCH—*Westminster, Tuesday, May 24, 1864.*

IN THE MATTER OF TERNAN AND OTHERS, PRISONERS IN THE JAIL AT LIVERPOOL.

This was the case of the three men who had been arrested and committed to jail at Liverpool, on the warranty of Sir George Grey as home secretary, on the requisition of Mr. Adams, the American minister, on a charge of piracy alleged to have been committed by the prisoners and others, in seizing an American merchant vessel on the high seas. They had, it will be recollected, taken passages on board the ship as she lay at Matamoras laden with cotton and bound for New York, and when the vessel was seventy miles from that port, in the Bay of Mexico, they rose on the crew, seized the ship, and took her to Belize, where they abandoned it and sold the cargo. The three prisoners were seen at Liverpool by the master, who also had come there, and he at once applied to the American minister, who addressed himself forthwith to Sir George Grey, claiming their arrest and delivery up to the American authorities as pirates under the American extradition treaty act of 1843. That act, upon which the question turns, is as follows. It enacts:

"That in case requisition shall at any time be made by the authority of the said United States, in pursuance of and according to the said treaty, for the delivery of any person charged with the crime of murder, or assault with intent to commit murder, or with the crime of piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of the United States of America, who shall be found within the territories of her Majesty, it shall be lawful for one of her Majesty's principal secretaries of state, or in Ireland for the chief secretary of the lord lieutenant of Ireland, and in any of her Majesty's colonies or possessions abroad, for the officer administering the government of any such colony or possession, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all justices of the peace and other magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to jail, for the purpose of being delivered up to justice, according to the provisions of the said treaty; and thereupon it shall be lawful for any justice of the peace, or other person having power to commit for trial persons accused of crimes against the laws of that part of her Majesty's dominions in which such supposed offender shall be found, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as, according to the laws of that part of her Majesty's dominions, would justify the apprehension and committal for trial of

the person so accused if the crime of which he or she shall be so accused had been there committed, it shall be lawful for such justice of the peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to jail, there to remain until delivered pursuant to such requisition as aforesaid. That upon the certificate of such justice of the peace, or other person having power to commit as aforesaid, that such supposed offender has been so committed to jail, it shall be lawful for one of her Majesty's principal secretaries of state, or in Ireland for the chief secretary of the lord lieutenant of Ireland, and in any of her Majesty's colonies or possessions abroad for the officer administering the government of any such colony or possession, by warrant under his hand and seal, to order the person so committed to be delivered to such person or persons as shall be authorized in the name of the said United States to receive the person so committed, and to convey such person to the territories of the said United States, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take him or her to the territories of the said United States, pursuant to the said treaty; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws of that part of her Majesty's dominions to which he or she shall so escape may be retaken upon an escape."

Then there is a provision that if the prisoner shall not be claimed in two months he shall be discharged. Under this act the American minister claimed the extradition of the men as "pirates," and Sir George Grey, on the sworn information of the master, issued his warrant as follows:

"To her Majesty's justices of the peace and other magistrates and officers of the peace in and for the borough of Liverpool, and to all other her Majesty's justices of the peace and other magistrates and officers of justice within the United Kingdom of Great Britain and Ireland: Whereas, on the 15th day of February, 1864, in pursuance of a treaty between her Majesty and the United States of America, made on the 9th day of August, 1842, and ratified on the 10th day of October in the same year, and of an act of Parliament passed in the session holden in the 6th and 7th years of her Majesty's reign, entitled 'An act for giving effect to a treaty between her Majesty and the United States of America for the apprehension of certain offenders,' a requisition was made by Charles Francis Adams, esq., the United States minister at this court, to deliver up to justice certain persons called or known by the names of James Clements, T. Wilson, Daniel O'Brien, and — Kelly, charged with the crime of piracy on board the schooner Joseph L. Gerrity, of New York, within the jurisdiction of the United States of America, I, therefore, the Right Hon. Sir George Grey, Bart., one of her Majesty's principal secretaries of state, do hereby, in pursuance of the power and authority given to me as such secretary of state by the said act, require you, and all of you, within your several jurisdictions, to govern yourselves accordingly, and to aid and assist in apprehending the said James Clements, T. Wilson, Daniel O'Brien, and — Kelly, and committing them to jail for the purpose of their being dealt with according to the provisions of the said treaty, and delivered up to justice, pursuant to the said act, if found to be within the same. In witness whereof I have hereunto set my hand and seal this 20th day of February, 1864.

"G. GREY."

And thereupon Mr. Raffles, the stipendiary magistrate of Liverpool, issued his warrant, under which the men were arrested, and which was now returned, in these words:

"11th and 12th Victoria, caps. 42, 43. Warrant remanding a prisoner. Borough of Liverpool, to wit: To the constables of the said borough of Liverpool and to the keeper of the head lock-up house for the said borough: Whereas Warren Quinsey, or Wilson; George M'Murdock, or Kelley; and John Tevena, or Clements, were this day charged before the undersigned, one of her Majesty's justices of the peace in and for the said borough, with having committed the crime of piracy on board a certain American ship on the high seas, within the jurisdiction of the United States of America, contrary to the statute in that case made and provided and against the peace, and it appears to me to be necessary to remand the said persons charged: These are, therefore, to command you, the said constables, in her Majesty's name forthwith to convey the said persons charged to the said lock-up house for the said borough, and there to deliver them to the keeper thereof, together with this precept. And I hereby command you, the said keeper, to receive the said persons charged, into your custody in the said lock-up house, and there safely keep them until the 30th day of April instant, when I hereby command you to have them at the police-courts in Dale street, in the said borough, at 11 o'clock in the forenoon of the same day, before me or before such other justice or justices of the peace as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the mean time. Given under my hand and seal this 23d day of April, A. D. 1864, at Liverpool, in the borough aforesaid.

"T. S. RAFFLES."

The men were brought up before the magistrate for examination, and the master was the principal witness against them, and of course proved their seizure of the vessel, &c. But he admitted that the men professed and appeared to act under the orders of a certain Major Hogg, who professed and appeared to act as an officer in the service of the confederate government, and professed to have papers from them to justify his act, and he also admitted that the prisoners at the time said they acted under the confederate government. The magistrate on this evidence doubted whether the case was one of piracy within the act, and remanded the prisoners from time to time to allow of their applying to this court. Accordingly last term Mr. James, Q. C., (with him Mr. Littler and Mr. T. H. James,) obtained on their behalf a rule *nisi* for a *habeas corpus* with a view to their discharge, and the rule, after argument by Mr. Lush, Q. C., Mr. Milward, and Mr. Lushington, (instructed on behalf of the American minister,) was made absolute. The writ of *habeas corpus* accordingly issued commanding the jailer to bring up the men, to submit them to the judgment of the court either to remand them or discharge them. He produced them yesterday in court, in obedience to the writ, but as the case could not be brought on, they were sent to Whitecross-street prison, (as provided by statute,) whence they were now brought up for the final and solemn determination of their case. They appeared, by the expression of their countenances, fully sensible of the gravity of their situation and the momentous import of the discussion going on, and to which they listened with the deepest interest.

Mr. James, Q. C., Mr. Littler, and Mr. T. H. James appeared on their behalf, instructed on the part of Mr. Mason, the representative of the Confederate States in this country; Mr. Lush, Q. C., Mr. Milward, and Mr. Vernon Lushington appeared, instructed by direction of the American minister, to oppose their discharge.

Mr. JAMES, after judgment in the above case had been delivered, rose and informed the court that the prisoners were present in court, and moved that the return to the writ of *habeas corpus* be read.

The return was accordingly read by the master of the crown office. It set forth the depositions taken before the magistrates, the substance of which is

given above, but only the various warrants under which the prisoners had been committed and were now detained, for the purpose of being delivered up under the statute.

Mr. JAMES thereupon observed, that, by the omission to return the examinations of the witnesses and the warrant of the secretary of state, the case, after all, was not technically before the court; but his learned friend on the other side had agreed to waive that technical form, and argue the question of law it was intended to raise.

Mr. LUSH said he quite assented to that; he took no objection; that was all he could say. Let it be taken, if the court pleased, that the examinations were before the court.

The LORD CHIEF JUSTICE observed that one great point was, whether the men were committed merely for further examination by way of remand, or were committed for delivery up under the act. How was this to be taken?

Mr. Justice CROMPTON also observed that this raised a difficulty, unless it were to be taken that the men were committed to be delivered up.

Mr. JAMES submitted that it appeared that this was so.

Mr. LUSH again rose and intimated that, so far as he was concerned, he waived any technical difficulty. Let it be taken that the magistrate had actually committed the prisoners for the purpose of being delivered up.

The LORD CHIEF JUSTICE observed that he could not see the difficulty, for if the case was not within the act, then the magistrate had no jurisdiction at all in the matter to commit the men in any way whatever.

Mr. LUSH assented to that.

Mr. Justice BLACKBURN. Then, are we to take it that all the evidence available has been given?

Mr. LUSH. Yes. It may be taken that there is no other evidence.

Mr. JAMES. Then, my lord, I move that the prisoners be discharged.

Mr. LUSH. On what ground?

Mr. JAMES. That they are committed for piracy; for piracy *jure gentium*, and that this is not a case within the treaty or the act. There are other and minor objections which it is unnecessary to enter into if I am right on the main question. They are, I contend, entitled to be unconditionally discharged, as not being rightfully in custody, and not being shown to have been guilty of piracy. Now, as to the first question, whether this is piracy *jure gentium*, it is enough to say that it is charged as piracy; and that *prima facie* must mean piracy by the law of nations. If it is meant as piracy by municipal law, it should have been so stated. This court cannot enter into any other kind of piracy. It cannot take judicial notice or cognizance of piracy by the merely municipal laws of other states. This court knows nothing of such laws, and knows only of piracy by the law of nations and piracy by its own law. If it was shown to be piracy by the law of any other country, another question might arise whether it was within the treaty. But that question did not arise, unless it was shown to be municipal piracy, and it was not so shown. Therefore it must be taken, in the absence of any proof of American law on the subject, that this was piracy *jure gentium*; and as such it was not within the treaty or the act; for the treaty was one of extradition, and its object was to prevent failure of justice by escape of criminals out of the only jurisdiction within which they were triable. But piracy *jure gentium*, or by the law of nations, was triable anywhere. These extradition treaties all had for their object the security of justice, and they proposed to act by handing over escaped criminals who would escape justice if they remained where they were found. Such being the scope of these treaties, they must be construed in that sense. They had reference only, then, to crimes committed within the *exclusive* jurisdiction of the country demanding extradition under any such treaties. This view of their construction was, he contended, upheld by the highest American authorities.

The learned counsel cited 1 *Kent's Commentaries*, 8th edition, p. 36, where the reason for the doctrine given was, that otherwise the criminal might go unpunished. Now, as matter of history, this treaty was entered into primarily for the purpose of fixing the boundary between our territories and those of the United States. Two other objects were the abolition of the slave trade and the extradition of criminals, that is, in cases of grievous crime. And it was very natural, therefore, that when the slave trade was declared piracy the crime of piracy would be mentioned, which would include the slave trade. As regarded piracy, which was only piracy by the law of either country alone, it could not be "justifiable" in the other. Jurisdiction was either territorial or personal, that is, it was either local or grounded on allegiance. It was either jurisdiction within the territory of a state or over its own subjects. The latter, no doubt, extended over the subjects of the state everywhere, and over their property, and of course it would extend over their ships wherever they were. This was the true principle on which that kind of jurisdiction rested; it arose out of personal jurisdiction and personal allegiance. The subject of the state took his ship with him, and allegiance and jurisdiction followed and embraced both.

The LORD CHIEF JUSTICE. You would not deny that the courts of the United States would have jurisdiction over an American for murder committed on board an American vessel anywhere?

Mr. JAMES. Certainly not; but the personal jurisdiction carries with it the jurisdiction over the ship. It is because the state has jurisdiction over its own subjects wherever they were. But it did not follow that the United States could, by its own law, make that piracy or murder here, which would not be so by our laws, except as regarded their own subjects in their own ships. One of our own statutes illustrated this doctrine. In the reign of William III we had an act making it piracy for vessels under the authority of James II to commit depredations on British vessels; but that act only applied to British subjects, and a foreigner could not have been treated as a pirate under its enactments. Now the United States, it was stated in Wheaton, had in terms adopted and re-enacted in effect that act of William III, and made it piracy for vessels "under color" of any commission from a foreign state to commit depredations on the ships and subjects of the United States; but it was admitted that this act only applied to subjects of the United States. Apply this to the present treaty. It plainly showed that the crime of piracy there mentioned must mean piracy as recognized by both nations—not piracy by the law of one of them alone. The terms of the treaty were "deliver up to justice," not to the authorities of the other country. This showed that the object was to prevent a failure of justice—that is, in cases in which the law and justice of both countries would recognize that without extradition there would be a failure of justice—that is, in cases in which there could not be concurrent jurisdiction. In the case of piracy *jure gentium* there was concurrent jurisdiction; but in other cases mentioned there was not. In the case of murder, it was by statute that a British subject committing the crime abroad could be tried here; but the argument did not apply to piracy, in which at common law there was concurrent jurisdiction; and could it be contended that in the murder case, if the crime had been committed in America, the extradition of the prisoner could be claimed—delivery up of our own subjects to be tried abroad for a crime equally triable here? Would that for a moment be upheld? Would that really be "deliver up to justice?" He would be equally amenable to justice here. He would be taken from justice here merely to subject him to justice elsewhere.

The LORD CHIEF JUSTICE observed, that the argument on the other side was, that in such a case the criminal had escaped from justice in this sense, that all the evidence and the means of proof were abroad, and justice might be certain to fail here.

Mr. JAMES admitted that this might be a good reason for making a treaty to include such a case, but he insisted that the present treaty did not include it.

The LORD CHIEF JUSTICE said that was the question.

Mr. JAMES observed that the whole scope of the statute was compulsory. It left no discretion. In cases where it applied at all it was absolute, and allowed of no discretion.

Mr. Justice CROMPTON observed that that was so certainly.

Mr. Justice BLACKBURN added that there was no provision for the consideration in such a case of difficulties as to evidence, &c.

Mr. JAMES said that was strong to show that the treaty was not meant to apply to cases where there was concurrent jurisdiction, and there happened to be some casual difficulty as to proof. It was a mere accident that there should be any such difficulty. The mere circumstance of the crime being committed abroad did not necessarily raise any difficulty as to proof, for the witnesses might be all here. A strong argument in favor of the same view arose from the provision at the end of the statute, that, in case of failure of demand, in two months the prisoner should be discharged. Could it be supposed that we were to let a man go, criminal and triable in our own courts and by our own law, merely because a foreign state did not demand his extradition? Could so monstrous a conclusion be supported? And yet it logically followed, from the opposite view of the act, that it applied to cases of concurrent jurisdiction. One independent state having concurrent jurisdiction to make its exercise dependent on the will and pleasure of a foreign state! Yet that result, beyond all doubt, would follow the construction contended for on the other side. The learned counsel went on to cite a case in the Supreme Court of America upon this very treaty. That was a case of a demand for extradition of a person for an assault, with intent to murder, committed in Ireland, and the court construed the treaty in the sense he had ascribed to it. "It is a compact between the two nations for the punishment of criminal offenders against their laws, where the guilty parties could be tried and punished only within the jurisdiction whose laws have been violated." It certainly was upon a former treaty, but it related to an article pertaining to extradition.

Mr. Justice SHEE. The article included murder, but not piracy—not, perhaps, that it makes any difference in your argument.

Mr. JAMES said he thought that it did not. The principle was the same as to the point of concurrent jurisdiction, and it was there laid down distinctly that the article did not apply in a case of concurrent jurisdiction. The learned counsel then referred to a speech in Congress of Chief Justice Marshall upon a case of extradition. The argument in that case was, that where there was concurrent jurisdiction the prisoner ought not to be handed over.

Mr. Justice SHEE. That was not upon this treaty, was it?

Mr. JAMES. No; but it was upon a question of extradition. It was in 5th Wheaton's Reports, a case of "*In re Robins*;" and with reference to offences at sea, he laid it down that the jurisdiction of a nation was purely personal. He went on to define a pirate as an enemy of all nations, and so punishable alike by all; but, he added, that an offence which by its nature only affected a particular nation could only be punished by the courts of that nation, and only on its own subjects. "Piracy, by the law of nations, is punishable equally by all; but no particular nation can increase or diminish the list of crimes so triable."

Mr. Justice SHEE remarked that the case there was one of exclusive jurisdiction.

Mr. JAMES said it was so, no doubt, but the principle was laid down as to concurrent jurisdiction.

The LORD CHIEF JUSTICE. The case would be far stronger in your favor had the case been one of concurrent jurisdiction.

Mr. JAMES said the murder there, no doubt, was not committed in the United States; but the whole reasoning on the case seemed to apply to cases of concurrent jurisdiction. He contended that the scope of the authorities was to

support his conclusion, that these treaties did not apply to cases of concurrent jurisdiction. For that very reason it was usual in these treaties to exclude the subjects of each state from their operation. Why were they excluded? Why did a state decline to deliver up its own subjects? Because there could be no difficulty as to its own subjects, as it could take cognizance of their crimes wherever committed. It was true that for some reason the United States declined to accede to this exemption; but they ultimately did so. For this the learned counsel cited Wheaton on International Law, the great American work on the subject written by Mr. Wheaton, the minister of the United States at Brussels:

"In the negotiation of treaties, stipulating for the extradition of persons accused or convicted of specific crimes, certain rules are generally followed. The principal of these rules is, that a state should never authorize the extradition of its own citizens or subjects, or of persons accused or convicted of political or purely local crimes, but should confine the provision to such acts as are by common accord regarded as grave crimes.—(P. 236.) The act, it will be observed, specifies the crime of murder, along with robbery and piracy."

"On the construction of the British treaty of extradition, a crime committed at sea on board an American vessel has been considered the same as if committed on American territory; and, therefore, it was said, was a case for extradition."

This strongly confirmed his argument.

THE LORD CHIEF JUSTICE. There is certainly great stress laid upon the fact that there is exclusive jurisdiction.

MR. JAMES. Yes. It seems taken for granted that the test is whether there is exclusive jurisdiction in the state requiring extradition. The learned counsel said this was the main and the most important questions on which it was important to have the decision of the court. There were, however, other points. One of them was this: Supposing it to be not a case of piracy *jure gentium*, but of piracy by municipal law, and it did not appear that any of the men were American subjects.

MR. Justice CROMPTON. It is stated that they were pirates within the jurisdiction.

MR. Justice SHEE. "On the high seas within the jurisdiction." That is a very different thing.

MR. JAMES. Just so.

MR. Justice BLACKBURN. But if "piracy" means piracy *jure gentium*, why does it not mean that in the warrant? There no such piracy was shown or stated. It nowhere appeared upon the proceedings that there was any municipal laws of the United States creating a peculiar species of piracy not so by the law of nations, nor that there had been such piracy committed in point of fact. It was for the parties requiring extradition to show this. For example, this species of piracy only applied to American subjects.

THE LORD CHIEF JUSTICE. Then it will be said the case is out of court, for that the treaty does not apply to that species of piracy.

MR. JAMES. Just so. And if it is piracy *jure gentium*, then no such piracy is shown. But further, the warrants are all bad. They show no jurisdiction in the secretary of state to issue his warrant. There must be an original charge in the country demanding extradition, and sworn evidence, and a warrant thereupon issued in America, and all this shown by sworn evidence to the secretary of state in this country; and thereupon he would have jurisdiction to issue his warrant, on which the jurisdiction of the magistrates must depend. The words of the act are: "who, being charged, shall seek an asylum"—that is, first being legally charged, and then escaping. This was quite clear, for the warrant and depositions in America were required to be shown to the secretary of state here. It was only upon that he had jurisdiction to issue his warrant. The warrant to

be shown to him meant a warrant issued in the country requiring extradition. It had so been held in America, in a case of an offence committed in Ireland; and, indeed, it was manifest, for the secretary of state was to inquire into "the truth of the charge"—that is, the charge made in America. There appeared not, however, to have been any such charge in America. There was no trace of any legal formal charge against these men in America.

Mr. Justice CROMPTON. The case supposed, you see, is that of a man who has escaped from justice. You suppose depositions taken and a charge made in his absence.

Mr. JAMES said he would cite American authority to show that his view of the treaty was correct. He cited from *Wheaton's International Law*, p. 242: "The United States will not make a demand upon the British government without the exhibition of a judicial warrant upon sufficient proof by the local authority of the state demanding extradition. A mere notification from a foreign legation is not sufficient to justify the preliminary action of the state from whom extradition is claimed." Now there was nothing here but a mere notification.

Mr. LUSH. That is not so. The secretary of state, in point of fact, never acts without sworn evidence, and he had such evidence in this case.

Mr. JAMES. What evidence? Whose evidence?

Mr. LUSH. The master's.

Mr. JAMES. Where taken?

Mr. LUSH. I presume at Liverpool.

Mr. JAMES. Then it won't do. There was no jurisdiction to act at all without sworn evidence and a warrant from America.

Mr. Justice BLACKBURN. If you are right in your view of the act, of course a deposition taken at Liverpool would not do. But is it so?

The LORD CHIEF JUSTICE. If it be so, you see in the case of a murder by one American subject of another on board an American ship in the British channel; if the man escaped before a warrant could be issued, there could be no claim for extradition.

Mr. JAMES observed that this only showed a defect in the act. He went on to submit that the warrant of the magistrate was bad, as it did not appear upon it that it had issued before he had taken sworn evidence.

The LORD CHIEF JUSTICE asked if this was so in fact.

Mr. LUSH said it was not so. There had been sworn evidence taken first.

Mr. JAMES said it was not so stated in the warrants. The magistrate must show his jurisdiction on the face of the warrant. He had not a general right to issue warrants in such cases. It was a special statutable power, and must be strictly pursued. It was a clear principle of law that in any such case the warrant must upon the face of it show that the statutable requisites of jurisdiction had been complied with, or otherwise there would be no jurisdiction. For this the learned counsel cited several English authorities.

Mr. Justice CROMPTON pointed out that the defect, if it were one, could be cured. The defect was only in the original warrants, and there were subsequent warrants.

Mr. Justice BLACKBURN. The defect can be cured in half an hour by returning a new warrant.

Mr. JAMES. Well, my lords, I avow that I should be very sorry to succeed on this point, and fail on the other. I now come to my last point, which is, that there is no case of piracy at all. There was no evidence upon which a magistrate, acting within even his ordinary jurisdiction—*a fortiori*, within this special jurisdiction—could commit for piracy. That which would be piracy under some circumstances was not so in others. Thus the acts which in time of peace would be presumptive evidence of piracy, would not be so in time of war if committed against a belligerent. The case must be viewed as if we were a neutral nation called upon to act as between two recognized belligerents. On the one hand there

would be the representative of one belligerent claiming that the men should be delivered up as pirates, and the representative of the other belligerent avowing that it recognized and adopted the act. Surely, then, it became a matter of state, and ceased to be a matter of law.

The LORD CHIEF JUSTICE. Is there any evidence of such a recognition in this case?

Mr. JAMES. O, my lord, I am only supposing the case to illustrate my argument. It is enough to say that the cause might occur. And if it did, then a neutral power must decline to deliver up the fugitive. In principle there was no distinction in this case. The Confederate States had been recognized as a belligerent; and if it could be shown that the act was done by their authority, this court surely would say it was a case of belligerency, not of piracy. There was at one time a representative of the southern States in this country, a gentleman named Mason. I (said the learned counsel) have the honor to appear for Mr. Mason, and on behalf of the Confederate States. And I avow, on their behalf, that this was a belligerent act, and one which they recognize and adopt. *Prima facie* it would appear, even upon the evidence, that the act was done on behalf of the confederates. At the very time of the seizure the men said to the master, "You are to consider yourself a confederate prisoner." And the men acted under the orders of Major Hogg, who said he had papers from the confederate government. The master himself confessed that he believed the major was in the confederate service, and stated that he was the leader of the party, and that the prisoner acted under his orders entirely—that is, under the order of a man professing and appearing to be an officer in the confederate service. The prisoners said they were sent on board for the particular service, and that Hogg showed them documents signed by a General Bee, and purporting to be issued under the authority of President Davis. Now, surely, under these circumstances, the presumption was that the act was an act done on behalf of a belligerent, and so not piracy. And thus, whether the officer under whom the men acted had a commission or not, were men, under such circumstances, when in this country, without the power of giving further or more regular proof, to be delivered up to the other belligerent to be executed as pirates? It might be true, or it might be false, that the officer had the authority he assumed to have, but how could the men who acted under his orders know that? *Prima facie* the act of seizing a vessel of a belligerent was an act of war.

The LORD CHIEF JUSTICE. Is it so where the men get on board as passengers?

Mr. JAMES. Why not? It is a mere *ruse de guerre*. It matters not that they were volunteers, or had no regular commission.

Mr. Justice BLACKBURN said he should like some authority for these positions.

Mr. JAMES said he was prepared to cite such authority. He contended, first, in point of legal principle, that those who acted for and as denizens of a belligerent power, and under its authority, were *quasi* its subjects, and if so, could not be deemed pirates for acts of warfare on the other belligerent. Suppose a vessel fitted out by a private person without a commission, but in aid of the confederates, depredations by such a vessel on the ships of the federals would not be piracy. He asserted that to be clear. How, then, did it differ the case that two of the men were not subjects or denizens of the Confederate States, and had no commissions?

The LORD CHIEF JUSTICE. Suppose that *bona fide* these men were engaged by an officer they believed to be in the confederate service, then I should be disposed to agree that they could not be treated as pirates. But suppose it was all *mala fide*, and merely colorable?

Mr. JAMES. That is not to be presumed. On the contrary, fraud is never to be presumed; it is to be proved. But what proof is there of it?

Mr. Justice CROMPTON. The men are not shown to be subjects of the Confederate States.

Mr. JAMES. Nor is it shown that they are not so. And I submit it must be presumed that they are.

Mr. Justice CROMPTON. The question is whether, it not appearing that they were so, and having got on board the vessel surreptitiously, there was not reasonable evidence for sending them to trial.

The LORD CHIEF JUSTICE. The real question on this point is, whether on the evidence the magistrate was not warranted in sending the men for trial.

Mr. JAMES contended that he was not warranted. In time of peace, no doubt, the evidence would have been sufficient; but not in time of war, the act of depredation being on a belligerent. The presumption, then, was that the act was one of warfare, otherwise what power had the individual members of the crew of a belligerent vessel found in foreign ports to furnish regular legal proof of the authority of the officer under whom they acted against the other belligerent? Surely the only reasonable rule was that when the act professed and appeared to be done on behalf of a belligerent it should be presumed to be so. In support of this view the learned counsel cited a case from 5th Robinson's Admiralty Cases, where it was held that prizes taken without commission were liable to be seized by the admiralty as one of the *droits* of the crown; not that the seizure was piracy, in which case the property would not be altered, and would remain in the owners. If Major Hogg were here, might he not appeal to the authority of that case, in which a ship had been seized without any commission, and yet, as it was the ship of a belligerent, it was not held to be piracy. And if the officer could appeal to our own law in his defence, were the men to be deprived of that defence who had acted under his orders? An officer at a distance from home might naturally venture to act on his own discretion for the benefit of his country. Was he to be treated as a pirate on that account? And if not, were the men who acted under his orders to be so treated? The learned counsel, after urging this topic with great energy, proceeded to quote from Kent's Commentaries to show that it was only in modern times that commissions were issued, and that states now often took advantage of private cruisers. The passage ran thus:

"It is said not to be lawful to make captures without a commission. The subject has been repeatedly discussed in the Supreme Courts of the United States; and the doctrine of the law of nations is held to be, that private citizens cannot acquire a title to hostile property unless seized under a commission. If they depredate upon the enemy without a commission, they act at their own peril, and are liable to be punished by their own sovereign; but the enemy is not warranted to consider them as criminals. As respects the enemy, though such captures without commission are exceedingly irregular and dangerous, and would probably expose the parties to the unchecked severities of the enemy, yet they are not acts of piracy, unless committed in time of peace. * * * * * And thus non-commissioned vessels of a belligerent may capture hostile ships without being condemned as pirates. By the law of nations they are lawful combatants."

Such was the doctrine laid down by the American courts and the great American commentators.

Mr. Justice CROMPTON. This was a merchant ship.

Mr. JAMES. That makes no difference. It is clear international law that the subjects of one belligerent may lawfully prey upon the commerce of another.

The LORD CHIEF JUSTICE. It will not be denied, probably, that if this were really an act done on behalf of the Confederate States it would not be piracy.

Mr. LUSH said he did not at all dispute that.

The LORD CHIEF JUSTICE. The difficulty is in knowing whether this was really an act done on behalf of the confederates.

Mr. JAMES. A difficulty, no doubt, which necessarily arises in the case of a state recognized as a belligerent, but not as a state. But then the mere misfortune of the belligerent, or the disability of regular proof, could not, in the face of fair and reasonable presumptions, be taken as leaving the parties exposed to the penalties of piracy. The learned counsel went on to cite American authorities, to show that such reasonable evidence as the case would admit of was deemed sufficient in such cases. What else could be the proof in the case of a new or revolted state, which perhaps might have no regular seal, or regular commissions while first fighting for its independence? He appeared there on behalf of Mr. Mason, who had been received and recognized in this country as representative of the southern States.

Mr. LUSH objected to this.

The LORD CHIEF JUSTICE. We, of course, give entire credence to the statement of the learned counsel that he is in fact so instructed. But how are we to take judicial cognizance of the position of any gentleman in this country as representative of a state not recognized as such?

Mr. JAMES. There is, no doubt, that difficulty. But surely there can be no reasonable doubt, under the circumstances, that these men really acted under the orders of a confederate officer. This country, as a neutral power, was anxious to hold the scales of just neutrality fairly and impartially between the two belligerents in this great contest. And in the converse case of a federal seizure of a confederate vessel, would not the evidence be sufficient to raise the presumption of an act of warfare? But, in truth, it did not lie upon the prisoners to prove that it was so; it rather lay upon the prosecutors to prove that it was not so; for otherwise it could not be piracy, and it was for the prosecutors to make out a *prima facie* case. In conclusion, after an address which had lasted several hours, the learned counsel said, with emphasis, that the case was one of the most important that could possibly have been brought before a British court, and was one which required, and he was sure would receive, the most careful and anxious consideration.

The junior counsel were then heard on the same side, and they referred to the following authorities in Wheaton:

“The President of the United States, while he, in his proclamation of April 49, 1861, inaugurated a blockade of the so-called Confederate States based on belligerent rights, at the same time declared that any person acting under letters of marque issued under their authority would be held amenable to the laws of the Union for the prevention and punishment of piracy. This act of the American government was thus noticed in a debate in the House of Lords on the 16th of May, 1861. Lord Derby said, ‘If there is one thing clearer than another, it is that, by the law of nations, privateering is not piracy; that no enactment on the part of any one nation can make that piracy as regards the subjects of another country which is not piracy by the law of nations or the law of that country. The northern States, therefore, cannot be allowed to think that they are at liberty to strain the law so as to convert privateering into piracy, and visit it with death.’”

And in this opinion Lord Brougham, Lord Kingsdown, Lord Chelmsford, and the then lord chancellor concurred. Then the author goes on to notice a case in the American court on which the counsel for the prisoners, when the rule was moved, placed great reliance:

“Privateersmen acting under commission from the president of the Confederate States were brought into New York and indicted for piracy. The case went to the jury on the act of Congress, which was intended to apply to piracy, as a substitute for the definition of piracy by the law of nations. The statute, it was maintained, embraced cases of robbery committed on board an American vessel, though they might not come within the definition of piracy by the law of nations. The presiding judge admitted that if it were necessary on the part

of the government to bring the crime charged in the present case against the prisoners within the definition of robbery and piracy as known to the law of nations, there would be great difficulty in doing so upon the evidence, for that shows, if anything, an intent to depredate upon the vessels and property of one nation only, which falls far short of the spirit and intent that are said to constitute essential elements of the crime. But the robbery charged in this case is that which the act of Congress prescribes as a crime, and may be denominated a statute offence, as contradistinguished from that known to the law of nations."

The arrest, however, led to retaliatory action on behalf of the Confederate States, and on the 31st of January, 1862, an order was issued by the secretary of state directing the transfer of all prisoners charged with piracy (including those who had been convicted) to a military prison, for the purpose of exchanging them as prisoners of war. Lord Russell, in acknowledging (January 24, 1862) to Lord Lyons the receipt of a copy of the judge's published statement on the question, whether the southern privateers men can be regarded as pirates, and expressing the satisfaction of her Majesty's government that the pretension had been so successfully combated, adds:

"There can be no doubt that men embarked on board a privateer having a commission, or of which the commander has a commission, from the so-called President Davis, should be treated in the same way as officers and soldiers similarly commissioned for operations on land. An insurrection extending over nine States in space and ten months in duration can only be considered as civil war, and that persons taken prisoners on either side should only be considered as prisoners of war. Reason, humanity, and the practice of nations requires that this should be the case."

Mr. LUSH, Q. C., (with him Mr. Milward and Mr. Vernon Lushington,) then addressed the court on the other side against the prisoners' discharge. He first argued that the warrant of the secretary of state, on which the whole proceeding was founded, was good. The statute did not require any "charge" in America in the sense of a formal legal charge, but merely in the sense of an accusation. All that was necessary was that there should be a requisition from the American minister for the delivery up of the parties charged (*i. e.*, accused.) Upon that requisition the secretary of state was bound to issue his warrant, and upon that the magistrate was to issue his warrant for the arrest of the accused; and all he had to do was to act as prescribed by Jervis's acts, and issue such a warrant as there required. It was the fact, though it did not appear upon the warrant, that the magistrate had taken sworn evidence before he issued his warrant, and the counsel on the other side had overlooked the statute 8th and 9th of Victoria, for the more effectual execution of the extradition act, and in entire conformity with the provisions of which these proceedings had been taken. As to the necessity for proceedings in America, the criminal might have escaped before any could be taken, and when found here, if he could not be arrested until proceedings had been taken in America, he would escape from this country.

The LORD CHIEF JUSTICE. Upon that point you need not trouble yourself. Mr. LUSH then said he would come to the main question—the meaning of the act. Now, by the international law, it appeared that there was no obligation on one state to deliver over the fugitive criminals of another. Nor, indeed, was there legal power to do so, and the law on this subject was the same in both these two countries. What, then, might be supposed to be in the minds of both contracting parties? The earlier treaties between them did not specify piracy; but, being both commercial countries, they had a common interest in the punishment of that crime. It must be taken that the ministers of both states were well aware that the courts of either could punish piracy wherever committed. All this must have been known to Parliament when it passed this act, which ought to be construed in its natural sense; but on the other side it was sought to give it a forced and strained interpretation, according to which, if

these men had been actually arrested in New York, and had been committed for trial and then escaped extradition, could not be claimed. Why? Where was that qualification to be found in the terms of the treaty or of the act? The criminal law of both countries was substantially the same, and the same terms were used. Why, then, should they not have the same meaning? There was no exception in the treaty of our own subjects. The United States had refused to assent to such an exception. Take the case of murder. Suppose a British subject had committed a murder in America on another British subject, (for which, of course, he could be tried here,) could not his extradition be claimed?

The LORD CHIEF JUSTICE. Suppose he had been tried here and acquitted. Could the American government claim his extradition to be tried again in America, on the ground that they were not satisfied of the result?

Mr. LUSH. That is an extreme case not likely to occur.

The LORD CHIEF JUSTICE. But you must admit it is possible it might occur.

Mr. LUSH admitted that. But, after all, the American law, like our own, admitted the principle that a man could not be tried twice for the same offence, and he could plead his acquittal; but it is not to be supposed that in such a case the government of the United States would claim the extradition.

Mr. Justice CROMPTON. Suppose he was about to be tried here, could we not try him? I cannot see why we should not.

Mr. LUSH proposed to deal with that point.

At that point, however, the court adjourned.

COURT OF QUEEN'S BENCH—*Westminster, May 25.*

Sittings in banco, before the Lord Chief Justice, Mr. Justice Crompton, Mr. Justice Blackburn, and Mr. Justice Shee.

IN THE MATTER OF TERNAN AND OTHERS, PRISONERS IN THE JAIL OF LIVERPOOL.

The arguments in this case were continued. It is the case of the *habeas corpus* obtained on behalf of the men arrested and detained at Liverpool as pirates, on the warrant of the home secretary, on the requisition of the American minister, on account of their seizure of a merchant vessel of the United States in the Gulf of Mexico. The interest of the case has considerably increased since it was announced yesterday that the counsel who appear on behalf of the prisoners for their discharge are instructed by Mr. Mason, as representative of the confederate government, which in this way avows and adopts their act, the counsel on the other side being instructed by the direction of the American minister. The prisoners, with others, got on board the vessel as passengers at Matamoras, and about seventy miles from that port they rose on the master and crew in the night, turned the master adrift, seized the ship, and took it to Belize, a port in British Honduras, where they abandoned it. They were found last February to be in Liverpool, and the master (who also had come there) applied to the American minister, and he made a requisition to Sir George Grey, under the American treaty extradition act of 1843, which binds the governments of both countries on such a requisition to deliver up to justice parties who, being charged with certain crimes, among which are piracy, robbery, and murder, committed within the jurisdiction of the state claiming their extradition, shall seek an asylum or be found in the territory of the other state. Upon this requisition (without, it would appear, any evidence on oath, for the date of the master's deposition is some days later) Sir George Grey

issued his warrant to the magistrates of Liverpool, reciting the requisition, and directing them to "govern themselves accordingly," and cause the parties to be arrested and confined, with a view to their delivery up to justice, according to the act. Upon this the master made a deposition before the stipendiary magistrate at Liverpool, who then issued his warrant, under which the men were arrested. Upon the hearing of the case it appeared, on the evidence of the master himself, that the men had acted under the orders of a Major Hogg, who professed and appeared to be in the confederate service, and it was insisted that therefore their act could not be piracy. The magistrates from time to time remanded the men, to enable them to apply to this court to have that question determined, and a *habeas corpus* had accordingly been obtained on their behalf with a view to their discharge from custody, it being admitted that the case against them was entirely closed, and that they were now detained merely for the purpose of their being delivered up to the American authorities. Mr. James, Q. C., (with Mr. Littler and Mr. T. H. James,) yesterday argued on behalf of the prisoners, declaring distinctly that he was instructed by Mr. Mason, the representative of the southern confederacy, which avowed and adopted the prisoners' act as an act of war on the behalf of the confederacy; and they argued that the case was not in any sense one of piracy, since pirates depredated on the property and ships of all nations, being "common enemies of the human race," and preying indifferently on the ships of all nations, whereas in the present instance it appeared that the men were directing their depredations against the ships and property of the subjects of the federal or United States. On the part of the prisoners it was further urged that it was not piracy by the law of nations, and that even if it were so it was not within the treaty, because triable in our own courts, and so not within the meaning of an extradition treaty; but that if it was not so it was nothing at all; and that, even though it was piracy by the municipal law of the United States, that was not piracy within the treaty, for that otherwise we might be called upon to deliver up even our own subjects to be hanged in America for acts venial or even justifiable by the law of our own country.

Mr. LUSH, Q. C., (with him Mr. Milward and Mr. Vernon Lushington,) instructed on behalf of the American minister, yesterday commenced his argument against the discharge of the prisoners, and to-day continued it. This, he said, was the first time the question as to the construction of the treaty had arisen directly in the courts of either country. He contended that the offence in this case was "committed within the jurisdiction of the United States," being committed on board one of their ships, and he should contend, if necessary, within their exclusive jurisdiction, because for this purpose the American ship was like American territory.

The LORD CHIEF JUSTICE observed on the change of expression in the next clause of the sentence—"found within the territory" of the state from which the extradition is claimed.

Mr. LUSH thought that was in favor of his view. "Jurisdiction" had a larger meaning than "territory." The jurisdiction of a state extended beyond its territory, as in the case of ships.

The LORD CHIEF JUSTICE. Surely this case is "within our jurisdiction," for we could try it.

Mr. LUSH. No doubt, in that sense, it is "within our jurisdiction;" but it is, in a stronger sense, within the jurisdiction of the United States, for it was committed within their *quasi* territory. It is not necessary to contend that it is exclusively in their jurisdiction. The word "exclusive" is not in the treaty or the act. Most of the crimes mentioned in the treaty—arson, robbery, forgery—are such as, if committed in America, would not be within the jurisdiction of our courts; and murder is so only by reason of a British statute, and in the case of a British subject. According to the argument on the other side, the United States

could not claim extradition of an American subject for the murder of an American in this country. In a certain sense, no doubt, that would be "within our jurisdiction." But surely in a far higher and stronger sense it would be within the jurisdiction of the United States. Then as to piracy. What did the word mean? Why, *prima facie*, it meant the crime of piracy by the law of nations. Both nations understood and used the term in that sense, and both agreed as to what it meant in that sense. On the other hand, each nation, by its own law, made acts piracy which were not piracy by the law of nations. Thus, robbery on board a British ship was not piracy in America, but on an American ship it would be. The primary meaning of the term "piracy" was the meaning common to both countries, and that was the sense in which it was here used.

The LORD CHIEF JUSTICE. Would it not also include piracy created by statute, so far as the statutes of both countries agree?

Mr. LUSH. Possibly it would. At all events, I am not concerned to dispute it. Probably the term "piracy" in the treaty comprises all kinds of piracy common to the laws of both countries. But it does not include piracy merely by the municipal law of either country, so far as it is peculiar to that country. What was murder here was murder in America; so of arson, so of robbery, and why not so of piracy? In the French treaty, where one of the terms, "murder," was used in a peculiar sense, it was explained.

Mr. Justice SHEE. Because in the French language there is no term to express "murder" as it is meant in our law.

Mr. LUSH. Just so. And so if piracy here were meant in any peculiar sense it would be explained—as, for instance, if it was meant to include piracy in American ships in American waters. But this was a case of piracy in an American ship on the high seas, which was within the jurisdiction of the United States.

Mr. Justice CROMPTON. Surely the term "jurisdiction" must be construed in some fixed sense, not a sense floating and fluctuating.

Mr. LUSH. Then you exclude all cases of crimes committed on board of ships?

Mr. Justice CROMPTON. Not so; but it excludes cases, like this, of depredations upon ships in distant seas. Take, for instance, a case of that kind in the Chinese seas, near an English settlement. All the reasoning upon convenience—the presence of the witnesses, &c.—would go to show that the place of trial should be the English settlement, not necessarily the distant country of the owner of the ship.

Mr. LUSH. If it were piracy, it would be in the common jurisdiction of all the countries.

Mr. Justice BLACKBURN. But there may be a robbery on board a ship which is not a piracy *jure gentium*; it is only acts of depredation on the ship, and interference with that, which amount to piracy by the law of nations.

Mr. LUSH. That cuts down the meaning of the word "piracy" in the treaty.

Mr. Justice BLACKBURN. No. It goes to show that the sense in which the word is there used is not the sense of piracy *jure gentium*.

Mr. LUSH. The term has a common meaning in both countries; why should it not be supposed to be used in that sense? And in that sense it was committed within the jurisdiction of the United States. The learned counsel proceeded to cite from Wheaton in support of his position:

"Both the public and private vessels of every nation on the high seas, out of the territorial limits of any other state, are subject to the jurisdiction of the state to which they belong, and Vattel says that the ships of a country are part of its territory."

The learned counsel likewise referred to other passages in Wheaton which he contended were in favor of his position.

"The judicial power of every independent state extends, with the qualifica-

tions mentioned—1. To the punishment of all offences against the municipal laws of the state by whomsoever committed within the territory. 2. To the punishment of such offences, by whomsoever committed, on board its vessels on the high seas, and on board its foreign ships in foreign ports. 3. To the punishment of all such offences by its subjects, wheresoever committed. 4. To the punishment of piracy and other offences against the law of nations, by whomsoever and wheresoever committed.”

“It is evident that a state cannot punish an offence against its municipal laws, committed within the territory of another state, except by its own citizens; but it may arrest its own citizens in places not within the jurisdiction of any other nation, as the high seas.”—(Pages 230, 231, last edition.)

“The judicial power of every state extends to the punishment of certain offences against the law of nations, among which is piracy. Piracy is defined to be the offence of depredating on the seas without being authorized by any sovereign state, or with commissions from different sovereigns at war with each other. The officers and crew of an armed vessel commissioned against one nation and depredating upon another are not liable to be treated as pirates in thus exceeding their authority.”

“The state by whom the commission is granted, being responsible to other nations for what is done by its commissioned cruisers, has the exclusive jurisdiction to try and punish all offences committed under color of its authority.”—(Page 247.)

“Unfortunately, in applying the term piracy in the codes of different countries, regard has not always been had to the fact whether the offence described is one against the law of nations, and consequently everywhere justiciable, or a crime for which the nomenclature has been arbitrarily adopted, and which is cognizable only before the municipal tribunals of the particular state,” and which is cognizable only before the municipal tribunals having jurisdiction either territorial, actual, or implied, or over the person of the offender. The South American publicist, Bello, says:

“There can be no doubt about the competency of the legislative authority of a state to establish laws regulating the mode of proceeding against pirates; nor is it important against whom or in what place an act of piracy has been committed, because it is subject to the jurisdiction of any power whatsoever. But no sovereign has the right of qualifying as such those acts which are not comprehended in the definition of the crime as generally admitted. A government, however, can declare that this or that offence perpetrated on board its own vessels is a piratical act. The American Congress declared, in the year 1790, that every crime committed at sea, which, if committed on land, would be punishable with death, was piracy. Nevertheless, as this law goes beyond the definition of the crime by the law of nations, it would not render legal the jurisdiction of the American tribunals over acts committed under the flag of another country which are not strictly piratical.”

Upon the act the Supreme Court decided that the crime of robbery committed by a person who is not a citizen of the United States, on the high seas, on board of a ship belonging exclusively to subjects of a foreign state, is not piracy under this act, and is not punishable in the courts of the United States. But they held in a subsequent case that “general piracy or murder or robbery committed upon the high seas, or in any river, haven, basin, or bay, out of the jurisdiction of any particular state, by any persons on board of a vessel not at the time belonging to the subjects of any foreign power, but in possession of a crew acting in defiance of all law, and acknowledging obedience to no government whatever, is within the true meaning of the act, and is punishable in the courts of the United States.” That act provides against citizens of the United States committing piracy or robbery against the United States or any of its citizens on the high seas, under color of any commission from any foreign prince or

state, or on pretence of authority from any such person, and declares that such offenders shall be adjudged pirates and suffer death. And though equal effect may be given to the *bona fide* commissions of actual belligerents as to those of fully recognized governments, it was held by the Supreme Court, in 1820, that a commission issued by a person calling himself "brigadier of the Mexican republic," (a republic the existence of which was unknown and unacknowledged) or as "generalissimo of the Floridas," a province then in possession of Spain, would not authorize armed vessels to make captures at sea, the court saying, "Whether a person acting in good faith under such a commission may or may not be guilty of piracy, the commission can be no justification of the act in this case;" adding, "the whole transaction, taken together, demonstrates that the ship was not captured *jure belli*, but seized *animo furandi*. It was not a belligerent capture, but a robbery on the high seas." "But in the case of one having a commission from a party to a recognized civil war, no irregularity as to acts done *jure belli* will make him a pirate. He stands in the same position as if he held a commission from an established government, so far, at least, as regards all the world except the other party to the contest."

So Chief Justice Marshall laid it down that the jurisdiction of every country extended not only to its subjects on its territory, but in its ships.

Mr. Justice SHEE. Not because the ships are parts of its territory, but because the persons are within its jurisdiction.

Mr. LUSH. Within its jurisdiction, because within its *quasi* territory.

Mr. Justice SHEE. That is a very different thing.

The LORD CHIEF JUSTICE. Because deemed part of the realm of England?

Mr. LUSH. Just so.

Mr. Justice CROMPTON. Is that so? Before the statute we could not try a British subject for a murder on board a British ship on the seas.

Mr. LUSH. There was a mere technical difficulty.

Mr. Justice CROMPTON. Why, if we could not try him, it was hardly "technical." The truth is, that we had no jurisdiction in such a case at common law.

Mr. LUSH thought we had jurisdiction, but there was a difficulty in its exercise. However, to return to the particular case in hand, that of piracy. There was not an iota of authority on the subject. The case cited yesterday on the other side was a case of murder on board an English ship, and the argument was that it was triable in the United States. It was an entire error to suppose that Chief Justice Marshall assented to the doctrine that such a treaty did not apply in cases of concurrent jurisdiction. He says:

"It is argued that the article will not embrace a case of concurrent jurisdiction. It is unnecessary to controvert that, for it is demonstrable that the courts of the United States have jurisdiction."

The Chief Justice, therefore, by no means adopted the doctrine. So as to the other case, cited yesterday, the case of cutting and wounding in Ireland, the point really did not arise.

Mr. Justice BLACKBURN. It was not the point decided, certainly.

Mr. LUSH. It did not arise, for there was no concurrent jurisdiction, the offence being committed in Ireland on a British subject.

Mr. Justice CROMPTON. The judges in that case speak of "an exposition of the law" on the subject in their judgments.

Mr. LUSH. But the judgments did not turn on that question; there was merely, therefore, the expression of an opinion upon the question. Then as to the argument that the treaty was one for the suppression of the slave trade; he did not quite understand it. The treaty, no doubt, was for the settlement of boundary and the suppression of the slave trade, and the giving up of fugitives from justice in certain cases.

The LORD CHIEF JUSTICE. The argument was, that the object of the suppression of the slave trade accounted for the introduction of the word "piracy," and went to explain its meaning.

Mr. LUSH. But then the treaty uses the words "jurisdiction or territory," as if it meant jurisdiction by land and sea, and thus the treaty supports my view of the meaning of words "within the jurisdiction."

The LORD CHIEF JUSTICE. I think we must confine ourselves to the statute.

Mr. LUSH. Or so much of the treaty as is recited in it, and the recitals of it in this act relate only to the crimes of "piracy," murder, robbery, forgery, &c., and the escape of fugitives from justice in such cases. The learned counsel went on to notice a Canadian case—the case of the Chesapeake—in which the court laid it down :

"It was doubtless to prevent the failure of justice that would necessarily result from offenders in one country seeking refuge in the other, and there being amenable to no punishment, that this treaty was entered into; and it is not difficult to understand how the crime of piracy in its general sense might come within the operation of the treaty, when a pirate, having gone into one or other of the countries, and so made himself amenable to its courts, and had been there legally charged with the offence, had fled to or been subsequently found in the territory of the other, that in such a case the country where he was first found might claim jurisdiction over the crime and the person so charged. But I am unable to arrive at the conclusion that when the pirate has never, after committing the offence, entered the country of one of the contracting parties, but is found in the territory of the other, the government of the former can assume jurisdiction over the offence and person, and require him to be given up, and so to denude the latter country of its clear jurisdiction in the matter."

But that reasoning was, he submitted, unsatisfactory; and, moreover, on this question there was no direct decision, so that the case was no authority. He contended that, as to the construction of the act, its terms ought to be construed in their plain, natural, ordinary sense, and in that sense they included piracy, as it was understood in common by the law of both countries; that is, piracy by the law of nations; and in that sense it would include this case. Then as to the facts. The sole question was whether there was, *prima facie*, a case to commit for trial; and he contended that there was. It might be that volunteers, really acting for a belligerent, might not be guilty of piracy.

The LORD CHIEF JUSTICE. To constitute the crime of piracy the act must be *amino piratico*, if that is an admissible phrase.

Mr. LUSH. No doubt. And I am not sure that even if some among the men robbed for their own benefit, being with other subjects of the Confederate States who were acting as belligerents, I am not sure that even then they would be guilty of piracy. But that is not so here; and there was, *prima facie*, a case of piracy.

The LORD CHIEF JUSTICE. What is there to show that the alleged ground of seizure, viz., as an act of warfare, was not really so, but was false and colorable?

Mr. LUSH. What is there to show that the pretence was real, and that they seized for the confederates at all?

The LORD CHIEF JUSTICE. They said so at the time, and the master said he believed their officer was in the confederate service.

Mr. LUSH. But on the whole of the evidence the case was *prima facie* one of piracy. It was not like a capture by a confederate cruiser such as the Alabama. It was a seizure by passengers, and they sent the master adrift in the open sea.

The LORD CHIEF JUSTICE. Not under such circumstances as to endanger his life.

Mr. JAMES. It was only nine miles from the shore they did so.

Mr. LUSH referred to the evidence and read it at length, commenting upon the passage on which the prisoners' counsel placed reliance, especially the following in the evidence of the master :

"The men appeared to be acting under the orders of a Major Hogg, who said he had papers to justify his acts. I had heard that he was in the service of the confederates; and I believe from his appearance that he was so."

This was merely his conjecture or impression from the man's appearance. Could it be said that there was no case for the jury? If so, it was the duty of the magistrate to commit the men for trial. The men had each of them several *aliases*, and were found at Liverpool in possession of some articles the property of the captain. It was true they said that they had seen papers in Hogg's hands showing his authority. But what was there to show that this was not really all mere pretence? Whether it was or not was for the jury who should try the case, not for the magistrate, whose duty was only to commit for trial. In conclusion, the learned counsel readverted to what he deemed to be the great question—the true construction of the treaty. As to that, he said, he need not remind the court that it was a question of deep and paramount importance; nor need he deprecate their deciding it with reference to our relations with America, the fate of the prisoners, or any other consideration than the proper construction of the act, the terms of which, he contended, must be taken in their plain, natural, ordinary sense, and the sense in which they were used in common in the law of both countries.

Mr. MILWARD was heard on the same side. If, he urged, the word "piracy" in the act did not mean piracy by the law of nations, its primary sense and meaning, what did it mean, and why was the word inserted? For in no other sense was the crime within the common jurisdiction of both countries, and in no other sense was it committed within the law of both countries. The very argument on the other side was, that piracy by the peculiar municipal law of America was not piracy by our law. Thus, therefore, the word "piracy" could have no meaning except piracy in the larger sense—piracy *jure gentium*, by the law of nations. Unless it was taken in that sense, it had no sense at all in the statute; and as no restrictive words were used, why should it not be taken in that sense? As to the arguments upon convenience or inconvenience, the legislature had dealt with them and disposed of, and had positively enacted that in a case of piracy the criminals should be given up. The matter was left by the act in the hands of the executive governments of the two countries as the heads of justice. The learned counsel proceeded to cite the declaration of the *Law of Prize*, drawn up by Sir George Lee (an eminent civilian) in 1753, and adopted then, and again in 1794, by our government. He cited it (from *Maclachlan on Shipping*) to show that the law of nations might be altered by treaty, as between the two contracting states. Applying that doctrine to the present case, he argued that, by the force of the terms of the treaty in their plain, ordinary sense, parties charged with the crime of piracy must be delivered up to the country claiming them, provided that there was reasonable evidence of a *prima facie* case.

Mr. VERNON LUSHINGTON followed on the same side, applying himself to the main question in the case, the construction of the act. As to the word "jurisdiction" *per se* there was, he said, no question. It was argued on the other side, however, that the word should be construed as if the word "sole" or "exclusive" were introduced before it. But if so, surely the words "*jure gentium*" should be introduced after the word "piracy," and then there would be this solecism—"piracy *jure gentium* within the exclusive jurisdiction of the United States."

The LORD CHIEF JUSTICE. It comes to the same thing whichever way you put it.

Mr. Justice CROMPTON. The argument is, that if piracy within the common jurisdiction of all nations is meant, it cannot be "committed within the jurisdiction of the United States."

Mr. LUSHINGTON urged, that if the word "exclusive" were to be inserted to qualify the word "jurisdiction," words should be introduced to qualify the word "piracy." He claimed to construe the word "piracy" in its plain, primary, ancient, ordinary sense; and on the other side it was claimed to insert

the words "not being *jure gentium*" after the word "piracy." But why should those words be taken to be inserted? There were cases in which this country had surrendered pirates to the country on whose ships they had depredated, and in one of these cases Mr. Justice Story said the reason was because the evidence was naturally in that country.

The LORD CHIEF JUSTICE. Surely the object of the treaty is to prevent the escape of criminals from justice.

Mr. LUSHINGTON. No doubt it is one of the objects; but is it the only object? May it not have also in part for its object the more effectual furtherance of justice by preventing failure of justice through possible defect of proof? The learned counsel went on to argue that there was nothing in his view of the act at all to militate against our sovereign jurisdiction. The whole scope of an extradition treaty involved some voluntary concession, on each side, of sovereign rights for the sake of the better furtherance of justice. The scope of the act was simply this, that British pirates should be tried in British courts and American pirates in American courts.

The LORD CHIEF JUSTICE. But what do you mean by "British pirates," or "American pirates?"

Mr. LUSHINGTON. Those who commit piracy within British or American jurisdiction.

Mr. Justice CROMPTON. That involves the whole question. What is "within the jurisdiction?"

Mr. LUSHINGTON. Depredating on British or American vessels, as the case may be.

Mr. Justice CROMPTON. Suppose the same pirate meets and captures on the same day a British and an American vessel. Surely the essence of piracy is depredating on the ships of all nations alike, and the crime is equally against all.

Mr. LUSHINGTON. Is it not a peculiar offence against the country whose ships are taken?

Mr. Justice CROMPTON. According to the authorities the crime is against all nations, and therefore it is that all of them can try it and punish it.

Mr. LUSHINGTON went on to argue that even if we had concurrent jurisdiction, there was no infraction of our sovereign right in the surrender of the prisoners. It might safely be taken that extradition would not be unfairly or unreasonably demanded. The learned counsel went on to allude to some of the observations in the legislature at the time the act passed, but

The LORD CHIEF JUSTICE said, We cannot construe an act of Parliament by the language of those who sat in Parliament at the time it passed.

Mr. LUSHINGTON passed on to the terms of the act, insisting that they were to be construed in the largest sense.

The LORD CHIEF JUSTICE. Suppose something murder by the law of America, but not so by our law.

Mr. LUSHINGTON. In that case, no doubt, there ought to be no surrender of the prisoner. The question might have arisen in the case of Anderson if extradition had been claimed. The case was discussed in *Wheaton*, who thus cited it and commented upon it:

"A case arose in 1860 on a demand for extradition, under the English treaty, of a slave charged with murder in the State of Missouri, and who had escaped to Canada. The provincial Court of Queen's Bench, in refusing to discharge him, held, 'The whole argument in the prisoner's favor must rest upon the proposition that he was a slave and killed the person he is said to have done in freeing himself from slavery; and that slavery not being recognized or tolerated in this country, therefore he is not guilty of murder. But that argument is a fallacy, for the two governments, in making the treaty, were dealing with each other on the footing that each had at the time recognized laws applicable

to the offences enumerated.' The decision, however, was rendered inoperative by the subsequent grant of a writ of *habeas corpus* by the Court of Queen's Bench in England."—(Page 242.)

The learned counsel went on to refer to the recent case of the Brazilian pirates, brought here, tried, convicted, and sentenced in one of our courts for piracy in a British ship, and executed here, although they were in custody in Brazil, and liable to be tried there. That, he said, showed that a country might deem it of importance to have extradition of pirates, although they might be tried in the country where they were found or taken.

Mr. JAMES was then heard in reply. Addressing himself, in the first place, to the observations of Mr. Lushington, he observed that it seemed to be admitted that the case, if one of piracy at all, was one of piracy *jure gentium*. And then the question was, whether there was evidence of an intent to prey on the ships of all nations, or only on the ships of a belligerent. His learned friends had denied that there was any authority on the question whether acts of depredation on the ships of a belligerent were acts of piracy. But in the work of *Wheaton* it appeared that the case had come before the American courts, and had been decided in favor of the prisoners :

"Privateersmen, acting under commissions from the president of the Confederate States, were brought into New York and Philadelphia, and indicted for piracy. They were tried in October, 1861, in the United States circuit courts sitting in those places. In both courts, though the indictments included other counts, the cases went to the jury on the 3d section of the act of 1820, which was intended to apply to piracy, as a substitute for the 5th section of the act of 1819, which defined it by a reference to the law of nations. The statute, it was maintained, embraces also cases of robbery committed on board of an American vessel, though they might not come within the definition of piracy by the law of nations. The presiding judge at New York admitted 'that if it were necessary on the part of the government to bring the crime charged in the present case against the prisoners within the definition of robbery and piracy, as known to the common law of nations, there would be great difficulty in doing so, perhaps, upon the counts, certainly upon the evidence. For that shows, if anything, an intent to depredate upon the vessels and property of one nation only—the United States—which falls far short of the spirit and intent that are said to constitute essential elements of the crime. But the robbery charged in this case is that which the act of Congress prescribes as a crime, and was denominated a statute offence as contradistinguished from that known to the law of nations. The act declares the person a pirate, punishable by death, who commits the crime of robbery upon the high seas against any ship or vessel, &c., and the interpretation given to these words applies the crime to the case of depredation upon an American vessel, or property, on the high seas, under circumstances that would constitute robbery if the offence was committed on land.'—(Trial of officers, &c., of Savannah, p. 371, Judge Nelson's charge.) As to the defence based on the privateer's commission, both courts held that they could only look to the declarations of the executive and legislative departments for the political relations of the new confederacy; and they did not imply from the exercise of belligerent rights by the federal government any renunciation or waiver of its municipal rights as sovereign towards the inhabitants of the seceded States."—(*Ib.*, p. 373; Trial of William Smith for Piracy, p. 96.)

The absence of a regular commission made no difference, and a neutral state ought to presume that the act was one of warfare. If it was not so, at all events that should be shown by the parties claiming extradition. But here there was no evidence of it. The laws of the two countries differed as to piracy, and if the men were surrendered on the pretence of piracy *jure gentium*, they might be convicted, condemned, and executed for some species of piracy, which was not so by our laws. What evidence was there of real actual piracy? What was

there to show that the seizure was not for the belligerents? *Prima facie*, the act was one of belligerency, for it was professedly so done, and was so stated at the time. The learned counsel went on to argue that the scope of the statute was escape from justice.

The LORD CHIEF JUSTICE. May there not be an escape from justice in the sense of a failure of evidence?

Mr. JAMES. No doubt; but not in the sense in which the words are used in this act, where they plainly imply an escape by flying from one country to another. There was no power to send witnesses over from one country to the other, and the witnesses might be here. But the statute was compulsory, and not at all discretionary; no topics of mere convenience, therefore, could be gone into. The enactment was imperative, and in cases where it applied it was absolute.

Mr. Justice CROMPTON observed that there were inconveniences in that view that we have bound ourselves absolutely in all cases, and must trust to the demand not being made in cases where it would not be reasonable.

Mr. JAMES. No doubt; but, at all events, the balance of convenience or inconvenience may be very doubtful.

The LORD CHIEF JUSTICE. As a general principle it is more convenient that offences should be tried where they are committed.

Mr. JAMES. No doubt, as a general principle; but how to apply it in cases of piracy? The crime is committed on the high seas, and you cannot try the men there, it is clear. Why not try the men where they happen to be taken or found? Why is the matter more within the country to which the ship belonged? That is begging the question. If the act meant to divest our courts of the power of trying pirates taken here, why, of course, we were bound by it. But was it so? Were not the terms of the statute capable of a more reasonable construction? It was admitted that the other terms—arson, robbery, forgery—meant cases of exclusive jurisdiction; and why, in the case of piracy, make it include cases of concurrent jurisdiction? It was assumed on the other side that murder included all cases of murder; but this he denied, and he urged that it merely meant cases of murder within the exclusive jurisdiction of either country. No doubt the word “murder” must be taken as meaning cases of murder by the law of both countries. But the law of murder differed in the two countries in some cases, as in that of slavery. That was the case of Anderson, referred to by Mr. Lushington. He killed a man to free himself from slavery, and in America it was murder, but in England it was justifiable homicide. His extradition was claimed in Canada, but refused. So an English subject resisting imprisonment, and killing the party attempting it, would be guilty of murder by our law, but not by the law of America. Upon this subject the learned counsel referred to the case of Nash, an impressed American, on which Chief Justice Marshall delivered his opinion on the question. So much for the argument of his learned friend, Mr. Lushington. He submitted that the statute was passed to prevent failure of justice in cases in which, but for extradition, justice must fail. In cases of prisoners taken in this country the courts of this country would administer justice fairly and effectually; and it never could have been intended that this country should surrender prisoners in cases which its courts were perfectly competent to deal with. For these reasons he confidently submitted that the prisoners were entitled to their unconditional discharge.

The court retired to consider their judgment. On their return, being divided in opinion, they delivered judgments *seriatim*.

The LORD CHIEF JUSTICE. The main and principal question for our determination in this case is what construction is to be put upon the statute of the 6th and 7th of Victoria, cap. 76, which gives effect to the treaty between the United States and this country. Besides that, indeed, there are some minor points which have been raised with reference to the regularity of the proceedings.

It has been objected that, prior to the issuing of the warrant by the secretary of state, there should have been depositions taken and a warrant issued in America; but it seems to me that this objection cannot be maintained. There was another objection to the magistrates' warrant; but the warrant is in strict accordance with the statute. Then comes the great question as to the construction of the statute. Now, the words are, undoubtedly, in their primary and ordinary signification, large enough to comprehend this case. Provision is made for the delivery up to justice of persons who have "committed piracy within the jurisdiction of the United States." Now, there can be no doubt that if the case is one of piracy at all, it is piracy *jure gentium*. Nor can there be any doubt that if it was piracy it was committed on board an American ship, and so in that sense within the jurisdiction of the United States. The main argument on which reliance has been placed on the part of the prisoner is that the statute is to be read as applicable only to a case where the offence has been committed within the exclusive jurisdiction of the United States. But if the term piracy in the act is to be read as meaning piracy *jure gentium*, then it appears to me that this contention on the part of the prisoners is at once disposed of. If the contracting parties intended that such piracy should be deemed within the treaty, then—as it is clear that such piracy is not an offence against any particular state, but against the whole civilized world—then the case would not be one in which the offence was committed within the exclusive jurisdiction of the United States. So that if the word "piracy" is used in the statute in the largest sense, the case for the prisoners falls to the ground. Now, what is there to show that the term "piracy" has been used in a more limited sense? If it is to be restricted to piracy by municipal law, as a matter of peculiar jurisdiction in the courts of the particular country, then, no doubt, the statute may be construed in the sense contended for by Mr. James in his most able argument; that is, in the sense of an exclusive jurisdiction in the country claiming extradition. But if that had been the intention, we should have had piracy by municipal law in some way distinguished from piracy in the larger acceptance of the term, and no such limitation occurs in the act. Why, then, should the term be taken in the limited sense? It is said, and with truth, that the mischief extradition treaties are primarily intended to prevent is that of persons committing crimes within the territory of one state, and within its jurisdiction, escaping beyond the reach of that jurisdiction, and so enjoying impunity for their offences. But that this was the only object of such treaties I entertain great doubt, because it is impossible not to see that the mischief which it is desirable on the part of all civilized states to prevent is not limited to such cases as those which I have just suggested. It may be that the offence may be cognizable or "justiciable" in two countries—as in the case of a murder committed by one British subject upon another in the United States or any foreign country, in which case, no doubt, the criminal may be tried here. Yet it would be highly inconvenient if in any such case he must be tried in this country. For criminals—as I observed in the course of the argument—may escape, not only by going beyond the territory and the power of the law of the country in which the crimes have been committed, but also by failure of proof and the difficulty of adducing sufficient evidence, except in the country where the crimes were committed. If, then, the language of the act is large enough to comprehend both these kinds of mischief, it seems to me that it would be highly inconvenient to restrict it to the former mischief alone. It has been urged, indeed, with great force, that it is inconsistent with the dignity of this country to surrender the jurisdiction of its own tribunals in a case of concurrent jurisdiction, and allow persons who could be tried here to be carried away to be tried elsewhere. But it seems to me that the moment you say you will give up offenders with a view to promote the large interests of justice throughout the whole civilized world as a matter in which all nations have a common interest, you must then look to see what is the extent and scope

of the mischief you thus desire to counteract and to prevent; and I cannot see that there is any abandonment of national dignity or honor in saying that, though there may be concurrent jurisdiction in respect of offences which have been committed by our own subjects in foreign countries, yet if the foreign states against whose laws the crimes have been committed require that the criminals should be surrendered to justice, and justice can be better done in the country in which the offence is committed, then I cannot see that there is any violation of national dignity or character in doing that which is expedient and desirable to promote the interests of justice. And, looking to the general balance of convenience, I think that if the treaty and the act were not capable of the construction I feel bound to put upon them, the feeling of the country would probably be to amend them. And, as I feel strongly that the words are strong enough to include the case of piracy *jure gentium*, and see no reason for adopting a more limited construction, I think that, if there was a *prima facie* case of such piracy before the magistrate, the case comes within the act. It is impossible, in my opinion, to limit the word "jurisdiction" by the insertion of the word "exclusive," and on that point I adopt the view taken by Mr. Lush in his most able argument—that the true meaning of the word is the area over which, whether it be land or sea, the laws of the particular state prevail; and, inasmuch as it is conceded that the ship of a certain territory is, constructively, part of its territory, or, at all events, a place where its laws prevail, this ship was within the jurisdiction of the United States. I feel, therefore, bound (though I regret to differ from my learned brethren,) in adherence to the view which I take of the statute, to hold that this case comes within it, and, therefore, that the prisoners are not entitled to be discharged. As to the other question, whether, supposing piracy *jure gentium* to be within the act, there was sufficient *prima facie* evidence of it, I agree in everything Mr. James said as to acts done with the intention of acting on the behalf of one of the belligerent parties; and I concur in thinking that persons so acting, though not subjects of a belligerent state, and though they may be violating the laws of their own country, and may even be subject to be dealt with by the state against whom they thus act with a rigor which happily is unknown among civilized nations in modern warfare, yet if the acts were not done with a piratical intent, but with an honest intention to assist one of the belligerents, such persons cannot be treated as pirates. But then it is not because they assume the character of belligerents that they can thereby protect themselves from the consequences of acts really piratical. Now, here it is true that the prisoners at the time said they were acting on behalf of the confederates, and that was equivalent to hoisting the confederate flag. But then pirates sometimes hoist the flag of a nation in order to conceal their real character. No doubt, *prima facie* the act of seizing a vessel, saying at the same time that it is seized for the confederates, may raise a presumption of such an intention; but then all the circumstances must be looked at to see if the act was really done piratically, which would be for the jury, and I cannot say that the magistrate was not justified in committing the prisoners for trial. It is, however, unnecessary to say more upon this point, as, upon the main question, my learned brethren (for whose opinions I have the utmost deference, and who, I have no doubt, are right) are of opinion in favor of the prisoners, and therefore they will be discharged.

Mr. Justice CROMPTON. The case has been most fully and most ably argued, and it is unnecessary to say anything more on the minor points, as upon the main question the majority of the court are of opinion that the prisoners must be discharged. Taking the case as finally closed before the magistrate, their contention is that they are in illegal custody. Is there anything, therefore, that, in point of law, shows that it is illegal custody? That depends, first, on a pure question of law, on the construction of the act; and then on a question of law turning on the facts, whether the evidence was sufficient to warrant a com-

mittal, supposing the case to be within the act. Upon the latter point I quite concur with my lord, because it is not for us to weigh the effect of the evidence, which is for the jury; and all we can consider is whether there was enough to justify a committal for trial, and I agree with my lord that we cannot say that there was not. But upon the other and the main question I have come, after a careful consideration of the case, to a different conclusion. The preamble of a statute is a good key to its meaning, and here the preamble of the statute points clearly to offences committed within the jurisdiction of either of the contracting states—that is, within the jurisdiction of one of them, and not of the other. And then it goes on to speak of persons who, having committed certain crimes within the jurisdiction of one of the two states (that is, as I read it, of one of them and not of the other,) shall “seek an asylum” and be found in the territory of the other. Now, an “asylum” surely means a place where the criminal is safe from prosecution or pursuit, not a place where he may be tried and convicted. The enactments of the statute apply to cases in which persons having committed murder or piracy or robbery within the jurisdiction of the United States afterwards seek an asylum or are found in British territory; and it appears to me that they mean only cases of crimes committed within the exclusive jurisdiction of the United States. And that phrase, of course, could not be applied where the crime is equally within the jurisdiction of every nation in the world, as in piracy *jure gentium*. It would not be a proper use of words to say that such a crime was committed within the jurisdiction of the United States. Those words, “within the jurisdiction of either of the contracting states,” mean within the jurisdiction of either of them respectively or relatively to each other—*i. e.*, or of one of them and not of the other. But here the crime was within the jurisdiction, not only of both of them, but of every nation in the world. Then the persons charged are to be “delivered up to justice,”—that is, to the justice of the country where justice can be done, implying that they are in a country where it cannot be done. Otherwise, when the men were actually committed for trial in this country, they might be claimed, to be tried abroad, which surely would be a strange construction of the act. Indeed, according to that construction one does not see why they might not be claimed back again by this country; for this is clearly, if anything, a case of piracy *jure gentium*, and triable in either country. The fact that the men, being in the ship, seized it, makes no difference; it is equally piracy unless it was an act of belligerency; but, if such, more so on that account than if the men had been in another ship. No doubt, in either case, the case would be within the jurisdiction of the United States, but it would be a jurisdiction shared equally with the whole world. Is that a case within the meaning of the act? Surely it would be a strange construction of its terms, and it must mean peculiar and exclusive jurisdiction. The case here was near American waters, but would be the same in principle if it had occurred in the Chinese seas. Whether the act would apply in all cases, even of piracy by American subjects in distant seas, it is not necessary to determine. It is not to be lost sight of that the statute, in my view of it, carries out what was deemed by some writers to be the obligation of international law before it passed, viz: to deliver up criminals who could not be tried here. My view of the act is also confirmed by some high American authorities who have been referred to. The learned judge here referred to the following extracts from a speech of the Hon. J. Marshall, delivered in the House of Representatives of the United States, in Nash’s case, (5 Wheaton’s Reports, appendix:)

“The well-considered opinion of the American government is, that the jurisdiction of a nation at sea is personal, reaching its ‘own citizens only,’ and that this is the appropriate part of each nation on that element.”

“A pirate, under the law of nations, is an enemy of the human race. Being the enemy of all, he is liable to be punished by all. Any act which denotes

this universal hostility is an act of piracy. Not only an actual robbery, therefore, but cruising on the high seas without commission, and with intent to rob, is piracy. This is an offence against all and every nation, and is therefore alike punishable by all. But an offence which in its nature affects only a particular nation is only punishable by that nation. A statute may make any offence piracy, committed within the jurisdiction of the nation passing the statute, and such offence will be punishable by that nation. But piracy under the law of nations, which alone is punishable by all nations, can only consist in an act which is an offence against all. No particular nation can increase or diminish the list of offences thus punishable."

So the able judgment of Mr. Justice Nelson, in the case of *In re Kaine*, (14 Howard's American Reports, 137:)

"The two nations agree that upon mutual requisition by them, or their officers or authorities, respectively made, *i. e.*, on a requisition made by either one government, or by its ministers or officers properly authorized, upon the other, the government upon whom the demand is thus made shall deliver up to justice all persons charged with the crimes as provided in the treaty who shall have sought an asylum within her territories. In other words, on a demand made by the authority of Great Britain upon this government, it shall deliver up the fugitive; and so in respect to a demand by the authorities of this government upon her. This is the exact stipulation entered into when plainly interpreted. It is a compact between the two nations in respect to a matter of national concern—the punishment of criminal offenders against their laws—and where the guilty party could be tried and punished only within the jurisdiction whose laws have been violated."

The Chief Justice Taney and the other judges referred to this judgment as containing an exposition of the law on which they based their own judgments, and the result is that the statute only applies in cases where justice can only be obtained by means of extradition. It is difficult to see that two great maritime nations would have given up the power of punishing pirates whenever they were caught. Take the case of a pirate taking an American, an English, and a French vessel on the same day in some of those distant seas where pirates abound. Why should not the courts of either of the three countries in which the pirates might be found do justice upon them? It is said that we must trust to the discretion of the other state that it will not demand extradition in cases where it is unreasonable to do so. But that is very dangerous doctrine, to which I cannot subscribe; and I think it is far more wise to construe the act in such a way, if we can, as to exclude cases in which the demand would be unreasonable. At first sight it certainly occurred to me that the word "piracy" in its primary sense was against my reading of the statute; but that was answered by Mr. James in his able argument, for he stated that there were some species of piracy by the municipal law of America not piracy by our law. [This part of the subject will be found elaborately expounded in the judgment of Mr. Justice Shee.] It was said by Mr. Lushington that the jurisdiction would depend upon whether the ship was the ship of one nation or of another, but that can hardly be so. It is an offence against all nations. The pirates are not English pirates or American pirates, but pirates against all nations. The principal argument in support of the committal was founded upon the fact that the ship was American, and it was argued that therefore the case was, in some peculiar way, within American jurisdiction. But I doubt that. [This part of the case will be found to be dealt with fully by Mr. Justice Blackburn.] The piracy—if piracy—was not altered in character because committed in the ship itself which was seized. Suppose the prisoners had been in a ship of their own, and sunk the other, without ever going into it? It would be the same offence, and equally, in both cases, it would be within the common jurisdiction of the courts of all nations. And it does not appear to me, therefore, that it could be said to be within the jurisdiction of the

United States more than of any other country. Nor can I see that in this statute the two states have given up their jurisdiction to try pirates whenever they can take them. I think, therefore, that the case is not within the statute, and that the prisoners are entitled to be discharged.

Mr. Justice BLACKBURN. I concur with my learned brethren in thinking that the prisoners must be discharged. I think that the statute is applicable only to cases of crimes committed within the jurisdiction of one of the states, and not of the other; and that it does not apply to crimes committed equally within the jurisdiction of both. I think this is clear, whether we look to the terms of the act or to its obvious object. The main argument in favor of the opposite view is founded upon the force of the word "piracy," which, it is urged, in its primary sense means piracy *jure gentium*, and so must apply to cases within the jurisdiction of both countries, and no doubt it would include such piracy if it stood alone; but then there are the words "committed within the jurisdiction of one of the contracting states," which run through the act and are its governing words. The question is not of territorial jurisdiction, but of piracy, which is quite different. In Kent's Commentaries I find it written. "It is of no importance, for the purpose of giving jurisdiction, on whom or where the piratical offence has been committed; the pirate who is one by the law of nations may be tried and punished in any country in which he is found. Statutes in one country may declare an offence committed on board of one of its own vessels to be piracy, and such an offence may be punishable exclusively by the nation which passed the statute; but piracy by the law of nations is an offence against all nations, and punishable by all." Such is the law as laid down by that great American authority, and so it is laid down by our own authorities; and the treaty must be supposed to have been entered into with a full knowledge of it. Why, then, should piracy by the law of nations be deemed within the jurisdiction peculiarly of one of the two states? It would be so if it were piracy only by its own municipal law. The American citizen who has done an act declared to be piracy by American statutes would be within American jurisdiction, and the English subject who has done an act which was declared piracy by an English statute would be within English jurisdiction; and such piracy, no doubt, would be within the treaty, and America would give up an English subject who had committed piracy by English law, and England would give up American subjects who had committed piracy by American law. But the man who has committed piracy *jure gentium* is equally within the jurisdiction of either country, and peculiarly in the jurisdiction of neither, and so is not within the meaning or the mischief of the statute. It is true there may be cases in which it may be more convenient that the prisoners should be tried in one country than in another, but this is a question not of convenience but of jurisdiction. If the case is anything it is piracy *jure gentium*. As to the evidence, its effect would be for the jury; but though the Confederate States are not recognized as independent, they are recognized as a belligerent power, and there can be no doubt that parties really acting on their behalf would be justified. But the case is either one of piracy by the law of nations—in which case the men cannot be given up, because they can be tried here—or it is a case of an act of warfare, in which case they cannot be tried at all; and as they are now detained for the purpose of their being delivered up to the American government they are entitled to be discharged.

Mr. Justice SHEE. We have had the advantage in this case of hearing two arguments, one on the motion for the rule, and another on the motion for the discharge of the prisoners, and I have referred to and considered the cases which have been cited, and which were the same as on the former occasion. The crime with which the prisoners are charged as described in the return, and as appears on the depositions, is piracy, a crime of pre-eminent enormity, and which, by the law of nations, is punishable wherever the offender may be found. It is not, in my opinion, the crime for which, under the name of piracy, extradition

is stipulated in the treaty of the 9th of August, 1842; the provisions of that treaty were not needed for, nor are they, as it appears to me, applicable to, its repression. The treaty provides that persons charged with having committed the crimes of murder, piracy, (not piracy on the high seas,) arson, robbery, or forgery, within the jurisdiction of the United States, and seeking an asylum in or found in the territories of our sovereign, shall, on the requisition of the United States, be delivered up to justice. The object of the 10th article of the treaty, as appears from its provisions, and from the title and enacting clauses of the 6th and 7th of Victoria, cap. 76, which gave effect to it, was to legalize the apprehension, within the territories of the Queen, of persons charged with the commission of the crimes mentioned in the treaty within the jurisdiction of the United States, for the purpose of their surrender to that jurisdiction. The persons whose apprehension and extradition are contracted for by the treaty and authorized by the act of Parliament are persons "fugitive" from the justice of the United States, and "seeking an asylum" that is (but for the treaty and the act of Parliament) safe in the asylum of the territories of our Queen, because not liable to be arraigned before her tribunals. The words "surrender," "deliver up to justice," mean deliver from an asylum or place of safety up to justice, that is, to the ministers of justice of the United States, by whose courts only, on the persons charged with the crimes imputed, justice can be done. Read with reference to the declared object of the treaty and the act of Parliament, and by the light which the words "fugitive," "seeking an asylum," "surrender," "deliver up to justice," afford, the words "within the jurisdiction" must, as I think, mean within the exclusive jurisdiction of the United States, and cannot be held to extend to crimes not within any jurisdiction exclusively, but justiciable wherever the person charged with having committed them may be found. It is injurious to suppose that a state should, in a public treaty, admit the possibility of its unwillingness or inability to do justice by binding itself to surrender to the justice of another state persons charged with the commission of crimes which it would be the duty of both to punish, and over which both would have jurisdiction. Had this been intended, provision would surely have been made for the case of justice by acquittal or conviction having been done by one state before cognizance of the crime taken by the other—for pleas of *autrefois convict*, or *autrefois acquit*—familiar in this case to the jurisprudence of both states, and for proof by the record of conviction or acquittal—that the crime for which the offender had been in jeopardy was the crime for which extradition was claimed. But the treaty and the act of Parliament contain no such provisions, though stipulations for the extradition of criminals had been long in force between the two governments, and the meaning of the words "within the jurisdiction" had been the subject of serious discussion between them. Upon the words, therefore, of the treaty, and the act of Parliament alone, I should have been prepared to hold that the words "within the jurisdiction" mean within the exclusive jurisdiction of the state requiring the extradition. We have been invited, however, to consider—and I think we must consider—the state of the law as respects piratical offences before the date of the treaty, in order the more satisfactorily to determine to what extent the provisions of the treaty would take effect if the word "exclusive" were added to the words "within the jurisdiction," that is, first, within the exclusive jurisdiction of the United States as respects the place where the offence was committed; secondly, within the exclusive jurisdiction of the United States as respects the person by whom the offence was committed. It will be seen, I think, on reference to the legislation of the United States before and at the time the treaty was signed, that consistently with that legislation the words "within the jurisdiction" in both of these meanings may have, as respects offences of a piratical character, a very extensive range, without the crime of piracy on the high seas. The Constitution of the United States gave power to the Congress

to define, among other crimes, the crime of piracy. It was inherent in the sovereignty of the United States, as respects the subjects of the United States, to designate as piracy, and punish as piracy, crimes committed within its jurisdiction which were not thus piracy on the high seas, not piracy by the law of nations. The act of Congress of the 30th of April, 1790, provides "that if any person shall commit upon the high seas, or in any river, haven, basin, or bay out of the jurisdiction of any particular state, murder or robbery, or any other offence which, if committed within the body of a country, would by the laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel shall piratically and feloniously run away with such ship or vessel, or any goods or merchandise to the value of \$50, or yield up such ship voluntarily to any pirate; or if any seaman shall lay violent hands on his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken, and adjudged to be a pirate and a felon, and being thereof convicted shall suffer death. And that if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States or any citizen thereof upon the high seas, under color of any commission from any foreign prince or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged, and taken to be a pirate, felon, and robber, and, on being thereof convicted, shall suffer death." These provisions, most of which are with little more than verbal alteration taken from our own statute-book, include, as respects citizens of the United States, and persons owing temporary allegiance to them in return for the protection of themselves, not only piracy by the law of nations, but, as respects citizens, offences also which are piracy because the municipal lawgivers have chosen so to call them. By an act of Congress of March 3, 1819, chap. 75, sec. 5, it was enacted that if any person on the high seas should commit the crime of piracy, as defined by the law of nations, he should, on conviction thereof, suffer death. By an act of Congress of the 5th of May, 1820, it was enacted that any person who should upon the high seas or in any open roadstead, (which has been held in the Supreme Court of the United States to be upon the high seas,) or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate, and, being convicted thereof, shall suffer death. And if any person engaged in a piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and on shore shall commit such robbery, such person shall be adjudged a pirate, and on conviction thereof shall suffer death." It thus appears that the legislature of the United States, in framing municipal laws for the repression of offences of a piratical character, has always kept in view and made special mention of "piracy on the high seas," grouping with it, however, a large class of offences which bear a strong family resemblance to it, within the territorial jurisdiction, but which are not piracy by the law of nations, viz: "robbery in any river, haven, basin, or bay out of the jurisdiction of any particular State of the United States, upon any vessel or upon the lading or ship's company of any vessel in any open roadstead, haven, basin, or bay, or in any river where the sea ebbs and flows." On land if the robbery be committed by persons engaged in a piratical cruise or enterprise, or being of the ship's crew or ship's company of any piratical ship or vessel, who shall land from such ship or vessel, and on shore commit such robbery, many of the crimes thus defined, though included in a list at the head of which is "piracy on the high seas," and classed with it as equal in guilt and deserving of equal punishment, differ from it in the essential particular that they are not committed on the high seas, but within

the territorial jurisdiction of the United States; and being committed within the territorial or personal jurisdiction of the United States, they are thus offences not against our laws, (though we have laws to the same effect,) but against the laws of the United States. Regard being had to this legislation, which must have been in full view of the American minister who negotiated this treaty, it is a remarkable feature of the treaty, tending strongly to show that "within the jurisdiction" means within the exclusive jurisdiction, territorial or personal, of the United States, that, though "piracy" committed within the jurisdiction of the United States, and, as if to avoid all cavil as to its meaning, "robbery" are mentioned, piracy on the high seas—piracy by the law of nations—has been omitted. For these reasons I am of opinion that the true reading of the words "within the jurisdiction" is within the exclusive jurisdiction of the state requiring extradition.

The LORD CHIEF JUSTICE. I wish to add that one of the grounds of the conclusions to which I came was, that if we are to construe the statute as applying only to cases of exclusive jurisdiction, this consequence would follow, that wherever an English subject has committed in America a crime for which he could be tried there, although he could also be tried here, he could not be given up. I do not think the legislature could have contemplated a result so mischievous. However, as the majority of the court are of an opposite opinion, the prisoner must be discharged.

The master of the crown office (Mr. Norton) stated that an order would at once be made out for their discharge. They appeared greatly relieved by the result, which may be readily conceived when it is stated that simple piracy is capital in America, though it is not so in this country. The pirates lately executed were tried for murder.

Mr. Seward to Mr. Adams.

No. 964.]

DEPARTMENT OF STATE,

Washington, May 28, 1864.

SIR: I have a special pleasure in acknowledging the receipt of your despatch of May 13, No. 692, which is accompanied by a copy of the recent debate in the House of Commons on parliamentary reform.

The friends of the system of self-government everywhere may well rejoice in the indications furnished by this debate, of progress in Great Britain towards universal suffrage. To the United States that progress is an assurance that in the future trials of our system it will have the advantage, if not of sympathy, at least of toleration, throughout the British empire. We have so far succeeded in the present trial without this advantage, but the want of it has been severely felt.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 966.]

DEPARTMENT OF STATE,

Washington, May 28, 1864.

SIR: I have received your despatch of May 13, No. 657. The President is especially gratified by the information that, without having yet received my late instructions concerning the Florida, you have addressed a well-considered remonstrance to her Majesty's government.

The Niagara will go to Europe on Wednesday next, and she will be followed, if necessary, by additional naval force. We have adopted this policy not alone on account of the naval expeditions with which we are threatened from British ports, but also because we have not been able to procure entirely satisfactory assurances from the French government respecting the piratical vessels which Arman, the ship-builder at Bordeaux, is notoriously preparing for the insurgent service. Judicious correspondents now express a belief that the French government will follow the British government in its measures concerning the toleration of naval expeditions against the United States.

I do not know that you can do anything new to prevent such expeditions, but it may not be unwise to impress upon Earl Russell's mind that the United States are not less earnest on this subject now than they were last year, when we remonstrated so strongly against the outcoming of the vessels which have since that time been detained at Lairds' ship-yards.

I see, but no longer with surprise or with profound concern, that the British press and some British statesmen have once more fallen into the habit of assuming that our war for the Union has failed, and that an inglorious end of it is at hand. I confess that we are looking for very different results of the campaign. But whatever the events of that campaign may be, there has never been less reason than there is now to suppose that the United States will fail either to maintain their integrity against insurgents or to defend themselves against foreign enemies.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 969.]

DEPARTMENT OF STATE,

Washington, May 30, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 12th instant, No. 686, and its accompaniments relative to the suppression of the African slave trade. I cordially assent to the proposition of Earl Russell therein mentioned.

I give you, herewith, a copy of the papers respecting the Arguelles case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

THE EXTRADITION OF COLONEL ARGUELLES.

Official Papers.

The President of the United States on the 1st instant communicated to the Senate, in answer to a resolution of that body, the following report from the Secretary of State and accompanying documents:

Mr. Seward to the President.

DEPARTMENT OF STATE,

Washington, May 30, 1864.

The Secretary of State, to whom was referred the resolution of the Senate of the 28th instant requesting the President to inform that body, "if he shall

not deem it incompatible with the public interest, whether he has, and when, authorized a person, alleged to have committed a crime against Spain or any of its dependencies, to be delivered up to officers of that government; and whether such delivery was had; and, if so, under what authority of law or of treaty it was done," has the honor to submit to the President a copy of the papers which are on file or on record in this department relative to the subject of the resolution.

By the act of Congress of the 15th of May, 1820, the African slave trade is declared to be piracy. By the ninth article of the treaty of 1842 with Great Britain, it is stipulated that, "Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes, the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever."

There being no treaty of extradition between the United States and Spain, nor any act of Congress directing how fugitives from justice in Spanish dominions shall be delivered up, the extradition in the case referred to in the resolution of the Senate is understood by this department to have been made in virtue of the law of nations and the Constitution of the United States.

Although there is a conflict of authorities concerning the expediency of exercising comity towards a foreign government by surrendering, at its request, one of its own subjects charged with the commission of crime within its territory, and although it may be conceded that there is no national obligation to make such a surrender upon a demand therefor, unless it is acknowledged by treaty or by statute law, yet a nation is never bound to furnish asylum to dangerous criminals who are offenders against the human race, and it is believed that if, in any case, the comity could with propriety be practiced, the one which is understood to have called forth the resolution furnished a just occasion for its exercise.

Respectfully submitted.

WILLIAM H. SEWARD.

To the PRESIDENT.

CORRESPONDENCE.

Mr. Savage to Mr. Seward.

UNITED STATES CONSULATE GENERAL,
Havana, November 20, 1863.

SIR: Over one thousand African negroes were brought to this city a few days since. It is reported that they were landed from a steamship (whose name and nationality are unknown) in the neighborhood of Cardenas, or Sagua. Very prominent and wealthy persons are said to be implicated in this business.

I have the honor to be, with great respect, your obedient servant,

THOMAS SAVAGE,

Vice Consul General.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

The steamer was not captured. It is believed that she went to Nassau after landing the negroes.—T. S.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 28, 1863.

MY LORD: It appears, from information this day received from the consul general of the United States at Havana, that over one thousand African negroes were recently brought to that city. It is reported that they were landed from a steamship, whose name and nationality are unknown, in the neighborhood of Cardenas, or Sagua, and that very prominent and wealthy persons are said to be implicated in the business. The steamer was not captured. It is believed that she went to Nassau after landing the negroes. This intelligence has been communicated to the Navy Department.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. Lord LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 28, 1863.

MY DEAR LORD LYONS: I have taken the President's instructions upon the suggestion, communicated in your note of October 15, of Earl Russell concerning a joint or concurrent appeal to be addressed to the government of Spain for an amendment of her law which tolerates the bondage of imported Africans landed in Cuba after they have become in form the property of an owner of an estate in that island. If Earl Russell, with his large experience of this evil and of the difficulty of obtaining a correction of it, will prepare the draught of such a communication as he shall think may properly be addressed to the Spanish cabinet, the President will, with great pleasure, authorize me to communicate with the Spanish government in the same sense and spirit with those which shall be adopted by her Britannic Majesty's government. I shall be thankful if you will inform Earl Russell that the President appreciates very highly the liberal and humane sentiments which have inspired the suggestion to which I have thus replied.

I am, my dear Lord Lyons, very truly yours,

WILLIAM H. SEWARD.

Right Hon. Lord LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 4, 1864.*

MY DEAR SIR: I did not fail to forward to Lord Russell a copy of the letter of the 28th November last, in which you did me the honor to inform me that if his lordship would prepare the draught of such a communication as might, in his opinion, properly be addressed to the Spanish cabinet, with a view to procure an amendment of the laws affecting the introduction of slaves into Cuba, the President of the United States would authorize you to communicate with the government of Spain in the same sense and spirit with those adopted by her Majesty's government.

Lord Russell has desired me to thank you for taking the President's instructions on this matter at a time when other pressing affairs must have occupied the

attention of the Chief Magistrate. He has also authorized me to communicate to you the enclosed copies of a despatch from her Majesty's minister at Madrid, and of a note in which, in execution of instructions from her Majesty's government, that minister has pointed out to the government of Spain the measures which, in the opinion of her Majesty's government, are required for the suppression of the Cuban slave trade.

Her Majesty's government do not doubt that a similar representation addressed to the government of Spain by the United States minister at Madrid would have great weight with the Spanish cabinet, and they would learn with much satisfaction that the United States representative had been directed to make a communication to the Spanish minister for foreign affairs in the same sense as that made by her Majesty's minister in the note of which a copy accompanies this letter.

Believe me to be, my dear sir, your very faithful, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures]

The present captain general of Cuba has acted in good faith in carrying out the treaty obligations of Spain for the suppression of the slave trade, and the Spanish government appears to have hitherto approved the proceedings of that officer. The result has been that the number of slaves introduced into Cuba within the twelve months ended the 30th of last September is estimated at from seven to eight thousand, as compared with eleven thousand two hundred and fifty-four, the number introduced in the corresponding twelve months of the preceding year.

This diminution in the Cuban slave traffic would be satisfactory if it were not that it is mainly owing to the exertions of one individual alone, General Dulce, the present captain general of Cuba, who, it must be borne in mind, is liable to be removed at any moment, when, in all probability, the traffic would again resume its wonted vigor.

General Dulce complains bitterly of the want of sufficient power conferred upon him, and of the inadequacy of the provisions of the Spanish penal code for suppressing the Cuban slave trade; and if an officer so well disposed as is the present captain general of Cuba finds it impossible to put a stop to the importation of slaves into Cuba, it may easily be inferred that a less honorable officer would find ample excuses for the non-performance of his duties in this respect.

In order to put an end to the slave trade in Cuba, it is necessary that the Spanish government should take steps for amending the laws prohibiting the introduction of slaves into that island. The existing laws are admitted by the Spanish authorities to be insufficient for the purposes for which they were framed, and, until they are amended, the sincerity and good faith of the Spanish government will be liable to be called in question.

The 4th and 13th articles of the penal code only serve as a protection to the slave dealers. The former of these articles prohibits the seizure by the authorities of any newly imported slaves, no matter how notorious may have been the violation of the Spanish laws in introducing the negroes, if once the slaves have been conveyed to a property or plantation in the island.

The 13th article, on the other hand, provides that the legal punishment of slave dealers and their accomplices can only be inflicted in virtue of a sentence of the "Royal Audiencia Pretorial;" but in consequence of nearly the whole of

the population of Cuba, as well as the subordinate authorities, being more or less mixed up and interested in the slave trade, it is impossible to procure evidence to convict the parties engaged in this traffic, and this article remains, therefore, entirely inoperative.

Eleven hundred slaves have, as is well known to the government of the United States, been recently seized by the captain general of Cuba after they had been successfully landed and conveyed to a plantation in that island. Attempts will doubtless be made to procure their restitution on the ground that they have been illegally seized by the captain general; but if one of these negroes is given up to the slave dealers, either by the orders of the Spanish government or by the decision of a judicial tribunal, her Majesty's government trusts that the government of the United States will unite with her Majesty's government in addressing a serious remonstrance on the subject to the Spanish government.

FEBRUARY 4, 1864.

MADRID, *December 16, 1863.*

M. LE MIN'RE: In conformity with the wish expressed by your excellency in the conversation which I had the honor of holding with you on the 14th instant upon the subject of the slave trade in the island of Cuba, I proceed to particularize, in writing, those measures to which I allude as being, in the opinion of her Majesty's government, calculated to put a final stop to that deplorable traffic, the adoption of which measures I am instructed to press upon her Catholic Majesty's government.

As I had the honor of stating to your excellency, the government of the Queen, my mistress, have learned with extreme satisfaction, from the official reports of her Majesty's consul at Havana, that a considerable diminution in the number of negroes illegally imported into Cuba within the year ending the 5th of September last has taken place as compared with former years, and also that a well-judged amelioration in the treatment of those legally held in slavery there has been encouraged by the authorities of her Catholic Majesty—a measure, as her Majesty's consul remarks, which has happily combined a regard for humanity and a sensible increase in the productiveness of the plantations in which it has been adopted.

Her Majesty's government have pleasure in recognizing the good will and activity displayed by the present captain general of Cuba, as well as the measure of his success, in checking the slave trade. It appears, however, that such are the temptations to unprincipled individuals to introduce slaves into Cuba, and such the facilities still afforded to them by the defects of certain parts of the Spanish laws regarding the subject, that without some modifications in these, his well-meant efforts must continue to fall short of their intended object.

The measures to which her Majesty's government would call your excellency's attention are:

1st. An enactment declaring slave trade to be piracy. This is a measure which has been adopted by many nations, including those possessing large numbers of slaves. Its success has been signal in checking the slave trade in countries where it most prevailed. It has mainly contributed to free Brazil from the stigma attaching to this inhuman traffic, and that without any injury to her productiveness or material prosperity. Her Majesty's government are not aware of any sound argument which can be alleged against this measure.

2d. A modification of the 9th and 13th articles of the Spanish penal code in force in the island of Cuba.

According to the former of these articles, the authorities cannot seize imported

negroes when once they have been conveyed to a property or plantation, however notorious the fact of such violation of the law having been committed may be.

According to the latter, the legal punishment of slave traders and their accomplices can only be inflicted in virtue of a sentence by the Royal Audencia Pretorial. Now it is well known that the difficulty of producing evidence before this court is so great, that proof to convict those accused of such charges is seldom, if ever, obtained, however morally convinced the ruling authorities may be of their guilt. It is true that the captain general has power to remove officers of whose delinquency he feels certain, and it is true that the present Captain General Dulce, his predecessor, the Duke de la Torre, and others, have exercised this power in regard to certain flagrant cases; but how much more effective as regards public opinion, how much more satisfactory to her Catholic Majesty's government would it be, that such punishment and degradation should result from a legal conviction, rather than from the exercise of a discretionary power.

I believe that in stating that the experience of the Duke de la Torre, as well as that of General Dulce, have caused them to coincide in the opinion that the adoption of both the measures to which I have above adverted would be expedient and necessary for the final extirpation of the slave trade in Cuba. I am not overstepping the truth in bringing, however, these measures under your excellency's attention. I feel confident that they will be submitted to the enlightened examination due to the intrinsic merits of the great end they are meant to forward, and also with the most friendly disposition on your excellency's part to set at rest forever a serious and painful matter of discussion between the governments of Great Britain and Spain.

I avail, &c., &c.

J. F. CRAMPTON.

His Excellency the MARQUIS DE MIRAFLORES, &c., &c.

MADRID, *December 16, 1863.*

MY LORD: In conformity with the instructions contained in your lordship's despatch of the 12th ultimo, I did not fail to express to the Marquis de Miraflores the gratification of her Majesty's government at the diminution of the slave trade, and the amelioration in the treatment of slaves in Cuba, reported by her Majesty's acting consul general in his despatch to your lordship of September 30.

I said that it was satisfactory to know that these improvements resulted from the determination of the present captain general; and on the Marquis de Miraflores replying that General Dulce, by the manner in which he had acted, had faithfully carried out the wishes of her Catholic Majesty's government, I observed that, such being the case, I could feel no doubt that his excellency would take into serious consideration two measures, which appeared to her Majesty's government, and, indeed, to all persons acquainted with the subject, were wanting to enable that officer, who does not lack the will, to put a stop at once to the importation of slaves into Cuba, and to realize a wish which his excellency had so often concurred with me in expressing, that the serious and painful question which was continually recurring between the two governments in regard to this matter should be forever set at rest.

The two measures I alluded to were, I said: 1st. An enactment declaring the slave trade to be piracy; 2d. The modification of the penal code in force in Cuba, and particularly of the 9th and 13th articles.

With respect to the first of these measures, I observed that its efficacy had been shown in the case of Brazil, and no reasonable objection had ever been alleged against it by the Spanish government.

With respect to the second, the 9th and 13th articles of the code acted as a protection to the slave traders, and defeated the intention of the law and the well-intended efforts of the Spanish superior authorities. The Marquis of Miraflores promised that he would take these matters into consideration, and assured me that good will on his part would not be found wanting to do all that was possible to put an end to the slave trade.

As I had referred to particular articles of the penal code, he requested me to address him a note, in which they should be particularized, in order that he might be able at once to direct his attention to the points to which her Majesty's government alluded.

I have consequently, in the note of which I have the honor to enclose a copy, pointed out to the Marquis de Miraflores the effect of the articles 9 and 13 of the code, which are clearly stated in Mr. Crawford's report No. 12, of September 30, 1861, enclosed in your lordship's of that year.

I have, &c.,

J. F. CRAMPTON.

Earl RUSSELL.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 4, 1864.*

SIR: I hastened to communicate to her Majesty's government the note dated the 21st instant, (28th November last,) in which you did me the honor to inform me that you had learned from the United States consul general at Havana that more than one thousand recently imported African negroes had been brought to that city.

Her Majesty's government had already received intelligence of a steam vessel having left the African coast with a cargo of upwards of 1,100 slaves on board, and also of these slaves having been landed in Cuba. They have since been informed by her Majesty's consul general at Havana that eleven hundred and five of the newly imported slaves have been seized by the captain general of Cuba.

Her Majesty's government are not at present acquainted with the particulars relative to the vessel from which the slaves were landed, but they will take measures to discover, if possible, the name of the vessel and the parties implicated in her proceedings, and they will be very much obliged if the government of the United States will communicate to them any information on the subject which the United States authorities may be able to furnish.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Savage.

DEPARTMENT OF STATE,

Washington, February 5, 1864.

SIR: Your despatches from No. 116 to 118, both inclusive, have been received. Referring to your despatch No. 110, relating to the landing of certain negroes from Africa, I have now to transmit herewith a copy of a note from Lord Lyons, from which you will perceive that the government of Great Britain desires further information in regard to the name of the vessel and the parties implicated

in her proceedings. You will have the goodness, therefore, to endeavor to obtain such further information as you can, and communicate it to this department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

THOMAS SAVAGE, Esq.,
United States Vice Consul General, Havana.

Mr. Seward to Mr. Koerner.

DEPARTMENT OF STATE,
Washington, February 6, 1864.

SIR: By the 9th article of the treaty of Washington of the 9th of August, 1842, between the United States and Great Britain, it is stipulated that the parties will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets (for African negroes) are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever.

Spain is believed to be the only Christian state in whose dominions African negroes are now introduced as slaves. She has a treaty with Great Britain stipulating for the suppression of that traffic. The instrument was concluded at a time and under circumstances which, as it seems to us, imposed a peculiar weight of moral obligation on Spain to see that her stipulations were carried into full effect. It is understood, however, that the just expectations of the British government in that respect have been signally disappointed. This has, no doubt, been mostly owing to the fact that a great part of the public revenue of Spain has hitherto been derived from Cuba, the prosperity of which island has in some quarters been erroneously supposed to depend upon a continued supply of imported slave labor. This is believed to be the source of the disregard by Cuban slave-dealers of the humane policy of the home government, and the alleged inefficiency at times of the colonial authorities.

We have no treaty with Spain on the subject of the slave trade, but as the laws of the United States characterized it as piracy long before our treaty with Great Britain above referred to, we think ourselves entitled to consider that trade an offence against public law, so far as to warrant our faithful compliance with the stipulation contained in that treaty. Herewith I transmit a copy of an informal note on this subject, of the 4th instant, addressed to me by Lord Lyons, and of the papers to which it refers. From these it appears that though the number of Africans introduced into Cuba is diminishing, yet that the municipal laws in force there require amendment before a stoppage of the traffic can be expected. The peculiar relations of Great Britain to Spain, with reference to this topic, may justify to the full extent the text of the note of Sir John Crampton to the Marquis of Miraflores. The relations of the United States to Spain, however, are of a different character, but the President authorizes and directs you to address a communication in general terms to the Spanish minister for foreign affairs setting forth the treaty stipulations between the United States and Great Britain on this subject, and stating that it would afford the utmost satisfaction in this country if any obstacles existing in Cuba to the complete suppression of the African slave trade should be removed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 6, 1864.

MY DEAR LORD LYONS: I have the honor to acknowledge the receipt of your note of the 4th instant, communicating the copy of a despatch from her Majesty's minister at Madrid, and of a note framed under the instructions of her Majesty's government, pointing out to the government of Spain the measures which, in the opinion of her Majesty's government, are required for the suppression of the Cuban slave trade.

In reply, I have the honor to acquaint you that, in conformity with the suggestion contained in your note, the minister of the United States at Madrid has been instructed to address to the Spanish minister for foreign affairs a representation in the same sense as that made by her Majesty's minister in the note above referred to.

I am, my dear Lord Lyons, very truly yours,

WILLIAM H. SEWARD.

Right Hon. Lord LYONS, &c., &c., &c.

P. S.—I enclose a copy of my instruction to Mr. Koerner.

Mr. Koerner to Mr. Seward.

[Extract]

LEGATION OF THE UNITED STATES,
Madrid, February 28, 1864.

* * * * *

Some time previous to the receipt of your last, Sir John Crampton had called upon me, and had explained the grounds and the object of the remonstrances which his government had felt itself compelled to make to the Spanish government respecting certain failures in the proper execution of treaty stipulations existing between Great Britain and Spain as to the suppression of the slave trade. He also informed me of the President's promises to support the British reclamation, according to the Washington treaty. Subsequent to the receipt of your despatch upon that subject, I had another interview with Sir John, in which he informed me of the conversation and the correspondence which he had already had with the minister of state on the question, and of his prospects of success.

In pursuance of your despatch, I have addressed a note to Señor Arrazola, the minister of state, a copy of which I have the honor to enclose. I have also furnished a copy to Sir John. * * * * *

I have the honor to be, your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

LEGATION OF THE UNITED STATES,
Madrid, February 27, 1864.

SIR: The subject of suppressing the inhuman African slave trade has been one of deep anxiety to the government of the United States from the time of its

foundation. The United States have been among the first of nations, if not the first, that have denounced this traffic in human beings as piracy, and have visited their own citizens implicated in it with the severest penalties. At very heavy pecuniary sacrifices, and at the risk of the lives of their own naval officers and seamen, they have for more than twenty years supported a squadron on the western coast of Africa, in a most destructive climate, in order to prevent the successful carrying on of this nefarious trade. They have, with a like view, entered into stipulations with her Britannic Majesty in the year 1842, contained in what is called the treaty of Washington, the 9th article of which is as follows: (Here follows the article entire.)

The attention of the President of the United States has lately been directed to certain difficulties which have presented themselves, and which appear to prevent a complete suppression of the slave trade in the colonial possessions of her Catholic Majesty, and more especially in the island of Cuba, which difficulties do not arise from any desire of the Spanish colonial authorities to favor the said trade. It is well known that the efforts made by the captain general of that island correspond entirely to the wise and humane policy which the home government of her Catholic Majesty has adopted in regard to the subject in question, and which is thoroughly appreciated by the President and the people of the United States.

The difficulties spoken of seem to be inherent in the laws and regulations in existence, which are supposed to give room to interpretations by which their force may be evaded.

In view of the general policy of the United States, which looks upon the African slave trade as an offence against the public law of nations, and has denounced it as piracy; in view, also, of the treaty stipulations existing between them and the government of her Britannic Majesty, the President of the United States has instructed me to respectfully call the attention of her Catholic Majesty's government to this subject, and to suggest such a revision of the existing laws and regulations concerning the unlawful introduction of slaves into the island of Cuba as will best accomplish the object which her Majesty's government had in view when those laws and regulations were enacted.

It is hardly necessary for the undersigned to assure your excellency that these suggestions arise from the purest motives, and would not have been made unless the President had considered the very friendly and cordial relations existing between the United States and Spain as justifying this application, and had he not been bound to another friendly nation by engagements which it is his duty as well as his pleasure to carry out faithfully.

It is almost equally unnecessary for me to inform your excellency that it would afford the utmost satisfaction to the President and the people of the United States if any obstacles existing in the island of Cuba to the complete suppression of the African slave trade should be removed by the considerate action of the government of her Catholic Majesty.

The undersigned takes great pleasure to assure, &c., &c., &c.

GUSTAVUS KOERNER.

His Excellency Señor Don L. ARRAZOLA,

Minister of State of her Catholic Majesty.

Mr. Savage to Mr. F. W. Seward.

UNITED STATES CONSULATE GENERAL,

Havana, March 5, 1864.

SIR: In reply to your despatch of the 5th ultimo, accompanying a copy of a note from Lord Lyons of the preceding date, I have to state that, notwith-

standing the most diligent inquiries among my friends, I have been unable to ascertain the name of the steamer that brought the large lot of African negroes (upwards of a thousand) captured by the Spanish authorities. These negroes were landed in the district of Colon, on the south side of this island. The steamer had been originally English, came from England to Cadiz, where she was put under Spanish colors, fitted out for the slave trade, and cleared ostensibly for a lawful voyage to Fernando Po, a Spanish island on the coast of Africa.

The negroes were captured on shore by the lieutenant governor of the district, and I am confidentially informed that the steamer proceeded again to Africa for another load of the same kind, the necessary stores having been placed on board immediately on the discharge of her cargo. It is said that Don Julian Zulueta, Don Salvador Sania, Marquis of Marianao, the brigadier Garcia Munoz, and other prominent persons, among whom General Concha is mentioned, were interested in that expedition.

Several slave expeditions have been landed for the same parties, but two besides the above have been captured, one of about six hundred negroes, and the other of about two hundred, most of the cargo of this latter having been landed, and the vessel conveying them has the appearance of being English-built. Don José Carreras, a partner of Mr. S. Sania, has been for some time past in confinement, charged with being implicated in these violations of law. Should any further trustworthy information reach me I will not fail to transmit it at the earliest opportunity.

I am, sir, with great respect, your obedient servant,

THOMAS SAVAGE,
Vice Consul General.

Hon. F. W. SEWARD,

Assistant Secretary of State, Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 11, 1864.

MY LORD: Recurring to your note of the 4th ultimo, respecting the arrival in Havana of a thousand imported negroes, in which the desire of her Majesty's government for any information on the subject is signified, I have the honor to enclose a copy of a despatch of the 5th instant from the United States consul general at that port which relates to the matter.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. Lord LYONS, &c., &c., &c.

Mr. Savage to Mr. Seward.

CONSULATE GENERAL OF THE U. S. OF AMERICA,

Havana, March 27, 1864.

SIR: I have just returned from an interview had with the captain general by his request, the object of which was to ascertain if the United States authorities can return to this island the person of an officer of the Spanish army named

Don José Agustin Arguelles, who is believed to be in New York. This officer was, in November last, the lieutenant governor of the district of Colon, in this island, that effected the capture of the large expedition of African negroes reported by me to the department on the 20th of November last, despatch No. 107. The government was highly pleased with his zeal, and paid him fifteen thousand dollars for his share of the prize money usually allowed to captors of such expeditions. The officer subsequently obtained a leave of absence of twenty days, upon his representation that the object of his journey to New York was to purchase the Spanish journal there published, called *La Cronica*, has not returned, and since his departure it has been discovered that he and other officers of the district of Colon retained and sold into slavery one hundred and forty-one of the negroes captured by them. Some of these negroes were sold at seven hundred dollars, and others at seven hundred and fifty dollars, each.

The superior court of the island, having exclusive jurisdiction over such causes, has taken cognizance of this case, and requires the presentation of Don José Agustin Arguelles before it, to insure the prompt liberation of these one hundred and forty-one victims. The captain general gave me to understand that without Arguelles's presence it would be very difficult, and at all events it would require a long time, to attain that humane object. His excellency pronounced Arguelles to be a scoundrel, worse than a thief or highwayman, inasmuch as he took advantage of his position as the local authority to commit that outrage, with little risk to himself.

I told the captain general that in the absence of an extradition treaty between the two governments, or of any law, public or municipal, authorizing the rendition, our government could not grant the request, but promised to lay the matter in this confidential way before you, which he desired me to do by the earliest opportunity.

I beg of you to consider the subject, and to advise me at an early day of your views thereupon.

I have the honor to be, with great respect, your obedient servant,
 THOMAS SAVAGE,
Vice Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Tassara to Mr. Seward.

LEGATION OF SPAIN IN WASHINGTON,
Washington, April 5, 1864.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has received information of the arrival in this country of an officer of the Spanish army, named Don José Agustin Arguelles, escaped from the island of Cuba, under the charge of having sold negroes into slavery.

The circumstances of the case seem to be as follows: The above-named officer was, in November last, lieutenant governor of the district of Colon, and effected, whilst in this capacity, the seizure of a large expedition of African negroes. The government, pleased with his zeal, paid him a large sum as his share of the prize money usually allowed to the captors of such expeditions. The officer subsequently obtained a leave of absence of twenty days to proceed to New York, upon representing that the object of his journey was to purchase a Spanish journal published in that city, but since his departure it has been discovered that he and other officers of the district of Colon retained and sold into slavery one hundred and forty-one of the negroes captured by them. The

superior court of the island, having exclusive jurisdiction over such causes, has taken cognizance of this case, and requires the presence of Arguelles before it to insure the prompt liberation of the one hundred and forty-one victims. Without such presentation it would be very difficult, and at all events it would require a long time, to attain that humane object.

The undersigned is well aware that no extradition treaty exists between the United States and Spain, in virtue of which the surrender of Arguelles to the authorities of Cuba might be obtained. Yet considering the gross and scandalous outrage which has been committed, as well as the interests of humanity at stake in the prompt resolution of this matter, he has not hesitated in submitting the case in this confidential way to the consideration of the United States government, in order to ascertain whether an incident so exceptional could not be met with exceptional measures.

The undersigned has been the more induced to take this step, that he has good reason to believe a similar application to have been made also in a confidential form by the captain general of Cuba.

The undersigned avails himself of this occasion to renew to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Savage.

DEPARTMENT OF STATE,
Washington, April 14, 1864.

SIR: Your despatch No. 136 has been received, in which you call attention to the case of Don José Agustín Arguelles. I am instructed to inform you that if the captain general will send to New York a suitable officer, steps will, if possible, be taken to place in his charge the above-named individual for the purpose indicated in your despatch. You will immediately communicate the purport of this instruction, in confidence, to the captain general.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

THOMAS SAVAGE, Esq.,
Vice Consul General of the United States, Havana.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, April 16, 1864.

SIR: In acknowledging the receipt of your confidential communication of the 5th instant, I have the honor to inform you that the consul general of the United States at Havana has been instructed to state to his excellency the captain general of Cuba, that if a suitable officer be sent to New York, such steps as may be proper will be taken to place in his charge, for the purpose indicated in your note, the Spanish officer Don José Agustín Arguelles.

Be pleased to accept the renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA,
&c., &c., &c., Washington.

Mr. Savage to Mr. Seward.

CONSULATE GENERAL OF UNITED STATES OF AMERICA,
Havana, April 23, 1864.

SIR: I have the honor to acknowledge the reception of despatches from the department, Nos. 70 to 77, both inclusive. I also received yesterday the despatch No. 79, signed by F. W. Seward, Assistant Secretary, and immediately communicated the purport thereof, in confidence, to the captain general. He had likewise a despatch from the Spanish minister at Washington, advising him of the interview he had had with you on the subject of the rendition of the Spanish officer, Don José Arguelles. His excellency was very much pleased, and very warmly expressed his thanks to me for the promptness with which I had attended to his request in this matter. He read me the Spanish minister's letter, and said that he would send a proper officer to perform the service, who will probably proceed to New York by the steamer Columbia on Monday next, and, on arrival, immediately repair to Washington and place himself under the direction of the Spanish minister.

In this connexion I deem it proper to make known to you that the captain general is under the impression that Arguelles will be surrendered as accused of crime, to be subjected to trial here, in which case, from what I can learn, he will certainly be convicted and sentenced to the chain-gang, which will be the fate of the curate of Colon and three or four others who were accomplices, aiders, and abettors of Arguelles in the nefarious business. I did not say anything to his excellency to the contrary, not feeling authorized to do so.

The one hundred and forty-one negroes sold into slavery by Arguelles, as alleged, were represented by him and his accomplices as having died of disease after landing, and the curate of Colon is charged with having made a new register of deaths, wherein those supposed deaths were inserted. This new register supplanted the regular one, which the captain general says Arguelles took away, and now has in his possession. Conclusive evidence of this fact is before the court.

I have the honor to remain, with great respect, your obedient servant,
THOMAS SAVAGE,
Vice Consul General.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation.]

[*Supreme civil government of the ever-faithful Island of Cuba, political department.*]

HAVANA, April 26, 1864.

YOUR EXCELLENCY: In reply to your communication dated 15th instant, (No. 19,) I have to say to you that it is convenient that the individual mentioned in your aforesaid communication, to which I have the honor to reply, be placed on board the vessel coming immediately to this place, and the persons who are pointed out in the margin of this letter will take charge of him.

I ask you to make known to his excellency, Secretary Seward, how much I thank him for his co-operation in this affair, because by it he assists the exposure and punishment of a crime totally distinct from any political matter, the result

D. Aristides de Santales,
Comandante grado Cap. de
Inf. de este Ej'to.

DULCE.

of which will be that more than two hundred human beings who are groaning in slavery will owe to his excellency the recovery of their freedom.

God save your excellency many years.

DOM'O DULCE.

His Excellency the MINISTER OF SPAIN at *Washington*.

[Translation.]

Supreme civil government of the ever-faithful Island of Cuba.

OFFICE OF SECRETARY POLITICAL,
Havana, May 19, 1864.

MOST EXCELLENT SIR: My aide-de-camp, with the person expected, arrived in the steamer *Eagle*. I request your excellency to render thanks in my name to Mr. Seward for the service which he has rendered to humanity by furnishing the medium through which a great number of human beings will obtain their freedom, whom the desertion of the person referred to would have reduced to slavery. His presence alone in this island a very few hours has given liberty to eighty-six.

I also render thanks to your excellency for the efficiency of your action. God preserve your excellency many years!

DOMINGO DULCE.

His Excellency the MINISTER OF SPAIN at *Washington*.

Mr. Savage to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE GENERAL,
Havana, May 23, 1864.

SIR: In consequence of my temporary illness previous to the sailing of the steamship *Eagle* from this port for New York, I was unable to inform you of the arrival in Havana, per same steamer from New York, of the late lieutenant governor of Colon, José Agustín Arguelles. He arrived here at about eight o'clock at night, accompanied by the captain general's agent and two United States deputy marshals. He was immediately lodged in jail, and was next morning conveyed to Moro Castle, where he still remains. Various rumors were put in circulation on his arrival, which created considerable excitement. One rumor obtained great circulation, that he had been kidnapped from New York, and that the captain general intended to condemn him to the chain-gang.

THOMAS SAVAGE,
Vice Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Adams.

No. 972.]

DEPARTMENT OF STATE,
Washington, May 31, 1864.

SIR: The Senate is giving its final revision to the bill, which has already passed the House of Representatives, for raising internal revenue. The spirit of the whole Congress with regard to taxation is excellent. The House of

Representatives is endeavoring to complete the bill for regulating the currency, and there is so far a concurrence of views of the two branches of the legislature in regard to the principles to be adopted in revising the tariff of duties on imports, that I think we may soon expect a satisfactory result in that respect.

Major General Canby is vigorously reorganizing the forces west of the Mississippi, with a view to new operations.

Major General Sherman, finding the insurgents under Johnston strongly fortified at Altoona, made a detour to the right with a design to pass that place. Johnston went out and met General Sherman near Dallas, and was driven back with very severe loss to the insurgents, and without effectually checking Sherman's advance. He proposes to reach the railroad again between Altoona and Atlanta.

General Lee, on retiring from Spottsylvania, took up and fortified a very advantageous position near Hanover Junction, south of the North Anna, and General Grant thereupon again cast away his base, which was then at Port Royal, on the Rappahannock, and finding a passage east of Lee's new position, threw his whole forces across the Pamunkey river near Hanover town, and when last heard from the army stood in order of battle, three miles south of the last named river, which is a tributary of the York river. This new position was gained with no other conflict than a successful cavalry engagement. At that place he has been joined by the portion of the command of General Butler which could be spared without exposing the position we have hitherto held at Bermuda Hundred, on the James river between Petersburg and Richmond. This re-enforcement from Butler's army was effected by means of steam navigation down the James and up the York and Pamunkey rivers. Thus all the contending forces are within a circuit of twenty miles around Richmond.

Major General Hunter has succeeded General Sigel in command of the auxiliary forces, whose field of operation is in the Shenandoah valley and Western Virginia. Movements are in progress there which, if successful, will materially aid the operations of the lieutenant general before Richmond. I have heretofore mentioned the re-enforcements which were sent to him. These re-enforcements have been augmented. All the wounded, all the prisoners, and all the unnecessary *impedimenta* of the army of the Potomac, have been sent away by General Grant. The passing week may be expected to be filled with important events.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 704.]

LEGATION OF THE UNITED STATES,
London, June 2, 1864.

SIR: Despatches have been received numbered from 944 to 947 inclusive. Likewise a telegram from New York, *via* Crookhaven, dated the 18th of May, relating to the spurious proclamation of the President, which appeared in the World and Journal of Commerce.

Colonel Lloyd Aspinwall, who brought the telegram in the steamer, was kind enough also to furnish me with the latest telegrams received in New York from the government down to the hour of sailing. I also received, by mail, letters from the collector and the postmaster of New York, both of them putting me on my guard as to the nature of that extraordinary proceeding.

The energy thus displayed in preventing any possible effects from such an imposture on this side of the Atlantic is very cheering. On my side, I took

immediate measures to communicate the information so received to the newspapers in season to appear simultaneously with the customary telegrams. Happily, however, those telegrams had already been drawn up under a knowledge of the truth, so that there was no need of any official interposition. As a consequence, if any effect here was anticipated by the manufacture of this fraud, the operators must have been completely disappointed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 705.]

LEGATION OF THE UNITED STATES,

London, June 2, 1864.

SIR: I felt very much obliged to you for the careful and thorough survey of the military situation in your despatch, No. 946, of the 17th of May. It came most opportunely to rectify the unfavorable impressions made by the public telegram that reached this country simultaneously.

I am informed that at no time during the period of the struggle has the excitement in the Commons ran so high about it as during the last week on the occasion of the successive arrival of the news by the steamers on Tuesday and Friday. The first of them announcing General Grant's successes, coming as it did upon a fully established conviction that he had been defeated and driven back, created as profound a disappointment as the event at Gettysburg did last year. The second, as it appeared greatly to qualify the preceding account, was hailed with a corresponding degree of exultation. The hopes are now nearly as high as they were before. The intelligence expected by the steamer now due is awaited with corresponding impatience, under the idea that the interval of three days may have determined the question.

Pending this result, Mr. Lindsay has thought it proper to postpone his motion for recognition, which he had assigned for to-morrow, to the 17th of the month. It is plain that he keeps it along in the hope of the happening of some event which might enable him to push it in at a moment of sudden excitement, with some prospect of carrying it at once. It is only in some such way that anything could possibly be done with it. The fact that the sympathies of the majority lean in that direction cannot be doubted. Whether they can be counted upon to such an extent as to produce the desired result is another question. It would, at least, require a complete defeat and dispersion of the government forces to render it probable.

In view of possibilities, it would be well that I should, for the present, be placed in possession of the latest possible authentic information, in order that I might have it in my power promptly to correct false rumors. One of the contrivances of the rebel emissaries is always to have from Baltimore some private telegram, later than the latest, which communicates things that never happened.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 706.]

LEGATION OF THE UNITED STATES,

London, June 2, 1864.

SIR: In connexion with your despatch to me, No. 834, of the 6th of February, and my No. 608 to you, of the 3d of March, I now have the honor to

transmit a copy of Lord Russell's note to me, of the 19th of May, respecting the steamer Will-o'-the-Wisp. I think I have seen in the newspapers some later notice of her movements as a blockade runner from Bermuda.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

FOREIGN OFFICE, *May 19, 1864.*

SIR: With reference to your letter of the 22d of February last, I have the honor to state to you that I am informed by the secretary of state for the colonies that it appears from reports which have been received from the governor of Bermuda that the steamer Will-o'-the-Wisp had left that port without having done any illegal act so far as is known, or having given cause for any interference on the part of the authorities.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 707.]

LEGATION OF THE UNITED STATES.

London, June 2, 1864.

SIR: I have the honor to transmit copies of two notes of mine addressed to Lord Russell, dated, respectively, the 23d and 28th of May, and covering a number of depositions relating to enlistments for the rebel vessels. His lordship's has as yet sent me an acknowledgment of the earlier one only. His attention is now so much engrossed by the proceedings of the conference, this correspondence with me, usually rather brisk, languishes.

Copies of all the papers are annexed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Earl Russell, May 23, 1864.
2. Deposition of Maurice Breen, May 20, 1864.
3. Deposition of John Fleming, May 20, 1864.
4. Deposition of Bernard Cassidy, May 20, 1864.
5. Deposition of W. Rawlison, May 20, 1864.
6. Deposition of John Davies, May 21, 1864.
7. Deposition of Matt. McMullan, May 21, 1864.
8. Deposition of John McCluskey, } May 21, 1864.
Deposition of Patrick Brady, }
9. Deposition of W. Rawlison, May 23, 1864.
10. Deposition of Maurice Breen, May 23, 1864.

11. Deposition of M. McMullan, May 23, 1864.
12. Lord Russell to Mr. Adams, May 26, 1864.
13. Mr. Adams to Lord Russell, May 28, 1864.
14. Deposition of Patrick Shanly, May 25, 1864.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 23, 1864.

MY LORD: I have the honor to submit to your consideration a number of additional depositions, all going to show the continuance of the practice of enlistments of British subjects by the insurgents of the United States and their agents within this kingdom.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Deposition of Maurice Breen.

I, Maurice Breen, of William's Place, William street, Liverpool, fireman, make oath and say as follows: I am a British subject. On Saturday last, May 14, I was at home, and a fireman named John Fleming came to me, and told me that he had made an agreement with Mr. Campbell to go a voyage, and that he had mentioned me to Mr. Campbell as likely to go; accordingly I went with him to Mr. Campbell's house, No. 28 Regent street; Mr. Campbell has a clothing shop there. It is a kind of a private shop in an inner room. There Mr. Campbell asked me if I knew the agreement; I said no, but I will know. He then told me I was to get seven pounds per month, and ten pounds in hand, and half pay to be left behind—that is, paid here. Out of the £10 in hand he was to deduct £2 for himself, he to pay all expenses of travelling. I agreed to go on these terms, but did not sign any agreement. That night I took my bag to his house to be forwarded, and the next morning we went by appointment to the Lime street railway station, where we met Mr. Campbell, and went with him in a third class carriage of the half past nine train. I believe 19 tickets were taken, and there were about as many men. We arrived in London about 6 or 7 in the evening. We went into a public house near Euston square, and Campbell gave us a drink all around. We then got into a van in which our luggage was. While we were in the van a man who seemed to be second in command, who was a carpenter, passed the word to us that we were to call Campbell Captain Thompson from that time forth. We were driven to a hotel on the opposite of London bridge, near the railway station, and slept there. Next morning (Monday) we had breakfast there, and took the train for Dover, and arrived there about noon. The carpenter took us into a hotel, but Campbell took us away from that hotel into another. He paid for all the drink we had there and dinner and supper. In the evening we were grumbling at not having enough to drink, and we went to the first hotel, from which we had been taken away by Campbell, and had more drink. The carpenter ordered the drink for us, and Campbell paid for it eleven shillings. At night, about half past 10, we left by the mail steamer for Calais, which we reached very early in the morning. We all went into a hotel there, and had something to eat and a drink apiece, and slept there for the rest of the night, and had breakfast there. We were then taken to a ship, which I believe to be the Rap-

pahannock. I think the name was Rappahannock, because when we were at Dover the people asked us if we were going on board the Rappahannock, and at Calais the people asked us the same question. It was a steamship with two funnels, rigged like a ship. Before I left Liverpool I knew that I was wanted for a southern privateer. Campbell told me that I was wanted for a southern privateer, but he would not tell me the name of the ship. When we got to the ship Campbell went aboard, and the carpenter and some others. Campbell then came back to us, and said that they wanted no firemen, but any deck hands or sailors who chose to stay would be employed. I did not choose to go as a deck hand, nor did any of the firemen. We knocked about there for several hours. Campbell told us to go to a public house for our dinner and tea, and we went there in the evening. Campbell went with us to the French custom-house, where we got our luggage, and he put us on board a London steamboat and paid our passage and came with us. We arrived in London on Wednesday morning. We took the train for Liverpool about half (?) eleven. There were eleven of us returning. In the train I asked Campbell if we were going to get anything for our lost time. He said he could not do anything for us, as he should be a greater loser than any one of us. I said it made no matter who was a loser, and would get my wages. He said he could not do anything. He was nearly a ruined man by the expedition. I asked him who had paid our expenses to France and back again. He said he had paid it out of his own pocket, but he was repaid by the officers of the ship for all expenses of the men who stayed on board. He said he was clear as to them, but he was a loser as to all who had returned. I asked him why he had not brought us before the officer, and left us to speak for ourselves and ask for payment, and I said he was the man who had brought us, and he must pay us. We reached Liverpool, and he gave us a drink, and gave me a five-franc piece to pay for a donkey to carry our baggage, and we left him. Next day (Thursday) I called to see him twice, and found him in the second time. I asked him again to pay us for our lost time. He said he had met the rest of us in Chapel street, and that they were to meet at half-past four at Jones's office. I went to Jones's office at that time, and we all met there, and Campbell called me and another man into the office; there was a young clerk there, about 16 or 17. Campbell said to him: "These are the men that have been sent to the Rappahannock, and they have come back and want to get something for their lost time." The clerk said: "I know nothing at all about it." I then left the office, and Campbell came after me and told me he had seen J. W. Carr, the attorney, in Castle street, and mentioned this affair to him, and Mr. Carr said he could not attend to it till Saturday next, but would attend to it then; and Campbell wanted us all to go with him to Mr. Carr and see what could be done to take proceedings against the ship for our lost time. I told him to look out for himself for his payment, and that I should look to him for mine. I have not seen him since.

MAURICE BREEN.

Sworn at Liverpool this 20th day of May, 1864, before me,

ISHAM H. ESELL,

A Commissioner, &c.

—
Deposition of John Fleming.

John Fleming, of No. 3 Court Lightbody street, Liverpool, in the county of Lancaster;

On Thursday, the 12th day of May instant, I heard that Mr. A. Campbell, of Regent street, Liverpool, aforesaid, boarding-house keeper, was in want of men to join a steamer which was lying at Calais, in France, and I called at his house

to see him about it, when he told me that there was a good chance for me to join a steamer lying in France, and that I should receive £7 a month as fireman, and that I would be paid £10 on signing articles. I agreed to go, and Mr. Campbell told me that he did not know what day I should be required to join, and on the following Saturday I called upon him, when he directed me to bring my bag to his house the following night. I brought my bag on the Saturday night as directed, when he said that he was short of hands; when I told him that I would bring my brother-in-law down to see him, and he directed me to call the following Sunday morning. I told Barnard Cassidy and Maurice Breen, my brother-in-law, of this, and they saw Mr. Campbell and agreed to go with me. Campbell then took me and the others on the Sunday morning to the Lime street railway station, and paid our fares to London, he coming along with us. We arrived at London on Sunday night, and Campbell took us to a hotel and paid for our lodgings for the night. On the following Monday morning he took us to a railway station and booked us for Dover, and we left Dover about ten the same night for Calais, and arrived there about three in the morning. When we arrived at Calais we were taken to the De Victoria hotel, where we slept the night. Early in the morning, after breakfast, Campbell took us on the shore to look at the Rappahannock, when Campbell went on board her, and some time afterwards he came ashore again and told us that we should not be required, and asked us what we required, when we told him that we should require our passage paid home again, and something for lost time. He then took us on board a steamer and brought us to London. When we arrived at London he took us to the railway station and booked us for Liverpool, having first given us a supply of provisions and drink. We arrived in Liverpool on the 18th of May instant, and we asked Mr. Campbell to pay us for our lost time, when he said that we must meet him at Jones & Co.'s office, Chapel street, in Liverpool aforesaid, on Thursday, at 4 o'clock, when he would see what he would allow us. I went to Jones's office, and in the doorway I met Mr. Campbell going into the office, and waited outside for him; and when he came out he told me that he was sorry he could not get any money for me; that it was a great loss to him; when I told him that he had engaged me, and I would look to him for my money.

I signed a paper which Mr. Campbell handed to me previous to going with him to London, entitling him to £2 if I was engaged on the Rappahannock.

JOHN FLEMING.

Sworn at Liverpool aforesaid, this 20th day of May, 1864, before me.

ISHAM H. ESELL,

A Commissioner to Administer Oaths in Chancery, in England.

Deposition of Bernard Cassidy.

Bernard Cassidy, of 3 Court Lightbody street, Liverpool, in the county of Lancaster, makes oath and says as follows:

On Saturday, the 15th day of May instant, I heard from John Fleming that he had been engaged by Mr. Campbell, of Regent street, Liverpool, to join a steamer lying in France, at £7 a month, and I accompanied him to the railway station to see him off. When I saw Mr. Campbell I told him that if he was short of hands I would go; when he said, "All right; you can go on the same terms as the other men," which I agreed to; and I signed a paper which was handed me by Mr. Campbell, entitling him to £2 if I was engaged on the steamer. We left Liverpool the same night for London, Campbell paying our fares there; and on our arrival we were taken to a railway station and booked to Dover, and from there to Calais. On our arrival at Calais we were taken to

a hotel, and after a few hours' sleep Campbell invited us to go and look at the ship. He went on board the Rappahannock, and some time afterwards he returned and informed me that he was sorry that we were not wanted, but that he would pay our passages home. He then took us to another hotel, and after we had dinner he took us on board a steamer and paid our fares to London. When we arrived in London Campbell took us to a public house where we had some refreshments, and were afterwards taken in cars to the Euston square railway station, and Campbell paid our fares to Liverpool, where we arrived on the 18th instant. When we arrived at Liverpool we asked Campbell to pay us for our lost time, when he directed us to call at Jones & Co.'s office, Chapel street, Liverpool, when he would see what he could get for us. I did not call at Jones & Co.'s office as directed. One of the men, whose name, I believe, is Conner, who came with us, informed me that himself and several others who had gone with us had been recently paid off from the confederate steamer Georgia, and that his pay would run until he joined the Rappahannock.

his
BERNARD X CASSIDY.
mark.

Sworn at Liverpool, in the county of Lancaster, this 20th day of May, 1864; this affidavit having been previously read over to him, and he appearing perfectly to understand the same, and made his mark thereto in my presence.

ISHAM H. ESELL,
A Commissioner, &c.

—
Deposition of W. Rawlinson.

I, William Rawlinson, of 91 New Edgar street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows: I am a British subject. On Thursday, the 12th May instant, I was at the Birkenhead dock's landing talking to Patrick Bradley, a friend of mine, who was working on board the Georgia, when he told me to speak to Mr. A. Campbell, of 28 Regent street, Liverpool, boarding-house keeper, as he thought he wanted hands to join a steamer. I went to Mr. Campbell and asked him if he wanted hands, when he said he did, and directed me to see Bradley again, and he would tell me more about it. I saw Bradley the following Saturday, when he told me to be at Walker's public house, Regent street, at 8½ the same night, with my clothes. I went to Walker's public house as directed, when Bradley came in with several other men, and Bradley took us all down to Campbell's house. Campbell then took down our names, and told us to be at the Lime street railway station at 7 o'clock the following Sunday morning. I then asked Campbell what the wages would be, when he said I should get £6 a month and £10 bounty, and that I would have to pay him £2 out of the bounty money, and I signed a paper to that effect. We all left our clothes at Campbell's house. I went to the railway station at 7 o'clock the following Sunday morning, and saw Campbell and the other men there. Campbell paid my fare to London, where we arrived about nine the same night, and we were taken to a public house and stayed the night. The next morning we were taken to a railway station and booked for Dover, arriving there about noon. At Dover we were taken on board the mail steamer, and our fares were paid by Campbell to Calais. We arrived at Calais about midnight, and we were taken to a public house and slept the night. Early in the morning I went alone to the shore to look for the steamer, and discovered that she was the confederate steamer Rappahannock, and went on board of her. I saw a friend of mine on board, who asked me if I was going in her. I said I was, and asked him where she was going. He said she was a confederate. I then came ashore, and went back to the hotel and had breakfast, and Campbell

took us all down to the ship. Campbell went on board her with several of the men, and I was afterwards called on board by the carpenter, who took me to the lieutenant, who asked me what ships I had been in. I told him, and he said all right. I then went ashore, and in a short time afterwards Campbell came ashore, and said to us that it was a hard job; that after bringing us there, they did not want any more men of our trade. Whilst Campbell was telling us this, the lieutenant called me on board again, and asked me if I would sign articles to serve as a deck hand at £3 12s. a month, and £10 when we got in blue water; but when I found out the service she was in I declined to go, and came ashore again, and Campbell came up to me and said there was no chance for me unless I went as a deck hand. I told him I would not, and I intended to go home again. I then asked Campbell for money to pay my fare back again, when he said he did not think he had enough for us all; but I insisted upon his getting the money, and we were taken to another hotel, and after having refreshments Campbell paid our fares to London—he coming with us. When we arrived in London we went to a public house, and afterwards to the railway station, and Campbell paid our fares to Liverpool, where we arrived on Wednesday last. On our arrival I asked Campbell who was to pay me for my lost time; when he said he would see about it, as it was a bad job for him, but directed us to meet at Jones's office, Chapel street, Liverpool, the next day, (Thursday.) We all went to Jones's office and waited outside, when Campbell came out and said there was no one in, and that he was not quite sure whether Jones or Fraser & Co. were the agents for the ship, and that if I met him on the following Saturday morning he would see what he could get for me. I declined to meet him again, and told him that he had engaged me, and I looked to him for my money, and if he did not pay me I would make him. On our way from London to Liverpool Campbell told me that this had been a very bad job for him; that he had made well out of the Alabama and Georgia, but this one was the worst he had had.

W. RAWLINSON.

Sworn at Liverpool aforesaid, this 21st day of May, 1864, before me.

JAMES THORNELY,

A Commissioner, &c., &c.

Deposition of John Davies.

I, John Davies, of No. 5 Prince's Walk, Great Howard street, Liverpool, fireman, make oath and say: On Thursday, the 12th day of May, a man named Conner called at my lodgings and asked me if I wanted a job. I said yes; do you know where I can get one? He said yes; go down to Campbell, in Regent street. The next morning I called at Campbell's house and asked him if he could give me a job. He said he could, and directed me to bring my clothes down to his house the following Saturday night. I brought my clothes as directed, when Campbell told me to be at the Lime street railway station between seven and eight the next morning. I asked him what terms I was going on, when he said £6 a month and £10 bounty, and I was to pay him £2 out of my bounty money. I brought my clothes down to the station the following Sunday morning, and saw Campbell with other men there. Campbell paid our fares to London. When we arrived he took us to a public house, where we stayed the night, and on the following morning we were taken to a railway station and booked for Dover, and from there to Calais. When we arrived at Calais Campbell took us to a public house, and we stayed there all night. On the Tuesday morning Campbell took us down to the beach where the confederate steamer Rappahannock was lying, and he went on board her, leaving myself and another on the beach. In a short time Campbell came ashore again and

said to us, this is a nice job ; after bringing you men here you are not wanted ; all the places are filled. He took us all back to a hotel and paid for drink for us, and Campbell told us we should have to wait with him, as he would have to send home for money. We waited at the hotel until night, when Campbell took us on board the mail steamer and paid our fares to London. When we arrived in London Campbell took us in cars to the railway station and left our luggage there, and after having some refreshments Campbell paid our fares to Liverpool. On our arrival we asked Campbell who was to pay us for our lost time, when he said he would see about that. Campbell engaged a cart for our luggage and gave us some drink, and we told him we would see him in the morning. We called at his house the next day, but he was out, and we went to Jones's office, Chapel street, and after waiting there some time Campbell told us that he had not got any money for us yet, and asked us to meet him on Saturday, which we declined doing.

his
JOHN + DAVIES.
mark.

Sworn at Liverpool, in the county of Lancaster, this 21st day of May, 1864 ; this affidavit having been previously read over to the deponent, and he appeared perfectly to understand the same, and made his mark thereto in my presence.

JAMES THORNELY,
A Commissioner, &c., &c.

—
Deposition of Matthew McMullan.

I, Matthew McMullan, of Stone street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows : Last Thursday week, the 12th of May instant, I met a person named Lyon as I was in a public house in Prussia street, in Liverpool aforesaid. He said he would get me a job, and that he was going to join a boat in France. I asked him what the wages would be. He said his wages would be £7 per month, but he did not know what mine would be. We then went together to No. 28 Regent street, being a house kept by Campbell as a boarding-house. I had a card given me with his address. There were several other persons there. We sat down and had some beer together, and a person I know since to be Campbell asked how many could we muster now, and if I had a bag. I said not then. Campbell thought I was going to remain there for the night, but I did not. On Saturday evening following, I, with others, went to Campbell's house. I saw him; he said he had made it all right, and I with the others were to be at his house Sunday morning at eight o'clock. I and John Davies went there accordingly and saw Campbell and several others. I went in, and a person I took to be Mrs. Campbell asked me to write my name. I did not do so, but took the pen in my hand. It was there arranged by Campbell I should go with the others to Lime street station and meet him there at eight and a half o'clock. I did so, and our fares were paid for London. We stopped that day in London, and took the train the next morning for Dover, our tickets being given us as before, and arrived there about ten and a half o'clock in the evening.

Campbell accompanied us to Dover and went to Calais with us, and appeared to take an active part in the arrangements. We went on to Calais the same evening, and arrived there about midnight and went to a hotel and stopped there for the night. After taking breakfast I saw Campbell outside the hotel door, and he said, "Have all hands got their breakfast now?" Some one said "yes." He said there were four of us to get breakfast first. I went soon after this with others to the ship, which I have since heard was the Rappahan-nock. I was looking on, when Campbell by this time came up and went on

board. I saw him talk to a person on board, apparently an officer, and he afterwards came on shore and said to us, "This is a fine job; after I have fetched you here there are no firemen wanted." Campbell then said he would see the captain and see about getting the money for the fares back from him. Campbell took us back to the hotel and ordered dinner for us, and then went to get our bags out of the custom-house, and took the bags of the men that went into the ship to the ship, giving the other bags back to those who did not go. I and the others who were not wanted began to talk of how to get home. The mistress of the house where we stayed said we could get a boat about ten and a half o'clock for London. Campbell paid our fares and we returned. We then wanted to stop in London, and asked him if he could make any arrangement with us, and we offered to take £1 10s. each, but he would not give it to us, only the fare from London to Liverpool, which we would not take. Campbell then finding no arrangement could be made with us, returned with us to Liverpool, paying our fares and giving us refreshment by the way.

On arriving in Liverpool Campbell got all the bags in a cart, giving to Maurice O'Brien to pay the carter a five-franc piece and two shillings as a treat. The next day I met Campbell in Regent street, who treated me with the eight others to some drink.

MATTHEW McMULLAN.

Sworn at Liverpool aforesaid, this 21st day of May, 1864, before me.

JAMES THORNELY,

A Commissioner, &c., &c.

—
Depositions of John McCluskey and Patrick Bradley.

We, John McClusky, boarding at No. 1 Blackstone street, Liverpool, and Patrick Bradley, boarding at No. 33 Standish street, Liverpool, fireman, make oath and say:

We are both British subjects. On last Monday week we were on the Cheshire side of the water, standing beside the Georgia, looking out for a job, when a man asked us if we would like a job, and gave us a card bearing Mr. Campbell's name and address, and told us to apply there. We have since seen this man at Mr. Campbell's. That night we went to Mr. Campbell's, No. 28 Regent street, Liverpool. He asked us what we wanted of him. We said we understood that he had an order for some firemen. He told us to call again on Wednesday. We called then, but he was at the theatre. We had a job on the Georgia, cleaning her up, and we did not go to Mr. Campbell's on Thursday night. He came to the Georgia on Friday, and said he had been expecting us the night before. We said we would go that night to see him. We went accordingly, and he agreed with us to give us £10 down and £6 a month. Out of the £10 we were to give him £2 for his bother. He told us to leave our bags at his house on Saturday night. We did so, and went to his house by appointment at 8 o'clock on Sunday morning. He took down our names and we went to the railway station and started with him for London by the half-past 9 o'clock train. We arrived in London in the evening, and slept there that night. He gave us refreshments and drink on the way, and we had every accommodation. We went to the station beside the bridge, to go to Dover the next morning, (Monday,) and arrived there about the middle of the day. We had a kind of a notion of where we were going. We took the packet that evening to Calais, and arrived there early on Tuesday morning. We staid at a hotel there the rest of the night. About 10 o'clock or so, we went down to one of the quays and saw a ship with the confederate flag flying. It was a steamer. Campbell and a man who was a carpenter (who said he had been out in the Georgia, and who seemed to know all about it) went on board.

The carpenter had come with us from Liverpool. We heard some people on the quay speaking of the ship as the Rappahannock. We all knew at Dover where we were going, and the people at Dover knew it. The boarding-house keeper at Dover, where we had our dinner, said others had been before on the same errand; Campbell came back, and said that there were no places for firemen, and began to lament his case, and said what expenses there had been, and this and that.

We went away then to the Dover Castle Inn, and started next night with Campbell for London, by the steamer. The carpenter and one of our chaps, a trimmer (an Englishman, I think,) stayed on board the Rappahannock. We came to London and came back to Liverpool. Campbell paid all the expenses. When we came to London we asked him to give us something for our lost time, and said if he would do so we would stay there. He offered us our train money to Liverpool, but said he could not give more, because this expedition had ruined him. The carpenter told us at Calais to go to Jones's office, 28 Chapel street, Liverpool, and state our case, and get something for our lost time if we could. We went with some others, but did not see any one but a clerk, but Mr. Jones was out. We know nothing more.

JOHN McCLUSKY.
P. BRADLEY.

Sworn on the 21st day of May, 1864, before,

JAMES THORNELY,
A Commissioner, &c.

Deposition of William Rawlison.

I, William Rawlison, of 91 New Edgar street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows:

During the time I was at Mr. Campbell's house engaging to go in the steamer Rappahannock, referred to in my affidavit of the 21st instant, I saw a man there whose name I believe is Robert Neal; Neal is a ship carpenter by trade, and he accompanied me and others to Calais to join the steamer, his expenses being also paid by Campbell. Neal told me at Calais that Campbell had got him the job, and that he had signed articles to serve as carpenter's mate at the rate of £14 a month. There were several other men who had gone with us to Calais, but whose names I do not know, engaged to serve on board the steamer, and we left them and Neal on board of her

W. RAWLISON.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me,

JOHN YATES,
A Commissioner to Administer Oaths in Chancery, in England.

Deposition of Maurice Breen.

I, Maurice Breen, of William Place, William street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows:

On Saturday, the 14th May instant, when I was at Mr. Campbell's house, agreeing with him to join the steamer referred to in my affidavit of the 21st instant, I saw Robert Neal, a ship's carpenter, there; I again saw Neal the following Sunday morning in Campbell's house, and I afterwards saw him at the railway station. Neal came with the other men to Calais, Campbell paying all his expenses. When we arrived at the Rappahannock, Neal went on board of her with Campbell, and he was engaged to serve as carpenter's mate, and we left him on board

Several other men who came with us are well known to me, but I cannot remember their names. These men were all engaged by Campbell, and they signed articles to serve on the Rappahannock, and remained on board her when I left.

MAURICE BREEN.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me,
JOHN YATES,
A Commissioner to Administer Oaths in Chancery, in England.

—
Deposition of Matthew McMullen.

I, Matthew McMullen, of Blackstone street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows :

Upon several occasions when I called at Mr. Campbell's house to engage with him to join the Rappahannock, referred to in my affidavit of the 21st May instant, I saw a ship's carpenter there, named Robert Neal. Neal appeared to me to be lodging at Campbell's house. I again saw Neal at the railway station on the following Sunday morning, and he accompanied us to Calais, Campbell paying our expenses. When we arrived at the steamer Campbell took Neal on board with him, and Neal was engaged as carpenter's mate.

Several of the other men who came with us were engaged, and they signed articles to serve on the Rappahannock, and we left them on board of her. I saw all the men who joined the steamer at Campbell's house on the Sunday morning previous to our starting for London.

MATTHEW McMULLEN.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me,
JOHN YATES,
A Commissioner, &c., &c.

—
Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May 26, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, enclosing copies of depositions respecting the engagement of seamen for service on board the Rappahannock; and I have to state to you that the matter shall not fail to receive the careful attention of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

—
Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 28, 1864.

MY LORD: I have the honor to transmit the copy of another deposition in addition to those heretofore submitted to your consideration, and corroborating the statements made in them. Were it necessary to furnish more proof of the same kind, I have reason to believe that a considerable number of others could

be procured. I have not been disposed to burden your lordship with more proof than is deemed necessary to establish the facts to the complete satisfaction of her Majesty's government.

I doubt not that it must be obvious to your lordship that if this system of practical warfare be suffered to go on with perfect impunity, to all those concerned in it within this kingdom, it will be utterly impossible for the government of the United States to endeavor to place restrictions upon similar practices in America, should any future contingency arise in which her Majesty's government would deem it advisable to renew the representations once made, on the 21st April in the year 1854, which were at that time met in the most friendly spirit. In order to secure the performance of obligations between nations, the first point would appear to be to establish an impression of moral certainty that they are mutually reciprocal. I regret to feel myself compelled to admit the fact to your lordship, that in view of all the testimony which I have had the honor to submit, that impression on the side of the people of the United States has been seriously impaired.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Deposition of Patrick Shanly.

I, Patrick Shanly, of 13 Carlton street, Liverpool, in the county of Lancaster, fireman, make oath, and say as follows :

About the 24th of December last a friend of mine met me in the street, and informed me that there was a good chance for me to join the steamer Georgia ; that she was a pirate, and I would be paid very good wages. He then asked me to go with him to Mr. Campbell's, boarding-house keeper, Regent street, Liverpool. I went with him to Campbell's house, and Campbell told me that he had a good job for me to go to ; that I should have £7 a month and £10 bounty, and one month's pay in advance when I joined the ship ; that he did not know then which of the steamers I would be required to join, but he thought it was the Florida. He gave me instructions to endeavor to engage other hands ; that I was to offer them £5 a month and £10 bounty. I called upon Thomas Lloyd, Edward Smyles, Thomas Asham, John Adamson, and several others, and informed them of Mr. Campbell's offer, when they all agreed to go with me, and I took them down to Campbell's house. Campbell engaged the whole of these men upon the same terms as myself except as to wages, he only agreeing to get them £6 a month. He gave us instructions to meet him under the arches at the custom-house on the 27th, and we all attended there, but Campbell did not keep his appointment with us, and I called upon him to know the reason, when he directed me to bring my clothes down to his house, and hold myself in readiness to start at a minute's notice. I brought my clothes down to Campbell's house the same night, and bought some clothes from him, and he then told me that we should have to start the next day, and told me to meet him and the other men at Anderson's public house. I called at his house the next day and saw Mrs. Campbell, who produced a paper containing the names of the men who had agreed to join, and an account showing that I was indebted to Campbell in £3 10s. 6d. ; £2 6d. for the clothes I had bought and £1 10s. which I had to pay Campbell for getting me the job. I went from Campbell's house to Anderson's public house, where I saw all the other men and Campbell, who paid for drinks for us, and afterwards took us down to the Havre boat lying in the Wellington dock, and he paid our fare to Havre, he coming with us. We arrived on the 31st December, and were taken by Campbell on board another steamer, and after-

wards to a railway station, and Campbell paid our fares to Cherbourg, where we arrived the same night. Campbell took us to an hotel there, and we stayed the whole of that night and part of the next day. On the evening of the next day Campbell took us in a boat on board the confederate steamer Georgia, which was lying off. They gave each of us a blanket and we slept on board of her all night. We remained on board the Georgia about four or five weeks before we were called upon to sign articles, when we were called aft and the articles were read over to us to the effect that we were going to burn and destroy vessels of the United States. Myself, Lloyd, Smyles, Asham and Anderson signed articles, and Captain Maury asked us if Campbell's accounts were correct, when we told him they were, and we received our bounty money less the amount payable to Campbell. Five of the men engaged were not required, and they left the ship. We left Cherbourg about the first week in February, and proceeded to the island of Barbara, where we lay about three weeks. From there we went to Bordeaux, and from there to Liverpool, where we arrived on the 2d May instant, and we steamed into the Birkenhead great float on the Cheshire side of the Mersey. After we had made the ship fast, the captain told us to come down to the ship in a day or two, when we would be paid off. I was paid off about the 5th or 6th. The first lieutenant asked me to stand by the ship and assist to keep the engines in order, which I did not do, being tired of the service. I called at Campbell's house on the 13th May, when he engaged me to join another steamer, and he gave me directions to look after some other men to join the same boat, which he said was going out for the same purpose. I called upon John Fleming and told him to go to Campbell's house and he would be most likely to get a job. I told Fleming to try and get other men, and he told Maurice Breen and Barnard Cassidy, and they were engaged by Campbell. I took my bag down to Campbell's house on the Sunday arranged for our leaving, the 15th instant, but I afterwards changed my mind, and declined going again.

P. SHANLY.

Sworn at Liverpool aforesaid this 25th day of May, 1864, before me,
HENRY C. DUMALL,

A Commissioner to Administer Oaths in Chancery, in England.

Mr. Adams to Mr. Seward.

No. 708.]

LEGATION OF THE UNITED STATES,

London, June 2, 1864.

SIR: The conference continues its meetings without as yet arriving at any definite conclusions. It is, however, well understood that the treaty of 1852 has been completely abandoned, and the only question now left is the partition of Denmark, in a greater or less degree. The general expectation out of doors is, that some agreement will be arrived at this day. I myself think it likely. If, however, it should turn out otherwise, there are rumors of a projected movement next week in the House of Commons based on the failures against the ministry. The feeling of the majority is such on the Danish question that if actually tested it is not unlikely to carry all before it.

The ministry itself is hanging together more and more loosely. A breath might disperse it. Yet such is the condition of the opposition that no reliance can be placed upon the working of any plan of operations which it may devise. Things may drag on as they are for one more year.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 709.]

LEGATION OF THE UNITED STATES,
London, June 9, 1864.

SIR: I have to acknowledge the reception of despatches numbered from 948 to 961 inclusive, with the exception of No. 956.

The accounts of the advance of General Grant and of General Sherman have been received here with great disappointment. Efforts are, however, steadily made in the Times and other newspapers following that lead to keep up distrust of their correctness, and to sustain the public mind in the confidence of our ultimate failure. There is no longer any sort of disguise maintained as to the wishes of the privileged classes. Very little genuine sympathy is entertained for the rebels. The true motive is apparent enough. It is the fear of the spread of democratic feeling at home in the event of our success.

The progress of the conference towards a solution of the Danish question is slow and uncertain. The debate in the House of Commons on last Monday evening, a report of which in the Times is herewith transmitted, exposes, with sufficient distinctness, the mortification felt here at the position in which Great Britain has been placed. * * * * *

Under these circumstances, it becomes pretty clear that the fate of Denmark will depend on other contingencies than the action of England. It is not unlikely that the real arbiter will prove to be Russia. Germany may yield to the one, what she would have no fear of refusing to the other. A few days must now determine the question. The procrastinating policy is pretty much worn out.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of June 7, 1864]

Extracts from the debate in the House of Commons.

THE CONFERENCE.

LORD H. LENNOX'S REMARKS.

Lord H. LENNOX then rose and said: I wish, sir, before you leave the chair, to ask my honorable and gallant friend, the member for Liskeard, whether he is satisfied with the tenor of the reply which he to-night received from the prime minister. If he be, he is, I venture to think, the only man in this house who is so, and I feel assured that to-morrow morning, when the newspapers convey intelligence of our proceedings throughout the country, there will not be many of their readers who will sympathize with the answer of the noble lord. [Hear, hear.] The noble lord and his colleagues have ever since its commencement discouraged anything like an attempt to ascertain what is going on in the conference, [hear, hear,] and if at the present moment complete secrecy prevailed throughout Europe as to what is taking place in the council chamber in Downing street, I should be one of the last to undertake the responsibility of impressing upon my honorable and gallant friend the expediency of taking any course which would jeopardize the satisfactory issue of the deliberations which are there being held. But although her Majesty's government maintain silence on the subject, the journals of Vienna and Berlin are not slow to furnish their readers with news of what passes, or is supposed to pass, at these deliberations. The noble lord at the head of the government, and his noble colleague in another place at the commencement of the session, came down to their respective houses

night after night and declared it to be their firm intention to abide by the treaty of 1852. The noble lord on one occasion also announced that the efforts of the government had been successful in bringing about a conference, which was immediately to meet to settle the most difficult and perplexing question to which I am now referring. The noble lord added, amid the sympathizing cheers of his party, that the conference was about to assemble on the basis of maintaining the integrity of the dominions of King Christian IX. Now, what, under those circumstances, I wish to ask my honorable and gallant friend is, whether he will give the house an assurance that he will on an early day call its attention to this subject, and will endeavor to elicit from the noble lord some information as to whether the statements contained in the foreign journals with regard to it are or are not true, and whether it is the fact that while the government in the early part of the session declared themselves to be frantically in favor of the treaty of 1852, and the upholding the integrity of the Danish dominions, they are now sitting in a conference which would not sit to-day or next Thursday unless upon the understanding that the treaty of 1852 should be annihilated. [Cheers.]

MR. OSBORNE'S REMARKS.

Mr. OSBORNE. I do not know what assurance I can give the house on this subject. I should wish honorable gentlemen opposite to give me some assurance that, in the event of my again resuscitating the discussion on the treaty of 1852, I shall not be met by the "previous question." [Hear, hear.] The course which I have hitherto taken in this matter has not met from them with very great encouragement. My noble friend now asks me whether I feel satisfied with the answer which I to-night received from the noble lord at the head of the government, and I may say, in reply, that so far as my own private opinion is concerned—though I am thankful for the smallest favor [a laugh]—I do not feel exactly satisfied with that answer. I may add that it struck me from the first that this conference was instituted rather to preserve the integrity of the treasury bench, [hear, hear,] and to prevent the dismemberment of her Majesty's ministers [cheers and laughter] than to maintain the integrity of Denmark. I would remind the house, too, that we have been going on in this way from day to day, and from week to week, and that we seem likely to go on in the same manner until at last the month of July will have arrived, when honorable gentlemen on both sides will be leaving town, and this question will be likely to die a natural death. [Hear, hear.] For my own part, I am surprised at the reticence in the matter which the house has observed. Up to a certain point the government were probably right in deprecating the discussion of the subject, and I, perhaps, was wrong in bringing on my motion when I did. Now, however, that we have arrived at the 6th of June, and we see that the question is allowed to drag its slow length along from day to day, I think the house of Commons ought to be put in possession of some definite information with respect to it. [Hear, hear.] What, I would ask, is the present position of the house and of the country generally? Why, that while the lowest inhabitant of the most petty capital on the continent learns from his paper what is taking place here, we, the subjects of a constitutional sovereign, are the worst-informed persons in Europe on this subject. [Cheers.] How long, I should like to know, is this to continue? If I were to use the word "farce," sir, in connexion with these proceedings I should, I believe, be called to order by you; but this I may say, that the House of Commons is placed in regard to them in a most humiliating position, [hear, hear,] and is being tricked into silence by the members of the government, [hear, hear,] who appear to have taken the vows usually taken by the monks of La Trappe. [A laugh.] Whether they are digging their own grave is a different question; but of this I am certain, that if we submit to be put off day after day with evasive answers, in which the noble lord, the mem

ber for Tiverton, is so great a proficient that he would be eminently qualified on that score alone for the degree which he took the other day at Cambridge, [laughter,] we shall be digging the grave, not only of the dignity of the House of Commons, but of the national honor. [Cheers.]

MR. DISRAELI'S REMARKS.

Mr. DISRAELI. I hardly know anything in our parliamentary system which to my mind is more to be admired than the reserve which obtains in Parliament when it is known that her Majesty's government are engaged in important negotiations upon which the question of peace or war may turn. It is a characteristic of our system which marks it out from all other attempts at parliamentary government, and is one of the surest guarantees for the endurance of constitutional rule. But I must say that, after listening to the observations and accepting without annoyance the taunt of the honorable gentleman who has just addressed us about moving the "previous question," having moved the "previous question" on a former occasion, when I thought it was for the interest of the country and due to her Majesty's government—I must say that I was disappointed by the answer which the noble lord gave to the question which was put to him to-night by the honorable gentleman. Wishing for the sake of the highest considerations, for the advantage of the country, to acknowledge in the fullest spirit the sound privilege which attaches to a government in the position of carrying on negotiations, and negotiations by a conference, I think that, in the circumstances in which we now found ourselves, it would have been salutary, and it would have been wise and politic on the part of her Majesty's government to have shown more candor and frankness than has been exhibited by the noble lord to-night. Because you must remember that parliamentary reserve under these circumstances depends upon one constitutional condition, and when that is observed the parliamentary reserve is perfectly intelligible and constitutional. The condition of the reserve of Parliament when a government is engaged in negotiations is that Parliament is acquainted with the principles upon which the negotiations are conducted, and approves the general policy of the government. That is the condition which has always been acknowledged, and on which the salutary system of parliamentary reserve under these circumstances is founded. But what the House of Commons is alarmed about, what at this moment agitates the house is, that they are not convinced that the policy which was frankly announced by the government before these communications commenced is the one which they are now pursuing, [cheers;] and the house and the country, too, are becoming anxious because they are not satisfied that the condition of parliamentary reticence any longer exists and is observed. I do not want to penetrate the secrets of the conference, but it has been well said by the gentlemen who have addressed us that there is not that reserve in other countries which is observed in England. I myself read in a German paper the other day an absolute account of what took place on a most critical day in the conference, and that not by way of rumor or *on dit*, but with all the forms of diplomatic accuracy, and I have reason to believe from subsequent inquiry that it was an authentic document. [Hear, hear.] Although the House of Commons and those who sit on this side of the house are more than desirous, when these critical and important questions arise, not to interfere with the course of her Majesty's government or to embarrass negotiations, it is utterly impossible, it would be most pedantic for us to pretend that we are entirely ignorant, or believe that we are entirely ignorant of what is taking place within a few yards of the house in which we are assembled; and there are rumors—rumors which appear to us of an authentic nature—which are enough to disquiet and disturb us all. No one could expect that while conducting negotiations of this kind the noble lord would enter into any details; we should not expect minute com-

munications from a government who are conducting negotiations upon matters of detail which must change almost every day or even hour; still, it would have been satisfactory to the house if we had been informed by the noble lord that, though the negotiations were not concluded, though the conference was sitting and might sit for some time, still he could assure the house that the principles of policy which he had announced to the country were those upon which the government entered into the conference, were those which were guiding and animating their councils; that he believed that there was a fair prospect that they would succeed, and that if they did not succeed her Majesty's government would have had the opportunity of vindicating, as far as their opinion was concerned, the policy which they recommended, and would appeal with confidence to the candid consideration of Parliament. [Hear, hear.] But when we hear, as we do hear, that the course which the government is pursuing is one exactly contrary to that which was announced in this house, [cheers,] it is impossible to expect from an assembly in which the popular element prevails to so large an extent as it does in the House of Commons that we upon these benches should hold ourselves in dignified reserve, and should not expect from the ministers whom, under such circumstances, we are inclined and prepared to trust some communication to guide and enlighten public opinion. I therefore very much regret that the noble lord has not said something which the house had a right to expect. I think that when we are informed that the question now in agitation is the continuation of the suspension of hostilities, the noble lord ought to have given some general assurance to the house as to what had been the course of negotiations. It would certainly have been satisfactory to the house to have heard something that would have persuaded us that what every man says in the city is not correct. I should have been glad to hear something from the noble lord which would have assured us that her Majesty's ministers are not pursuing in the conference a policy directly contrary to that which was announced in this house as the basis of their negotiations, [cheers,] and by the announcement of which, allow me to remind the house, they have obtained this parliamentary reticence and reserve. [Hear, hear.] It is because the noble lord frankly declared what was the policy of the government that he obtained that reserve. It was not because we are indifferent. It was because when such great interests were at stake the general policy of the government was satisfactory to our convictions and to the conscience of the nation that we felt it was our duty to be silent; but I must say that the silence of the noble lord and his answer to the question that was asked at the commencement of the proceedings this evening fill me with great anxiety and apprehension.

If the policy of the government has been entirely changed—if at the moment when the renewal of the suspension of hostilities is in debate that policy has been entirely changed—I say that it is due to Parliament that some announcement should be made. [Hear, hear.] We all know what was the general policy of her Majesty's government. In matters of this kind no one wishes to pin the ministry to minute particulars. The noble lord told us frequently, he told us continuously, that the policy of her Majesty's government was to maintain the treaty of 1852, [hear, hear,] or, rather, I should say, describing as he did the scope and tendency of the policy of 1852, it was to maintain the integrity and independence of Denmark. [Hear, hear.] That was what the noble lord has constantly told us, and because he went into the conference to maintain that policy, and to uphold the integrity and independence of Denmark, the House of Commons has been silent, and it has in my mind exercised a wise and salutary parliamentary reticence, so that it should not be said that we interfered and threw obstacles in the way of a happy solution of these circumstances of great difficulty and peril. But if, as rumor tells us, it is now otherwise—which appears to me too incredible to accept [hear, hear,] if it be true that the govern-

ment who but five months ago were making overtures to the Emperor of the French to stir up a European war in order to maintain the integrity of Denmark, [hear, hear;] if incredible as the fact may be, the men who followed such a policy—I think, at that time, a most dangerous, but at least a candid policy—should be the men who, having at last succeeded in calling together a conference, are themselves accomplishing the destruction of the integrity and independence of Denmark. [loud cheers,] then I say that some explanation is due to the House of Commons, and the noble lord may rest assured that neither Parliament nor the country can long be silent under the circumstances. [Cheers.] No one wishes to interfere with the course of her Majesty's government, if that course is a frank one; but no minister is entitled to ask for parliamentary reticence and reserve during the progress of negotiations if he has not first fulfilled the great condition of such parliamentary reserve—that his policy shall be known to the country and generally approved by Parliament. If he follows a policy totally contrary it may be right, it may be possible to justify it; but when that change takes place, especially at a moment like the present, when the continuation of an armistice is in question, he is bound to come forward and frankly tell us, "Our policy is changed. We are perfectly prepared to vindicate our course. All we ask is that you should continue your confidence to us, or at least that you should call our conduct in question, and let it receive either the sanction or reprobation of the House of Commons." If the hypothesis, which I should call wild were it not for the authentic rumors and, I fear, accurate information which have reached me, is correct, I must say that it is impossible that any body of men should have been more elaborately deceived and mistaken than the House of Commons has been. [Hear, hear.] Is it that we have relied merely upon the assurance of the government? Is it merely that the noble lord has come forward and told us that the policy upon which he was conducting his negotiations, that the basis upon which subsequently he entered into the conference, was to maintain the integrity and independence of Denmark? Is that all? If that had been all, we might have said that the noble lord might be able to allege circumstances which might explain his conduct, that we might have misconceived him, that we might have placed too favorable a construction upon the declaration of the minister. But that is not all. The noble lord brought, as it were, Europe into witness and testimony of his policy. When I pressed the noble lord for information he was always ready with assurances that "It was not merely the English government that are prepared to maintain the integrity and independence of Denmark. Austria is equally anxious; Berlin is now desirous to maintain the integrity and independence of Denmark. So futile are your fears that I myself have this moment received a despatch." He told us one night, I remember, when I asked for some information, and the house was delighted to hear it from so high an authority and from so authentic a quarter, that Prussia was as desirous to maintain the integrity of Denmark as was the noble lord himself. [Cheers.] I should think the House of Commons and the country generally must have been surprised at the attitude maintained towards the government. I do not regret it, for I would rather we should err on that side—nay, I think the noble lord, with his long experience of difficult matters, must himself have been a little startled at the temper shown by the House of Commons. [Hear, hear.] When on any evening he came into the house and found it anxious and agitated in consequence of news which had reached it, the noble lord could hardly have speculated on the felicitous conclusion of his own management. Let the house remember what has occurred, and then let them contrast with that the silence and reserve which have been observed—silence and reserve not arising from indifference, from want of sympathy with others, from any want of feeling as to the magnitude of the conjuncture, or any want of perception as to the great interests at stake, but arising from a sentiment of patriotic prudence on both sides of the house, and a determination,

under the circumstances, to assist the government. Let me remind the house of some of the great incidents which it was the duty of the noble lord to announce, and the replies which the noble lord gave to appeals that were addressed to him. First of all, the house will remember the anxiety felt when the subject was first brought under our consideration. Parliament was about to be prorogued, when we had an assurance from the noble lord that sent us all to our constituents without a care; I am sure it must have made every heart in Copenhagen happy and serene when the House of Commons was assured by the premier that if difficulties ever arose Denmark would not find herself alone. [Loud cheers.] There are many like myself who, I will not say trembled, but hesitated, when they heard that war might be imminent, remembering, on the one hand, that grave national interests, and, on the other, that national honor, were concerned. But we were soon informed that we need not be nervous, for the noble lord, whose prescience as a politician is celebrated, while he informed Denmark that she would not be alone if attacked, assured England that there was not the slightest probability of any such eventuality. [Hear, hear, and laughter.] When we met again the federal execution, which before had been ridiculed, was impending. The house was prepared to declare, if that execution were carried out on constitutional principles, that it would not interfere with the action of the Diet in Holstein, and I do not believe that we should have done so. But then came the passage of the Eider. That was a great point on which the house and the country had fixed their attention, and there was a general understanding that if the Eider were passed her Majesty's government must take such steps as would assert the spirit of their policy. [Hear, hear.] But the Eider was passed, other rivers were passed, and at last Jutland was invaded. The house cannot have forgotten the answer which the noble lord gave to my question on that subject. He said the invasion of Jutland was an atrocity. [Cheers.] That was the language used by the head of the government—language which might rank with some of the great invectives that are recorded, and it shows what was the spirit of the government at that time. After those various occurrences we found ourselves in the midst of conferences and negotiations. And the house, notwithstanding the disappointments to which it had been exposed, notwithstanding matters afforded ground for the belief that the conduct of the government was very far from satisfactory, generously supported her Majesty's government the moment that a conference was called. The House of Commons did so because the noble lord told us frankly and candidly, and repeated the statement, that the government entered into that conference for a definite object and with a definite view. [Hear, hear.] We do not want to hold the noble lord pedantically to the fulfilment of any announcement which he may have made at such a moment. All we want is that the spirit of his policy shall be observed and maintained. It was because we credited the noble lord with this assurance that we were silent. A suspension of arms took place for a month, and that I held to be an incident of great importance, having ventured to remind the house that a conference without an armistice or cessation of hostilities is generally unsatisfactory. The month has now expired, or is about to expire; and were there no rumors or suppositions, no cause to justify men in thinking that that is happening which is not for the honor or the interests of England, were there no causes existing to make the house suppose that the policy of her Majesty's government has in any way changed; were everything as smooth as a summer sea, and were there no grounds for anxiety and dark mistrust in the public mind, it would still, I maintain, have been the office and duty of the minister on an occasion such as the expiration of an armistice to come forward and give some account to Parliament of the progress of those negotiations. He ought at least to have reassured the public mind and given them some confidence in the conduct of those discussions, and have reiterated the spirit of that policy which Parliament had sanctioned,

if not by a formal vote, at least by its silence. [Hear, hear.] The house will see that the noble lord ought to be called to account, even if there were no cause for anxiety. But, if what I have ventured to call a wild hypothesis be true, if it be the fact that her Majesty's government in this interval have entirely changed their policy, if they themselves are participating in the partition of Denmark, [loud cheers,] which only five months ago they were stirring up an European war to prevent, then I say it is a mockery of the House of Commons if under such circumstances the noble lord is silent. [Loud cheers.]

LORD PALMERSTON'S REMARKS.

LORD PALMERSTON. We have just heard a magnificent display of virtuous indignation [loud cries of "Oh!" and cheers] from the right honorable gentleman, who knows that he is attacking me in a position in which I cannot go into the defence that he challenges. He is like a man that attacks another who has his arms tied behind him. [Laughter and cheers.] He knows that, because he has been in office. He knows that I am tongue-tied at the present moment, and that I cannot enter into an ample reply [loud cheers] to the attacks which he has showered upon me. The right honorable gentleman declares that he has a policy; he always moots this policy, and reproaches us, who, he thinks, have not a policy. Well, I challenge him to say what his policy is. [Loud cheers.] Let him tell us fairly what he wants the government to do; and let him ask this house to give a vote in support of her Majesty's government if they will adopt the policy which he thinks they ought to carry out. ["Oh! oh!"] Let him propose that this house will support the crown by all the means that may be necessary to give effect to the policy he contemplates. [Cheers and an ironical laugh.] When he does that I shall say he is sincere in the course that he adopts in this house. We know what a negotiation is, especially a negotiation carried on with a great variety of powers having different views and different interests; and the right honorable gentleman ought to feel that to state from day to day what have been the points of difference, ["No, no!"] what have been the results of this interview or that conference, must endanger the result which everybody who is anxious for the peace of Europe must desire to see attained. [Cheers.] And therefore, in spite of the taunts of the right honorable gentleman, I shall not be induced to violate what I consider my duty, and to throw impediments in the way of a successful result by telling the honorable gentleman that which I dare say would be satisfactory to him, and which I can quite understand would be satisfactory to the house, from day to day, and from meeting to meeting, what each member of the conference has proposed, and what each member of the conference has objected to. [Cries of "Oh!" and cheering.] Yes, that is what the right honorable gentleman asks, ["No, no!"] that is exactly what he wants. [Loud cries of "No."] The foreign papers tell him certain things, and he wants me here to go into those very details which he sees in the foreign papers. [Hear.] There is a great difference in statements made by a minister of the crown in this house, and reports which are circulated through Europe, and are told in the foreign newspapers. [Cheers.] The right honorable gentleman may take as much or as little as he pleases of those statements. But though I have the greatest desire to show every possible respect to this house, and though I am quite aware they ought to be informed of everything which can with propriety towards the public interests be communicated to them, I will not, even to gratify the desire of this house, depart from what I consider to be my duty. When members calmly reflect on the motives which prevent her Majesty's government in the present state of affairs from going into details which they are anxious to hear, I am sure they will see that we are acting rightly. [Hear, hear.] When the negotiations now going on have arrived at a stage at which, consistently with the national interests, the govern-

ment can make known what we have agreed to or proposed, I am quite satisfied we shall be able to convince the house that in this matter we have acted in accordance with our duty, and with the soundest opinions that we have been enabled to form. [Cheers.]

MR. S. FITZGERALD'S REMARKS.

Mr. S. FITZGERALD and Lord R. CECIL rose together, and there were loud cries of "Cecil." The latter, however, gave way, and

Mr. S. FITZGERALD proceeded to say that the house, having listened to the noble lord who had just sat down, must have seen how completely he misrepresented the speech of his right honorable friend. [Hear.] There was such a thing as reticence based on the ground that premature disclosures would be injurious to the public service. But there was also a reticence and a reserve which it was prudent for ministers to observe when frankness might be injurious to the government. [Cheers.] It was not true that his right honorable friend or the house wished the noble lord day by day to give the house details of all that occurred in the conference, or to state what was said by this or that plenipotentiary. That was not what his right honorable friend had demanded, or what the house or the country required from the government. When the conference was first proposed, he had himself put a question to the noble viscount as to the basis of the conference. The noble lord replied that, to avoid hurting the susceptibilities of some of the powers, his noble friend had merely asked the conference to meet in order to restore peace to Europe. [Hear.] Yes; but the noble lord added (and he would trouble the honorable gentlemen who cheered to cheer this also,) that the only principle of the government in going into the conference was that of maintaining the integrity of Denmark. [Loud cheers.] Was that all? They all knew that the noble lord at the foreign office had addressed a despatch to the governments of Austria and France, inviting them to act in concert and co-operation in order to settle the affairs of Denmark. And when the noble lord was asked what he meant by concert and co-operation, he said distinctly that he meant the offer of material assistance to Denmark by the three great powers. [An honorable member.—"What was their answer?"] The noble lord was asked under what circumstances the material assistance was to be given. He said that it was to be given to Denmark if any proposition were made for the dismemberment of the monarchy. [Cheers.] It was now stated, in such form and on such authority that the house could not but believe it, that not only had the government taken the matter into consideration, but that they themselves were the parties to propose the very dismemberment of Denmark which they had denounced a few months ago, which they declared would be a just cause of war, and which they said they were ready to join France and Austria in giving material assistance to prevent. What the house wanted to know was whether the government had really taken that course. [Hear, hear.] Having declared that they went into the conference for one object, had they been the parties to recommend an opposite policy? Had they taken up a position that five out of every six men in the house and in the country would consider a humiliation and a disgrace? [Cheers.] The house wished to know, before they agreed to continue their confidence to the government, whether the statement so generally believed was true, that the government had been parties to take a course which, before the conference met, they were the first to denounce. [Cheers.]

LORD R. CECIL'S REMARKS.

Lord R. CECIL said he regretted that no member of the treasury bench had thought fit to answer his honorable friend, [hear,] and that the government seemed determined to bring the debate to a conclusion without giving the House

of Commons any of the information which it desired to have. The noble lord had told the house calmly to reflect upon the motives of her Majesty's government. He had done his best calmly to reflect upon them, and he had come to the conclusion that the answer to that appeal was that they had now arrived at the 6th of June. [A laugh.] The noble lord knew that if by answers such as he had just given he could veil himself behind his position as a negotiator—if he could put off from day to day the necessity of giving the House of Commons the account which he was bound to render—if he could put off any explanation until the summer was so far advanced that he could not be called to serious question, his government would be safe at least for the present year. [Cheers.] And to the noble lord and those who sat with him the welfare of Denmark, the maintenance of treaties, and the upholding of the pledged word of England were trifles compared with that which was paramount in their minds—the advanced state of the session. [Cheers, and cries of "Oh!"] He thought that the noble lord was making an experiment upon the patience of the house and the country which would not be justified by the results. [Hear.] It was idle to talk of details. They all knew that the noble lord had made a complete change of policy. [Hear, hear.] They all knew, from sources which they could not doubt, although they were not official, that the dismemberment of Denmark had been approved, nay, proposed, by her Majesty's government itself. [Hear, hear.] It was idle to attempt to withdraw their conduct from the judgment of the country and the House of Commons. The reason why the house and the country were beginning to be impatient at the length of time that the conference had dragged on, and were beginning to intrude on the sacred reserve which the noble lord claimed for the position of negotiator, was that they were made to suspect that under the auspices of the noble lord, England, under the pretence of saving and defending Denmark, was in reality betraying her. [Hear, hear.] England had pushed her from concession to concession. She first forced her to retire from Holstein, then to abandon Rendsburg, then to consent to an armistice, then to abandon Schleswig south of the Schlei, and now there were rumors that the noble lord intended to yield to the extravagant and flagitious demand of the German powers, and to hand over a Danish population to German rule. He ventured to say that the House of Commons and the country would not long submit to the silence which the noble lord wished to impose upon them, and that they would require from him the account which he was bound constitutionally to render, and not permit him to stifle discussion, under pretence of friendship for Denmark, by asking the house not to interfere while negotiations were going on. [Cheers.]

MR. KINGLAKE'S REMARKS.

Mr. KINGLAKE thought it would be lamentable if the language which was used on that and the other side of the house should succeed in extorting from the government any disclosures perilous to the cause of peace. [Hear, hear.] He fully appreciated the argument put forth with great force by the right honorable gentleman, (Mr. Disraeli,) that the silence of the house during several weeks had been purchased by the declaration made by the government of the views and principles with which they were going into the conference. He must, however, call upon the house to remember the discussion which took place at a later period of the session. Just before the conference was held the government was asked as to the basis on which it was about to be held. The government at length stated, but with the greatest reluctance, that the parties to the conference were meeting without any other basis than a common desire to restore peace to Europe. Surely that was a retractation of the other and impossible principle which the government announced to the house in the earlier part of the session; and it became those who valued the peace of Europe rather to welcome the retirement of the government from a position which seemed to be untenable than

to render that retirement difficult by taunting them with the words they had used at an earlier period of the session. [Cheers.]

MR. D. GRIFFITH'S REMARKS.

MR. D. GRIFFITH said that there was a fear lest the delay would be injurious chiefly to one party, and that the weakest. The present period of the year was more favorable than any other to naval operations in the Baltic, and it might be said by the friends of Denmark that the conference were tying the hands of the weaker party by further postponement. It was plain that the noble lord's expectation was that the weaker party would be brought to consent to a prolongation of the armistice. The noble lord, however, in taking such a course was undertaking a great responsibility. The policy pursued by the noble lord's government exposed them to the imputation that the delays which were unfavorable to Denmark were favorable to her Majesty's government. If the armistice was prolonged so as to be carried into July, her Majesty's government might deal with the matter almost as they pleased. Being pretty familiar with the feelings of the Danes upon the subject, he (Mr. Griffith) knew that what they wanted was some geographical boundary line, which would separate them permanently from a people so unfeeling and unscrupulous as the Germans had proved themselves to be; and if the government, without extending the armistice too long, were able to discover such a line, he, for one, would not complain, but would rather rejoice at the separation of two nations who were now as hostile to one another as the Russians and the Poles.

SIR H. VERNEY'S REMARKS.

SIR H. VERNEY was glad to hear the honorable gentleman speaking of the separation between the different portions of the disputed territory. Any union whatever of the German population of Schleswig and Holstein with the crown of Denmark would not lead to permanent peace. Whatever was to be done should be done with the assent of the population, otherwise permanent peace would not be secured. It would not do for that house, or any other authority, to deal with the people of the duchies without ascertaining their wishes by means of a constitutional vote of the people, or of an assembly elected for the purpose. He hoped Holstein would not receive any accession of Schleswig territory which might contain a hostile population, nor, on the other hand, would it add to the strength of Denmark if an unfriendly population were united to it.

Mr. Seward to Mr. Adams.

[Extract.]

No. 978.]

DEPARTMENT OF STATE,

Washington, June 3, 1864.

SIR: I have the honor to acknowledge the receipt of your interesting despatch of the 19th of May, No. 694. It is to be very sincerely regretted that the ministry failed to avail themselves of the occasion offered by Mr. Thomas Baring to set itself upright on the appeal for the enforcement of neutrality in regard to naval expeditions from British ports. Should our campaign prove fortunate, the ministry, if it survive the present crisis, will probably regret their short coming even more profoundly than we do. The speech of the attorney general was very unsatisfactory to the people of this country. I doubt whether it will, in the end, be any more satisfactory to the people of Great Britain.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 979.]

DEPARTMENT OF STATE,
Washington, June 3, 1864.

SIR: Your despatch of the 20th of May, No. 697, has been received. Would it not be well to let Earl Russell understand that we are unable to comprehend the reason why the crew of the Georgia are left unmolested, while the Irishmen who secreted themselves on board the Kearsarge, seeking to enlist in our service, have been prosecuted and convicted? It is a satisfaction to know that the Georgia will cease her depredations, from inability to continue them. The Niagara sailed yesterday. Assurances received from France that American piratical ships shall not be allowed to go to sea in that character relieve us from the necessity of sending, at present, any other naval force into European waters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 981.]

DEPARTMENT OF STATE,
Washington, June 6, 1864.

SIR: The result of the operations of the last week is that, in the west, General Canby has gathered in and so disposed of the forces which constituted General Banks's expeditionary force as to secure important strategic points, and prepare an aggressive movement of considerable importance.

General Sherman writes us yesterday afternoon, from the vicinity of Dallas, as follows: that "the enemy, discovering us moving round his right flank, abandoned his position last night and marched off. McPherson is moving to-day for Ackworth, Thomas on the direct Marietta road, and Schofield on his right. It has been raining hard for three days, and the roads are heavy. An examination of the enemy's abandoned line of works here shows an immense line of works, which I have turned with less loss to ourselves than we have inflicted upon them."

There has been much manœuvring by the armies in front of Richmond, attended with battles in which we have lost seven thousand five hundred men, and inflicted equal injury upon the enemy. General Grant's headquarters are at Cold Harbor. His line stretches from Bethesda church, on the Tolopotomy, to Cold Harbor. Assaults are made, first by the one party and then by the other, thus far always leaving our line unbroken and perhaps a little advanced, while the enemy, though repulsed in all their attacks, yet retain the exterior line of their defences of Richmond. The communications of General Grant with his new base on the Pamunkey are perfect. Abundant supplies are conveyed to him, with re-enforcements equal to the great waste which unavoidably occurs in the army of the Potomac. The obstinacy exhibited by the two parties has not been surpassed in the whole course of the war.

We have, as yet, no advices of the movement recently instituted in the valley of the Shenandoah.

Congress has passed the currency bill, and thus disposed of—I think in a manner which will be satisfactory—the very troublesome conflict between the new national banking system and the old one of State banks.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 984.]

DEPARTMENT OF STATE,
Washington, June 9, 1864.

SIR: I learn from your communication that her Britannic Majesty's government have bought the iron-clads which were detained at Lairds' ship-yards, and were the subject of judicial proceedings instituted by the crown. Although the ministry have not officially informed us of the purchase, the President, nevertheless, thinks that it will be proper for you to assure Earl Russell that this government experiences a lively satisfaction in the removal of an unhappy occasion of disagreement between the two countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 712.]

LEGATION OF THE UNITED STATES,
London, June 10, 1864.

SIR: In regard to the observations contained in your despatch No. 958, upon the substance of my No. 679, relating to the steamer Japan, alias the Georgia, I need only remark that the next steamer must have brought to you, with my despatch No. 687, a copy of the note I addressed to Lord Russell on that subject. I trust it may have answered the purpose you desired to see accomplished.

Since that time a sale of the Georgia is reported to have been effected in Liverpool. I thought the occasion a suitable one to enter a protest against the validity of the transfer. A copy of my note to Lord Russell of the 7th instant on that subject is herewith transmitted, together with one of his reply.

His lordship is evidently so much absorbed in the vortex of the conference that he has little inclination to enter into other questions just now. To him the sale of that vessel was undoubtedly a great relief. It kept before him the worst question of them all.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Mr. Adams to Lord Russell, June 7, 1864.
2. Lord Russell to Mr. Adams, June 8, 1864.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 7, 1864.

MY LORD: I have received from the consul of the United States at Liverpool information which leads me to believe that a transfer, purporting to be a sale, has been made of the steamer heretofore known as the Japan, alias the Georgia, by the insurgents or their agents at that port.

In such a contingency, I must pray your lordship's pardon if I take the

liberty to renew, in this case, the observations which I had the honor to submit in my note of the 14th of March of last year, on the case of the steamer Sumter, alias the Gibraltar. On behalf of my government, I feel it my duty, in consonance with the practice heretofore adopted by Great Britain, to decline to recognize the validity of the sale of this armed vessel, heretofore engaged in carrying on war against the people of the United States, in a neutral port, and to claim the right of seizing it wherever it may be found on the high seas.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June 8, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, relative to the sale of the steamer Georgia at Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 715.]

LEGATION OF THE UNITED STATES,
London, June 10, 1864.

SIR: In connexion with my No. 707, of the 2d instant, I now transmit copies of two notes received from Lord Russell in reply to two of mine, copies of which were forwarded with that despatch.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 7, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, enclosing copies of three more depositions relative to the part taken by Mr. Rumble in providing men for the steamer Rappahannock. These depositions, as well as those enclosed in the letter which you did me the honor to address to me on the 16th ultimo, have been referred without loss of time to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June 1, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, enclosing a copy of a deposition made by Patrick Shanly respecting the enlistment of British subjects at Liverpool for the service of the so-styled Confederate States; and I have the honor to inform you that the same shall be considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient,
humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 991.]

DEPARTMENT OF STATE,

Washington, June 14, 1864.

SIR: We receive mingled news of successes and reverses in desultory military movements beyond the Mississippi, but nothing has occurred there to change the attitude we held at the date of my last review of the campaign.

John Morgan, with what was practically a guerilla mounted band, lately passed over the border from Virginia into Kentucky and committed some depredations in the interior of that State, of no great significance. He was hotly pursued from the start by General Burbridge, and was finally defeated near Cynthiana, with the dispersion of his forces.

General Hunter, with his flying column, met and defeated the enemy in a pitched battle at Piedmont, and then seized and occupied Staunton, in the valley of Virginia. He made important captures there of prisoners, arms, ordnance and military stores. At the date of our last advices he had effected a union of the forces under his immediate command with the detachments under command of General Crook and General Averill, who have very thoroughly broken up the chief military communications of the enemy in that part of the country. We learn that on the one hand General Sheridan, with a considerable cavalry force, has gone out to meet and strengthen General Hunter, while Breckenridge, with some insurgent levies, has gone to resist Hunter's attempt to effect a junction with the army of the Potomac in front of Richmond. The very severe but heroic battle which was fought on the 3d of June at Cold Harbor resulted in satisfying Lieutenant General Grant that Richmond could not be entered directly from that point without unnecessary waste of military power; he therefore immediately began his preparations to seize a new and better position, and at the same time effect a junction with the forces yet remaining under command of Major General Butler on the south bank of the James river. The movement began on the evening of the 12th, and we are now anxiously waiting for information of the result.

The canvass for the presidential election was opened on the 30th of May by an assemblage of citizens, who put in nomination John C. Frémont, late of California, for President, and John Cochran, of New York, for Vice-President. The Union convention, which, pursuant to the customary recommendation, assembled at Baltimore on the 7th instant, was attended by full delegations from all the States where the federal authority is recognized. This body nominated the present incumbent of the chief executive office for re-election, with Andrew Johnson, of Tennessee, for the office of Vice-President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Adams to Mr. Seward.

[Extracts]

No. 718.]

LEGATION OF THE UNITED STATES,
London, June 16, 1864.

SIR: * * * * *

I transmitted by the steamer of Saturday a copy of the London Times, containing a report of a debate in the House of Lords on the subject of enlistments.

The time may come when the forbearance exercised in this period of trial will not be without its advantages, in turning the scale between the contending sentiments in regard to us within this kingdom. The domestic struggle which is to new shape the government is only in abeyance. Everybody feels that it must go on sooner or later, and that the example of the United States will have more or less of influence upon the result. There may, possibly, come a day when the governing power of Great Britain will be in true sympathy with us. It never has been so yet, and it never will be so long as the only real aristocracy remaining in Europe sees and feels that the permanence of the privileges which sustain it is endangered by the growth and predominance of institutions which foster equality of condition.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extracts from the debate in the House of Lords.

[From the London Times of June 10, 1864.]

FEDERAL ENLISTMENT OF BRITISH SUBJECTS.

REMARKS OF THE MARQUIS OF CLANRICARDE.

The Marquis of CLANRICARDE said that their lordships might think him somewhat pertinacious in entering again into this subject; but he could not help feeling that her Majesty's government had been remiss in the matter, and that, besides our duty to our fellow-subjects, a great moral responsibility rested upon us to prevent this recruiting. If the proper measures had been taken to prevent it long ago, the civil war in America would have ended before now; and if the recruiting of British subjects were now put a stop to he believed the war would be brought to a comparatively early termination. If the cases which had been brought before Parliament were isolated and exceptional—if they had arisen only from overzeal or indiscretion or avarice on the part of American citizens—he should not have been apt to notice them. But no man could doubt that for two years there had existed a deliberate intention on the part of the federal government to fill its armies with foreigners, and especially with subjects of the Queen. The sanguinary war which had raged had rendered it impossible for the federal government to recruit its armies from the population of the federal States, and it now deliberately sought to recruit its armies from abroad. He was not one of those who were disposed to lay very much stress upon foreign enlistment acts, because he believed that they were seldom found to be very efficient in their working. The attempts which had been made by the government of this country to preserve impartiality in the contest on the American continent had not procured for us much credit, nor tended to increase the re-

spect with which we were regarded. It was a fact, not at all unknown in the metropolis or in the business world, that one of the belligerent powers had been plentifully supplied with arms and munitions of war by this country from the commencement of the contest; and yet as soon as it was proposed to supply the other belligerent power with ships, a course which would practically have placed the resources of this country impartially within the reach of both parties, the government had found itself compelled to take action and to assert its entire neutrality. He maintained that at no former period of our history had foreign enlistment so extensively prevailed. It was a fact perfectly notorious that there had been approved agents of the federal government established not only in Ireland, but also in England, for the purpose of enlisting recruits. He had received communications upon the subject from the midland counties informing him that such was the case, and he had learnt that efforts to obtain recruits had even been made in Lincolnshire, where it would have been thought that there was little likelihood of success. The federal government itself had made no secret of its actions. The Secretary of State presented to Congress a bill, strengthened by a message from the President, and the measure was referred to the consideration of a committee. The bill proposed to establish a foreign recruiting department, the headquarters of which were to be at New York, and that its recruiting agents should be scattered through foreign countries. He believed that such a plan had never been suggested anywhere but in America. Was it possible to doubt that the chief object of such a measure was to facilitate the enlistment of recruits from this country and other portions of her Majesty's dominions? The law was not passed, and it failed partly because it was feared that so open a manifestation of the intentions of the federals might excite the opposition of our government. The bill was what was called, in the language of the country, "tabled." We had not only this to complain of, but we had also submitted to what was contrary to every international law. He had by him a Liverpool paper in which it was stated that a regiment of 1,500 Germans had been levied in Germany, and that they were to sail from Liverpool as ships could be provided for the purpose. The newspaper recorded the departure of 130 Germans in the same manner as if the event were the embarkation of a regiment of the guards. That was exactly one of those cases which the foreign enlistment act had been intended to prevent. Of course, it was not openly stated that men were enlisted for the army. It was pretended that the demand for soldiers caused by the severity of the conflict had created such a displacement of industrial laborers that many branches of the industry of the country were at a stand still on account of the impossibility of procuring workmen. No man, however, who examined the provisions of the bill to which he had referred would credit such statements for a moment. The provisions of the bill, according to the account which he had read of it, proposed to advance the passage and other sums of money to the emigrants, which were afterwards to be deducted from their wages. It was obviously absurd to think that the federal government would appoint collectors to go around and collect weekly or monthly payments, as the case might be. The money could only be repaid by deductions from wages if the men were engaged in service under the government, and it was notorious that that service was in the army. They knew that for the last two years proclamations had been issued for recruits, that the President of the federal States had called upon the different States to supply their quota, and that some of those proclamations had scarcely produced more effect than so much waste paper. There were only two States where the quota of soldiers was supplied proportionate to the population. In even the more wealthy States the enlistments were not at all successful. It was well known how that the need of men had driven the United States government to employ negro soldiers, and President Lincoln had recently stated that he expected the negro regiments would provide him with 130,000 men. It was truly horrible to think that such vast numbers of

men should be wanted for the mere purpose of slaughter. In the space of very few weeks no less than 40,000 men had been lost to one army alone, and from calculations based upon hospital returns there was no reason to think that that number was exaggerated. Such a state of things was not creditable to the civilized world, and at least we ought to take steps to prevent our fellow-subjects from becoming victims in the dreadful conflict now raging in America. When the pretence of inducing men to go over to America to work upon canals and railways was put forth no one could be deluded by it in that house. They had heard of the case which occurred not long ago in Ireland, where a number of operatives were induced by a federal agent to accompany him to the United States. Upon arriving in Boston the men were lodged in a sort of barn, where they were kept without food all day. In the evening strong drink was freely supplied, and some of the unfortunate men became so stupefied that they did not recover their senses for two days. After the men had drunk deeply, Mr. Kidder, the person by whom they were engaged, visited them, accompanied by government and police officers, and informing them that he had been disappointed in the work for which he had engaged them, recommended that they should join the United States army, at the same time tendering the bounty, specially inviting them to join a particular regiment, which, he said, was wholly composed of Irishmen. Some were induced to accept the bounty, but the others were turned out next day, and were indebted for food to the charity of their fellow-countrymen in Boston. He wanted to know what had been done for those men, and what reparation had been sought for them, and whether any precautions had been taken to prevent the recurrence of such transactions in future. That such practices as those he had referred to were not uncommon. They knew upon the authority of a federal officer, General Wisden, who remonstrated against the sort of men who were sent to him, of their being mostly foreigners, and of the manner in which they were enlisted, stating that frequently they were sent off to the depot while drugged, and refused to do duty upon recovery, alleging that they had not been fairly enlisted. In these cases the men were shot at once without trial. Were such proceedings to be allowed to continue? It was not only in this country and in Ireland that the practices he complained of had been carried on, but he had seen letters from Canada which spoke of similar doings there, and in one case mention was made of the desertion of several non-commissioned officers and men from a regiment serving there, tempted to do so by the inducement being held out to them of commissions in the federal army. He would not mention the particular regiment referred to, because he trusted that the statement might not be correct. He might be told that all these were general statements, but even if so they were statements known to all the world, and could not be unknown to the authorities here. He wanted to know whether we were to continue upon terms of amity and alliance with a people who treated us in this manner, and disregarded our remonstrances. It was to be regretted that the case of the Kearsarge had been suffered to pass almost without notice. This, however, was a question between nation and nation. Mr. Madison, in his declaration of war against this country, went far beyond the order in council, which was the immediate cause, and complained generally of the practice of impressing seamen found on board American ships. Mr. Madison did not complain that John Smith or Tom Jones was taken out of a particular ship, nor did he draw an indictment as particular as an Old Bailey lawyer would make it, but he complained of the general practice of this country, and said the United States would not suffer it longer. He did not wish to go to war—he rather desired to put a stop to war. When this country had been treated with insult and indignity; when our fellow-countrymen had suffered great injuries, he wished, not for war, but for something like vigorous remonstrance and an assurance that the objectionable practices should not be continued. If he were asked whether if remonstrance failed he was prepared to go to war, he would ask, in reply, for

what were we ever to go to war if not for insults offered to our sovereignty and injuries done to our fellow-subjects? Why did we pay £30,000,000 a year for our army and navy if these forces were not to be employed in maintaining the honor of the country and affording protection to our fellow-countrymen? We had supplied the United States with arms and munitions of war to an enormous extent, and it might be difficult to prevent that. But we had also supplied during the last year or so many thousands of men, and of the tens of thousands who had been massacred in this awful conflict there could be no doubt that a large proportion of the victims had been born subjects of the Queen. We had no business to be in amity or in diplomatic relations with a country which paid so little regard to the rights of our fellow-subjects as the federal States of America had shown in this matter. He could not help thinking that a great deal of blame must be laid to the charge of the nations of Europe for the continuance of this war. When two great armies were fronting each other was not perhaps a time when any hopeful interference could take place, but there had been times when he thought interference might usefully and effectively have taken place; and while, on the one hand, we took a tone as regarded our fellow-subjects to show that we would not permit the repetition of such conduct as had gone on during the last year, he also hoped that within a very few weeks there might be such a state of affairs in that country when it would be perfectly proper and possible for the nations of Europe to enter upon this matter with a firm and decided tone, and that they would take those steps by which alone he believed this horrible carnage, utterly fruitless in itself, injurious, above all, to America, disgraceful to the century in which we lived, and shocking to the feelings of all mankind, would be terminated. [Hear, hear.] The noble marquis concluded by moving for the papers of which he had given notice.

REMARKS BY LORD BROUGHAM.

Lord BROUGHAM, in rising to second the motion, wished to make a few observations on some parts of his noble friend's statements. No one could lament more deeply than he did, not only the cruel and calamitous civil war which had been raging for the last three years in America, but the conduct of many of our countrymen in joining in this dreadful contest, more particularly those who came from that part of the country to which his noble friend belonged, and who, he lamented to say, had in great numbers entered the federal army. He highly disapproved of the conduct of the federal government, not only in the attempt, which they began but could not carry out, to establish depots for raising foreign recruits, but he disapproved as entirely of their taking men—even if they did not inveigle them by the tricks which had been described—taking them even when the men honestly entered, and entered knowing what they were doing, even though not deceived by crimps and deluded under the influence of strong liquor. The men were told they were going merely to labor in the fields; and after they were there they were told there was no work for them, and they were asked: "Will you please come into the army?" But even suppose the most fair and honest contract made between these Irishmen and the recruiting officers of the federal government, he still disapproved of the course which they had adopted. What was their complaint against us? That we were not sufficiently neutral. [Hear, hear.] That we did not hold the balance even between the two parties—federals and confederates. Both parties in America, he believed, complained of us in this respect; but could there be a more open infraction of neutrality than the conduct of those who compel the poor Irish immigrants to enter their service, or who take them into their service? They were taking men into their service who were guilty of an offence punishable severely in this country. These men were criminals. The crime of which they were guilty had lately been made a misdemeanor by the foreign enlistment act; but in the reign of

George II it was felony, and at one time it was a capital felony. [Hear, hear.] The men were still criminals; and the federal government employed men knowing them to be criminals, and that it was only as criminals that they were entering into their service. Time was when those same Americans complained bitterly of our employing foreign troops to subdue them—to do the very same thing towards them which the federals were now doing towards the confederates, endeavoring to restore the union—that was to conquer, or attempting to conquer, the confederates by foreign troops. In the draughts to supply the enormous demands which this most lamentable war had made—he believed not less than 600,000 in the course of the last two years—they took not regiments or corps, but thousands of persons from Germany, and, he grieved to say, hundreds at least from Ireland. The Germans formed a great part of their resources to supply the blanks which this cruel war had made. These Americans complained of our conduct in 1778; and the worst thing they considered we did, in attempting their conquest, was the employment of Hessian and other German regiments in the course of the war. The eloquence of Mr. Burke and of Lord Chatham made the walls of Parliament ring with complaints of the German mercenaries being taken into the pay of the government for the purpose of subduing America. Now, these Americans were doing the very self-same thing, not by taking corps but thousands of individuals who are foreigners into their service, and employing them against the confederates. He wished his voice, which hardly reached the limits of that room, could reach across the Atlantic, to his old friends and clients—for taking part with whom in 1812, to which his noble friend referred, he had suffered much abuse in this country, being called at one time the attorney general of Mr. Madison, at all times the tool of Mr. Jefferson, and said in every respect to have given preponderance to America over his own country; a groundless charge, but it was made, and it showed the anxiety and warmth with which he supported the cause of America. [Hear, hear.] Would that his former clients would now listen to him, imploring them for once—once and for all—to be satisfied with the glory they had gained; for they had shown the greatest courage universally, both confederates and federals had shown the greatest fortitude, the greatest courage, the most extraordinary capacity for war—he meant for war as regarded mere fighting, which no doubt a great part of war was; and they had shown that, if they were not sparing of other men's lives, neither were they sparing of their own. Let them, then, be satisfied, for the love of peace, of Christian peace, with what they had gained by that glory, [hear, hear,] and let them at the last restore peace to their country. [Hear.] He believed there was but one universal feeling—not only in this country but all over Europe—of reprobation of the continuance of this war, of deep lamentation for its existence, and of an anxious desire that it should at length be made to cease. [Hear, hear.] His noble friend had adverted to the possibility of intervention. He had himself refused, during the last three weeks, to present petitions from various mercantile bodies to urge on the part of the government intervention in the American war. He did not feel that the time had yet arrived; but he lived in hopes that before long an occasion might arise when, in conjunction with our ally on the other side of the channel, we should interfere with effect, and when an endeavor to accommodate matters and restore peace between the two great contending parties would be attended with success. [Hear, hear.]

REMARKS BY EARL RUSSELL.

Earl RUSSELL, who was occasionally very indistinctly heard, said: My noble friend has moved for copies of despatches and reports respecting the enlistment of Irishmen in the United States service at Boston and Portland, and, knowing perfectly well that those papers would be granted—for their production has

been promised—he has thought it right to raise his complaint, that remonstrances have not been made at Washington against the proceedings adopted at those two places. Now, it is no doubt more convenient to complain of your minister abroad and your foreign secretary at home before you have the papers; but it would, I think, be more candid to wait till you have the papers, and then to see whether Lord Lyons or I have so entirely neglected our duty as my noble friend presumes we have done. I can only say, for Lord Lyons, that he has continually remonstrated, not only by despatches and notes, but more frequently in interviews with Mr. Seward; and since he has been at Washington nothing has given him greater vexation and distress of mind than these proceedings at Boston. Of course I say nothing about myself, except that I have seconded the efforts of Lord Lyons. Well, my noble friend, after many explanations on this subject, remains in the same confusion of mind, with respect to the foreign enlistment act, that was so prevalent at the commencement of this war. He says, “You allow muskets and powder to be conveyed to the federal States, while at the same time you prohibit ships from going to the confederates.” In the first place, it so happens that there is a distinction in the law. There is no law which prevents persons in this country from taking arms or powder either to the federal States or to the confederates. Such articles are liable to capture, and the vessel conveying munitions of war may also be condemned, if found attempting to break the blockade; but those who carry such munitions are not liable to any punishment in this country for so carrying. There is likewise reason as well as law for this distinction. When you send muskets or cannon as articles of merchandise, they, as the American authorities have always declared, are among the productions of the industry of the country from which they come, and those who send them do not themselves perform any act of hostility. Such munitions may, indeed, after reaching a belligerent, be then applied for purposes of hostility; but it is a very different thing if you have men either enlisted or arrayed in this country for the purpose of hostilities against any power with which her Majesty is at peace, or if you have a ship sent out from your shores for the purpose of hostilities against such a state. If the ship went, as some of the American judges have in certain cases found was the fact, merely with a crew sufficient to take the vessel into the port of a belligerent, that might be a case somewhat analogous to the carrying of cannon and muskets. But when the vessel and crew go forth already equipped from the coast of the neutral, and commit hostilities directly they get to sea against a state in amity with her Majesty, it is evident that that is quite a different proceeding from carrying muskets over from your own coast to a belligerent’s coast. Take the case which occurred two hundred years ago, when 10,000 men were sent to take part in the civil war in Portugal. If you have 10,000 men arrayed and sent from your shores to take part in a civil war, the government are properly responsible for that. But the confusion of ideas on the part of my noble friend is hardly excusable.

REMARKS BY THE MARQUIS OF CLANRICARDE.

The Marquis of CLANRICARDE explained that he had spoken of the distinction made by the foreign enlistment act, and that he had objected to that act. He had found fault, not with the government, but with the act.

REMARKS BY EARL RUSSELL.

Earl RUSSELL. I am aware of that, but my noble friend did not appear to see the reason of the act, and a very sound and sufficient reason it is, viz., that if you send cannon or muskets they are articles of merchandise, but if you send men armed with muskets and formed into regiments to be employed against a

state in amity with her Majesty you are clearly taking part in the war. It is on that principle that we have not allowed ships to go from this country armed and ready to commence hostilities, if we could prevent it. We have so acted, believing not only that it is the law, but that the law is based on a sound principle. My noble friend went on to complain of what has been done in Ireland; and certainly I am ready to complain of that as much as he is. But, when we come to investigate the circumstances, the question is whether the government or those who execute the law in Ireland are to blame for anything which has occurred there. It appears that a person named Finney, who had lived twelve or thirteen years in the United States, engaged in a speculation with another person named Kidder to induce men to go from Ireland to America, in order to obtain the \$600 or \$700 per head bounty money on their entering the army there. These speculators put the greater part of that money in their own pocket, and defrauded the honest, but I must say credulous, countrymen of my noble friend. My noble friend says that when these advertisements appeared, holding out the hope of high wages to these poor people by working on railways and canals in America, he is at a loss to conceive how any of them should have allowed themselves to be so duped. Well, if he is at a loss to conceive how that could be, certainly I must be much more so; but I am afraid that such credulity is somewhat characteristic of his countrymen. But if a man comes to this country and says to laboring men already earning tolerable wages, "If you will go and work in Germany or in America, or wherever it may be, I will take care that you shall get very high wages," and if people are simple enough to yield to that temptation, how can the government be blamed for their imprudence or folly? It must be a very singular government indeed which should undertake that no man shall do anything improvident or foolish. Well, about one hundred of these men went from Ireland to Boston and Portland. My noble friend has truly described the careless treatment they met with in those places. I cannot but think that the United States police acted a very unworthy part, as well as those who were immediately concerned in inveigling these persons. But the police and the recruiting officers declared before a committee of inquiry which the American government instituted that when the men engaged to enlist they were perfectly sober, and that, however drunk they were the evening before, they were sober at the time they enlisted. Well, Lord Lyons said, and I think very justly, that the men themselves should have been examined as to the treatment they received and the state in which they were when they enlisted. Instead of that, several of them were carried off as recruits and immediately sent to join the United States army. One of them, named Sullivan, was afterwards taken to a hospital; and he subsequently told his story to Lord Lyons, explaining the way in which he had been coerced, and how he had escaped. I have said before that I think it highly discreditable to the United States government that their civil as well as their military authorities did not immediately make an investigation into the facts stated to them by Lord Lyons; that they did not bring all these men to Washington, and, unless they were found to have enlisted in a perfectly voluntary manner, discharge them. Lord Lyons has remonstrated against the inaction of the United States government and their want of attention. But my noble friend requires more than this; he seems to think we should have intimated that if our remonstrances were neglected we would go to war. He says that if ever there was a case for war this is that case; and he asks, "If remonstrances of this kind are not attended to, when will you go to war?" Undoubtedly, these acts of injustice are the sort of acts which are frequently calculated, unless they are redressed, to lead to war, and it is the bounden duty of the American government to attend to remonstrances so well grounded as those which we have addressed to them. The conduct of the American government in 1812 is held up by the noble marquis as an example for imitation. It is to be recollected that the American government at that time

had to complain of what I think was a very great abuse, the arbitrary and lawless power exercised by our officers, who had seized men, and, without any proof of their being British subjects, pressed them into our navy. Americans have told me how strong was the feeling which that caused. I have been told that it frequently happened that the sons of farmers in the New England States went on board merchant ships for a year or two, and were then seized as British subjects by our officers, from whom no redress could be obtained. Of course, that conduct rankled in the minds of the Americans, but still some years elapsed before they proceeded so far as to make war against this country. Your lordships must bear in mind, too, that if we were to resort to extremities we should have considerable difficulty in determining what course to pursue, for the Confederate States are in the constant habit of ordering conscriptions and forcing British subjects to serve under their standard. When our consuls have remonstrated, they have been told, in the first place, that the men might apply to the courts of justice, and then, when they have repeated their remonstrances, they have been sent away altogether. If, therefore, we have to complain of great injuries on the part of the federal States, we have no less reason to complain of the conduct of the Confederate States, and if war is our only remedy we must go to war with both belligerents. [A laugh.] The noble marquis seems to have an appetite for war, and perhaps he would be better pleased to go to war with both parties than with one only. All, however, I can say at present is that our remonstrances shall be continued, and that we shall continue, as heretofore, to warn the subjects of her Majesty in Ireland against embarking in pretended plans for getting them labor and high wages in America, but really for entrapping them into serving as soldiers in the federal armies. I agree with the noble and learned lord who has just spoken that this is a most horrible war. There appears to be such hatred and animosity between great hosts of men, who were lately united under one government, that no consideration seems powerful enough to induce them to put an end to their fratricidal strife, and it is difficult to deal with them on those ordinary principles which have hitherto governed the conduct of civilized mankind. It is to be hoped that these hostilities may cease, but I am afraid it is not to be reckoned on that any interference of ours would tend to produce peace, because in America there is a strong feeling against any of the nations of Europe, but especially any of the monarchical nations pretending to meddle with the civil war now raging in that country. Still, it is dreadful to think that thousands of men are being slaughtered for the purpose of preventing the southern States from acting on those very principles of independence which in 1776 were asserted by the whole of America against this country. Only a few years ago the Americans were in the habit, on the 4th of July, of celebrating the promulgation of the declaration of independence, and some eminent friends of mine never failed to make eloquent and stirring orations on those occasions. I wish, while they kept up a useless ceremony—for the present generation of Englishmen are not responsible for the war of independence—that they had inculcated upon their own minds that they should not go to war with 4,000,000, 5,000,000, or 6,000,000 of their fellow countrymen who want to put the principles of 1776 into operation as regards themselves. [Hear, hear.] With respect to the motion of the noble marquis I shall produce whatever papers we have got. Those papers, I think, tell a story very discreditable to the American republic; and all I can say is that we shall continue to remonstrate in the strongest terms, not to save the unfortunate men who have already enlisted, and many of whom have already fallen in the field, but with a view to prevent similar shocking cases in future. [Hear, hear.]

REMARKS OF THE MARQUIS OF CLANRICARDE.

The Marquis of CLANRICARDE did not want the government to take any steps for the protection of persons who had voluntarily separated from their allegiance to the Queen and taken part with the federal or Confederate States. But there were others who had been entrapped into the American service, and he was sorry to hear that the noble lord intended to do no more than continue his remonstrances, which, up to the present moment, had proved quite ineffectual. If the noble lord inquired of the secretary of war, he would learn that about 5,000 men, chiefly bachelors, were now embarking every week at Cork for America, that they were provided with free passages paid for in greenbacks, and that as soon as they landed they were either put on board American ships-of-war or sent to one or other of the American armies. While all this was going on the noble lord would also learn that we could get no recruits in Ireland for our own regiments, and that the military authorities were actually going to reduce the recruiting depot at Cork. [Hear, hear.]

REMARKS OF EARL RUSSELL.

Earl RUSSELL said that if the noble marquis would furnish him with reliable evidence of illegal transactions at Cork or elsewhere he would at once order the parties to be prosecuted.

The motion was then agreed to.

Mr. Adams to Mr. Seward.

No. 720.]

LEGATION OF THE UNITED STATES,
London, June 16, 1864.

SIR: The Alabama is at last announced as having arrived at Cherbourg. Her condition requires extensive repairs, permission to make which has been applied for.

Meanwhile her commander, like many American officers, thinks proper to indulge his fancy for writing in the newspapers. I transmit a copy of *The Times* of this morning, containing a long letter from him, as well as a commentary upon it in the editorial column. I am not sure that a succession of such productions might not, in the end, correct much of the tendency in England to sympathize with the rebel cause.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of June 16, 1864.]

THE ALABAMA AND HER PRIZES.

CONFEDERATE STATES STEAMER ALABAMA,
On the High Seas, April, 1864.

To the Editor of the Times:

SIR: Do me the favor to publish in *The Times* the enclosed communication, which I design as a reply to numerous assaults upon me by the English press—not excepting an occasional “rumble” from yourselves—on the subject of my destroying prizes at sea without adjudication by a prize court. The London *Evening Star* and kindred negrophilist associates have been particularly

virulent and abusive. The term "pirate" is a favorite epithet with them; but as abuse is always evidence of the weakness of the cause in which it is employed, and as this little failing may be a sort of vocabulistic necessity with them to enable them to pursue their polite calling, perhaps I ought not to quarrel with it.

If in the course of my remarks I have found it necessary to review some of the acts of your government, I trust you will give me credit for doing this in a spirit of justice and fair play, and not with a disposition to be querulous or censorious. I have alleged no fact that will not be conceded, and if my reasoning upon the premises be sound, no harm can have been done to any one, since truth is never unjust. If, on the contrary, the reasoning be unsound, you have the probe and scalpel at hand.

I am, respectfully, &c.,

R. SEMMES,

Captain, Confederate States Navy.

"The reason why confederate cruises burn their prizes, and the remedy.

"I had the honor to command the first vessel-of-war (the steamer Sumter) commissioned by the Confederate States in the present war, and, having successfully run the blockade of New Orleans and got to sea, it early became necessary for me to adopt some mode of disposing of my prizes. A blockade of the entire coasts of the Confederate States had already been declared, and the enemy was busy in collecting and arming ships to enforce it; and I presumed that in the course of a few months the blockade would be at least sufficient to keep out sail vessels, and of this class, with rare exceptions, it was probable my prizes would be. It was clear, therefore, that I should be effectually prevented from sending my prizes into the confederate ports. Up to the time of my running the blockade (June 30, 1861) I had not seen her Britannic Majesty's orders in council prohibiting the belligerents from bringing their prizes into British ports; and looking to the unequal operation of such orders, I had strong hopes that none such would be issued. I made my first prizes on the coast of Cuba, and with a view to test the disposition of Spain in this matter I sent them—seven in number—into the port of Cienfuegos. Their arrival was telegraphed to the captain general at Havana. The captain general was without instructions, the orders of neutrality of the Queen of Spain not yet having been received. The prizes were permitted to remain until these orders should arrive. The orders came, and the prizes were afterwards illegally handed over to the enemy, instead of being warned to depart. Spain, as well as France, had followed the lead of Great Britain, and in due time all the smaller commercial nations did the same. To show the objects I had in view in sending in these prizes, I quote below an extract from my letter to the governor of Cienfuegos:

"The cargoes of several of these vessels are claimed, as appears by certificates found among the papers, as Spanish property. This fact cannot, of course, be verified, except by a judicial proceeding in the prize courts of the Confederate States. But while this fact is being determined, what is to be done with the property? I have the right to destroy the vessels, but not the cargoes, in case the latter should prove to be, as claimed, Spanish property; but how can I destroy the former and not the latter? I cannot before sentence unlade the cargoes and deliver them to the claimants, for I do not know that the claims will be sustained; and I cannot destroy the cargoes, for I do not know that the claims will not be sustained. Indeed, one of the motives which influenced me in seeking a Spanish port was the fact that these cargoes were claimed by Spanish subjects, whom I am desirous of putting to as little inconvenience as possible in the unlading and reception of their property after sentence, in case it should be restored to them.'

“It will thus be seen that I was not only anxious to condemn my prizes, but to put neutrals to as little inconvenience as possible. If my prizes had been received into neutral ports, and permitted to remain there until they could be adjudicated by our prize courts, sitting in our own territory, no possible inconvenience that I can perceive could have resulted to neutral nations, and the rights of every one would have been secured—the right of the captor to the full benefit of his prize, and the right of the neutral claimant to adjudication. What inconvenience to Great Britain, for example, could possibly have grown out of the fact of a captured vessel lying quietly at her dock in the port of Liverpool in charge of a ship-keeper and prize agent until she could be adjudicated; and if she should be condemned, why could she not have been sold as quietly at public auction as if she had been seized and sold under an execution for debt? It was my intention to follow the precedent set in the Cienfuegos case—of sending all my prizes into the most convenient ports for the parties concerned; as, where there were English claimants, into English ports; French claimants, into French ports, &c.; but this intention was frustrated, as has been seen, by the orders of the Queen’s government—I say the Queen’s government, because that government gave the cue which was followed by all the other nations. By these orders I was deprived at the same time of the right of asylum and sale of my prizes and of the power of adjudication. What course was expected of me under these circumstances? Was it expected that I would abandon the right of capture altogether? or that I would be guilty of the child’s play of capturing the enemy’s ships with one hand and releasing them with the other? that, in short, I would retire from the high seas and leave the enemy to pursue his commerce, his ‘innocent and peaceable commerce,’ as Mr. Adams plaintively and naively calls it, without molestation? If you did not suppose this—and I will not impute such folly to a people who not only know the value of commerce to a belligerent, but who have always annihilated the commerce of their enemies in their own wars—you must have known that I would destroy the enemy’s ships in every case where it was possible. Why, then, do you complain of the course I pursued? Was it just to force that course upon me, and then exclaim against it in pious horror? Is this the kind of ‘fair play’ upon which Englishmen pride themselves?

“But your neutrality, you say, compelled you to this course. Let us see how that is. What is neutrality? Impartiality. Impartiality in form or appearance merely, or impartiality in substance? When a nation is called upon in good faith to perform that most solemn act of declaring her impartiality between two belligerents, is a mere jugglery of words all that is necessary, or must she look at the practical consequences of the rule she adopts? To this query there would seem to be but one answer. The rule must not only speak in the language of justice, but it must work out the ends of justice. Otherwise it is a sham and a deceit. Let us test the orders of British neutrality by this canon. On their face nothing could be more fair. Whatever is ordained as to the one belligerent is ordained as to the other. The prizes of both belligerents are prohibited from entering British waters. But when these orders were penned what facts and what consequences were in the mind of the minister? Did he or did he not know that he was dealing a staggering blow at the Confederate States at the same time that he was playing directly into the hands of the federal States? Let us see. It will be admitted that the two belligerents had the right to use against each other all the modes of warfare recognized by the international code, and that no nation had the right to prohibit to either of them the use of any of those modes. Privateering was one of those modes, and the circumstances of the two parties to the war were such that this mode of offence was peculiarly valuable to the Confederate States. The federal States had a large commerce and a very respectable navy, they having retained possession of all the ships-of-war of the old service, while the Confederate States had little or

no commerce, and were just beginning to improvise a navy. (And here it may not be out of place to mention a fact highly creditable to the parties concerned: Every ship-of-war in the command of a southern naval officer at the date of the secession of his State was duly handed over to the federal government before the officer resigned his commission and returned to his State.) A large proportion of the wealth of the federal States consisted in their commerce, and if this could be destroyed an important blow would be struck in the war. The 'volunteer corps' of the sea—as legitimate as the 'volunteer corps' of the land—was the most effective weapon with which to strike this blow, and accordingly, in the first days of the war, several privateers were commissioned, and others were being rapidly fitted out, when the Queen's orders appeared and knocked the whole scheme on the head. As if by magic, the privateers which had already been commissioned disappeared from the seas, and all work was suspended on those in course of preparation, and the little Sumter, afterwards assisted by two or three other small vessels, was obliged to undertake the herculean task of destroying a commerce second only to that of Great Britain, and which covered every sea. The reason of the disappearance of these private armed ships is obvious. They are prepared at the cost of individuals, and depend wholly upon their captures for success. If these cannot be made available the enterprise becomes abortive, and the capital invested in it is sunk; and they could not be made available by reason of the Queen's orders referred to, denying them the right of asylum in British ports, the British foreign secretary well knowing that they could not be made available in the confederate ports because of the blockade, the blockade having been proclaimed on the 18th of April, 1861, and the orders in council not having been issued until the 1st of the following June. So far as results were concerned the British government might as well have said to the Confederate States, in the words of the 'declaration' of Paris, 'Privateering is and remains abolished,' although the said States were not bound by the said declaration, the United States, then the federal mouthpiece, having declined to accede thereto before the war.

"There was no occasion for Mr. Seward to endeavor to 'sneak' into this 'declaration' after the war, in the hope that by becoming a party to it Great Britain would illogically hold that the Confederate States, now acknowledged as belligerents, would be bound by the act of their enemy. The British foreign secretary knew his business better than this. With the most commendable sagacity he took care of his logic and of his friend Mr. Seward at the same time, and accomplished the object of the federal government by his orders in council, without permitting its minister to humiliate himself.

"This was one result of the declaration of neutrality—*Anglicè* partiality—put forth by Great Britain. But the mischief did not end here. The Confederate States being compelled to restrict their operations upon the high seas to their ships-of-war, those ships were also seriously embarrassed by this declaration. Their inability to adjudicate their prizes has been already referred to. As a consequence of this inability they could make no beneficial use of them. Not only so, they were compelled in many instances to release them on ransom bond for the benefit of neutrals; that is to say, to give neutral claimants of cargoes an opportunity after the war, when the bonds should be sued upon, to vindicate their claims in a court of justice, which opportunity their own governments had denied to them during the war, by rendering it impossible for them to go before a confederate prize court. The release of these vessels operated strongly, too, in favor of the enemy. For it amounted to a loan to him of so much property, of which he had been rightfully deprived, with which to carry on the war; his bonds, in the mean time, being of no use to the captors, as it was impossible to collect them until after the war. This double mischief, therefore, ensued in these bond cases—the enemy continued to carry on his commerce, and commerce to a belligerent is strength; while the captor's means,

quoad the war, were not increased by his captures. The reader will now see why as few of these ships as possible were released on bond, the release being confined to those cases in which an apparent *bona fide* neutral claim was presented on the face of properly prepared papers. Nevertheless, to show the good faith with which the captor must have acted towards neutrals in this matter, every ship destroyed by him was so much property destroyed against his own interest: for, the ship being destroyed, no prize money could be realized, whereas the bond would be valuable to him at the end of the war. And although it was to be presumed that every officer would, from a sense of duty, destroy as many of his prizes as possible, yet we see that, at least, he had no private interest to urge him to destroy them when there was a question of neutral rights, his leaning being, in fact, the other way.

"This, then, is the working of those British orders in council which, on the face of them, appear to be entirely unexceptionable. Stripping off the diplomatic disguise of language—which is so thin and transparent that the wonder is that it should have been resorted to at all with the hope of concealment—more unjust, oppressive, and unneutral orders could not have been devised. If the practical effect of these orders is such as I have stated, what excuse can be offered for adopting them? Can it be said that no other course was open to the British government under the laws of nations? If so, that would be a sufficient excuse; for where a government has no alternative it would certainly be unjust to hold it responsible for all the consequential damages of its acts. It might be said, with truth, in reply to our complaints, 'We were obliged, under the laws of nations regulating and controlling our neutrality, to exclude your prizes from our ports; and if, by reason of your inferior naval force, and the consequent blockade of your ports, the rule operates more harshly upon you than upon the enemy, that is your misfortune, not our fault.' But the fact is there is no such excuse to offer. It was, at least, equally as open to Great Britain to admit as to exclude our prizes, as I will now proceed to show. The practice of nations has been various on this point, and it rests in the discretion of each nation to admit prizes into its ports or to exclude them as it may think fit. This seems to be the general understanding of the law on this question, although there is very respectable authority for the opinion that a nation cannot lawfully exclude the prizes of a belligerent without previous treaty stipulations to that effect.—(*Loccenius de Jure Maritimo*, L. 2, c. 4, s. 7.) As a general rule, belligerent nations have not favored the carrying of their prizes into neutral ports, and the reasons are obvious. It is much more convenient for the prize courts that they should have the actual custody of the prize to be adjudicated. And the bringing in of prizes to the home ports gives the subjects of the captor an opportunity of dealing in prize property, an object of no small importance in a maritime war where many valuable captures are made. It gives the government, too, the advantage of buying in such ships as it may wish to equip for the purposes of war—an advantage of which the federal States have frequently availed themselves during the present war. Hence belligerent nations have generally required their cruisers to bring their prizes into the home ports. Still, in cases where the contrary practice was convenient, nations have freely availed themselves of it without let or hindrance from neutrals, unless there was a treaty in the way. In former wars in which Great Britain has been concerned Leghorn and Lisbon were frequently made use of for this purpose; the prizes being condemned and sold without ever reaching the home ports at all. But taking the modern practice to be for the neutral to admit or exclude prizes at pleasure, the presumption always is, previous to the issue by the neutral of any order on the subject, in favor of the admission—this having been the more common practice. On this point see *Wheaton's Elements*, (Lawrence,) p. 498; see also 3 *Phillimore's International Law*, p. 467, sec. 363. The treaties between nations on this subject have been as various as the practice. In 1778 a treaty was entered

into between France and the United States, whereby no ship of the enemy of either party was allowed to sell her prize, or discharge her cargo, or buy more provisions than immediately indispensable in the ports of the other.

“In 1800 a similar treaty was entered into by the same parties.

“In 1794 a treaty of exclusion was made between England and the United States.

“In 1806 a treaty was made between the same parties containing similar provisions.

“In 1782 a treaty was entered into between the United States and Holland, then one of the principal maritime powers, whereby the sale of prizes brought by either party into the ports of the other was legalized.

“In 1742 a treaty was made between Spain and Denmark authorizing the reception and sale of prizes reciprocally; and so late as 1829 a treaty was ratified between Holland and the republic of Colombia authorizing the reception of prizes into each other's ports.

“Now, if the treaties between Great Britain and the United States were still in existence, there is no doubt that Great Britain would be obliged under those treaties to apply the rule of exclusion to the Confederate States; but it will be remembered that a war occurred between the two contracting parties in 1812, subsequently to the formation of those treaties, which abrogated them; and the subject has not since been renewed either in the treaty of Ghent, which put an end to that war, or in any subsequent treaty. The ignoring of such a question, after it had once been made the subject of a treaty, places in a very strong light the intention of the parties to remain perfectly free to exercise their discretion for the future. Great Britain, then, has no excuse for the unjust and unneutral course she has pursued. She can neither affirm that she had no alternative under the laws of nations, nor that she was bound by any treaty obligation.

“One more question, which has already been incidentally noticed, remains to be disposed of. If Great Britain had permitted the entry of prizes into her ports, would this have enabled the captors to condemn them so as to give an indefeasible title to the purchaser? Without doubt. Notwithstanding Lord Stowell, in the case of the ‘*Flad Oyen*,’ (1 Rob., pp. 139–142.) declared the practice (he was commenting on the practice of the French courts, in the heat of a French war, and every lawyer knows the *vim* with which his lordship assailed everything French) to be ‘infrequent and irregular,’ it is now well settled that a belligerent prize court, sitting in its own country, may adjudicate a prize lying in neutral waters, provided the possession of the captor remains. And this position seems to be as unanswerable in principle as it is well settled in practice. The proceeding in a prize case is *in rem*, and to give the court jurisdiction it is only necessary that it should have possession of the prize. But this need not be actual possession by the officers of the court, as by the marshal and his bailiffs. It is sufficient if the captor, or his duly appointed agent, has possession, because his possession is that of the government under whose authority the court sits, as effectually as would be that of the marshal; and no principle is better settled than that a neutral government has no right to interfere with the captor's possession of his prize—the case only excepted of the capture having been made within the waters of the neutral territory. So that if the prize be admitted into the neutral port at all—and the argument proceeds upon that hypothesis—the captor's possession remains as firmly established as if he and his prize were in his own country. In support of this jurisdiction of the prize court I quote the following authorities:

“In 111 *Phillimore's International Law*, p. 482, it is said: ‘An attentive review of all the cases decided in the courts of England and the North American United States during the last war (1812) leads to the conclusion that the condemnation of a capture by a regular prize court, sitting in the country of the belligerent, of a prize lying at the time of the sentence in a neutral port is

irregular, but clearly valid. It appears to be the inclination of the English prize court during the present war (Russian) to limit to cases of necessity the condemnation of vessels lying in a neutral port. It is scarcely necessary to add, after what has been said as to the former French law on condemnations by judges of the belligerent in neutral ports, (that is, the judge and the prize both being in the neutral port,) that such condemnations of vessels lying in neutral ports are holden valid by the French prize courts.' Again, in the volume already quoted, p. 426, it is said: 'The courts of the North American United States allow that property may be condemned in the courts of the captor while lying in a neutral country, but still they rightly hold that it can only be so adjudicated upon while the possession of the captor remains; for if it be divested, either in fact or by operation of law, that possession is gone which can alone sustain the jurisdiction. And it is to be observed that, *a fortiori*, where the property is already in the custody of a neutral tribunal, and the title is there. *sub judice*, no other foreign court can, by any adjudication of its own, rightfully take away, forestall, or defeat the jurisdiction of this neutral tribunal;' and the author quotes 7 *Wheaton's Reports*, 355. It thus appears that, unless the captor divests himself of the possession of the prize, (as by sale, without waiting for condemnation,) or his possession is divested by operation of law, (as by his bringing a prize captured within neutral waters within neutral jurisdiction,) the belligerent prize court, sitting in its own country, has ample power to adjudicate.

"There would seem, then, to be no difficulty in the way of Great Britain's revoking her unjust and unneutral orders in council and returning to a sense of justice. If individuals are bound in conscience to retract their errors when once discovered, how much more are nations bound to do so, the consequences of whose errors are so much more wide-spread? By doing justice to the Confederate States Great Britain will not be doing injustice to the federal States. If she gives an asylum in her ports to the former, she will equally give it to the latter; and if this should work an incidental advantage to the Confederate States, why should this be objected to more than the opposite rule, which has worked them so many disadvantages? And will it be less graceful in Great Britain to perform this act of justice because one of the parties in the *forum* is struggling against odds, while the other has become overbearing, nay, truculent and defiant, from a fancied excess of brute strength? It is never safe for a nation, any more than an individual, to temporize, especially with a bully, and at the cost of injustice to a weaker party. Great Britain innocently fancies that she is 'laying up against a rainy day'—that is to say, that she is conciliating the 'universal Yankee nation' by her present one-sided course, and establishing wise and safe precedents to be followed by that people hereafter when she shall herself become a belligerent. But I warn her that it is all fancy, and that she will reap the reward of her timidity in the usual way—timidity on the part of nations always inviting further insult and outrage. A people who have become so lunatic as to destroy a constitutional government and voluntarily submit their neck to the yoke of a coarse and illiterate tyrant for the sake of butchering, in gratification of their revenge, eight millions of their former fellow-citizens, will hardly permit themselves to be ruled by English precedents, to be calmly quoted to them by some future peace-loving Earl Russell from ponderous blue-books."

[From the Times of June 16, 1864.]

A letter from Captain Semmes on the subject of maritime law cannot fail to command attention. If we are to take the statements of his enemies literally, this officer is the commander of a piratical vessel, and is therefore a pirate himself, liable to be strung up to the yard-arm of the first ship that catches him. The very idea of such a character quietly sitting down, with *Phillimore* and *Whea-*

ton before him, to justify his own proceedings and claim the sympathy of the English public, is not a little incongruous. It seems to show that, whether a pirate or not in a technical sense, he has more refined feelings than we commonly attribute to persons of that lawless class, and believes himself to be serving in a good cause. For ourselves, we have never regarded Captain Semmes in any such light, or supposed the term "pirate" to have been applied to him in sober earnest. A pirate is a highwayman of the seas, preying on commerce without a commission from a belligerent state, and this could never be said with truth of Captain Semmes. The charge against him was that he took upon himself to condemn and burn his prizes at sea without bringing them before a proper court of adjudication; but this practice, if it were ever so illegal, is no more piracy than it is forgery. If any journal, "negrophilist" or otherwise, has called it so, it can have been only by a figure of speech. At the same time, the right of a belligerent cruiser to destroy merchantmen on the high seas as the *Alabama* has done, has certainly been questioned, though somewhat vaguely, and Captain Semmes's apology for this part of his conduct cannot be considered superfluous.

The sum and substance of his argument is, that he burnt the ships because he had no other means of annoying the federals, and this is the best account that he could give of the matter. The truth is, that the text-books of international law are almost silent upon the subject. They assume that it will be the interest of the captor to carry his prizes into a port of his own country, so as to dispose of them and realize their value. They hardly contemplate the case in which, all those ports being strictly blockaded, he must either forego the power of injuring his enemy's carrying trade, or take the law into his own hands. Not that even Captain Semmes would venture to claim for himself the same authority as a prize court. He does not pretend that any decision of his could divest the property in any ship or cargo, or confer a good title on a purchaser. He merely determines, at his own peril, after an inspection of the ship's papers, that she belongs to such and such parties, whether neutrals or belligerents, and acts accordingly. If he makes a mistake, his government is responsible for it; and if neutral goods should be destroyed in an enemy's vessel, the neutral merchant is entitled to compensation. Captain Semmes complains that he was compelled in many instances to release prizes on ransom bond for the benefit of neutrals interested in the cargo, thereby leaving the enemy free to employ them for commercial purposes during the rest of the war. This consideration, he tells us, was the reason why "as few of these ships as possible were released on bond." On the other hand, he takes credit to himself and his officers for every ship set on fire, inasmuch as they sacrificed their own chances of prize money to the good of the Confederate States.

We need not follow Captain Semmes further into these questions as to the disposal of prizes, because the notions which he combats really involve a confusion of thought. The validity of captures can only be decided conclusively by a prize court, and it is erroneously inferred from this that an enemy's property cannot be destroyed till it has been found to be such by judicial inquiry. The fallacy, thus stated, is obvious; it consists in not distinguishing between the essential fact—viz: the ownership of the vessel—and the mode of procedure by which that fact must be established so as to bar adverse claims. It is a great pity that Captain Semmes was not content with exposing this error, and has thought it necessary to retort upon the government of this country. His grievance is that the orders in council, dated June 1, 1861, were issued with the full knowledge that they would operate unfairly towards the confederates. He denounces them on this ground as "unjust and unneutral," and urges us in the strongest language to recall them. Before we advert to his elaborate disquisition on the usage of neutral nations with respect to the admission or exclusion of prizes, we must take exception to the principle on which the whole

of it is based. "What is neutrality?" asks Captain Semmes. "Impartiality," not in form only, but in substance—that is, not only actual impartiality, but such impartiality as will stand the test of "practical consequences." There cannot be a greater misconception of neutrality than this. To be neutral is to remain at peace while other nations are at war, and to give no assistance to either. It is essentially a negative attitude, and nothing would be more likely to lead to a practical violation of it than such attempts to dress the balance as Captain Semmes requires from us. His theory is that we should deliberately calculate the bearing of any regulation about the use of our own territory that we may see fit to make upon the interests of the two belligerents. If the one happens to be weaker, we must take care that we do not add to the inequality of force, and so adjust our conduct that the issue of the contest may be the same as if Great Britain were not in existence. Not to dwell on the hopeless impossibility of steering such a course, we utterly deny that it would be impartial, or that, if impartial, it would be neutral. To refrain from closing our own ports, because the confederates have no access to their own, would be the very height of partiality. To allow both parties to fit out naval expeditions in them, though it might be impartial, would be a *reductio ad absurdum* of neutrality. The safest rule is to think much less of the belligerents than of ourselves, and to decline all responsibility for the possible effects of a righteous and disinterested policy on the fortunes of the war. Captain Semmes thinks he has proved his point when he calls the orders in council "a staggering blow" at "the Confederate States," and a "playing into the hands of the federal States." If such was their intention—which he does not even assert—*cadit questio*. If such was the incidental result of them, being, as they were, in strict accordance with the spirit of neutrality, what does it prove?

The basis, then, of Captain Semmes's reasoning being radically unsound, the superstructure can hardly be stronger. It is in vain that he accumulates authorities to show that if we had not expressly excluded the prizes of both belligerents, the presumption would have been in favor of their admission. Very likely it might, though it is a point upon which the text writers speak with hesitation; but what is beyond all question is, that we had a perfect right so to exclude them, and that we exercised it. Of course, it would have been very convenient to the Confederate States to have prize courts of their own, sitting at Charleston or Savannah upon prizes constructively in their custody, but in fact lying safely in the Mersey or the Thames. No doubt it was extremely vexatious to see the prime inducement to privateering cut away by the order in council, for no private adventurer could afford to adopt the tactics of the Alabama and her consorts. "As if by magic, the privateers which had already been commissioned disappeared from the seas," and, "so far as results were concerned," "the declaration of Paris was put in force against the confederates. The inference drawn by Captain Semmes is, that being free to choose one of two alternatives, we should have chosen that which would have been least hard upon him. This reminds us of the "sympathy" which the northerners used to demand that we should infuse into our neutrality. Had we yielded to such appeals on either side, we should by this time be playing the part of the Homeric Zeus, now giving the Trojans a lift, now inclining the scales in favor of the Greeks. Again we must protest against so absurd a view of our true position as neutrals. We do not care to discuss with Captain Semmes the question whether we were bound by any treaty obligations to do as we did; it is enough for us that we were not prohibited by any such obligations, and acted in perfect good faith. Everything that has since happened confirms us in the belief that it was far better to refuse than to concede the privilege of asylum to both of the belligerents. Other nations thought the same, and the fact of their following our example, which Captain Semmes converts into a fresh topic of accusation against us, ought to have opened his eyes to the extravagance of his

last paragraph. It would have been more to the purpose if, instead of imputing unworthy motives to this country, he had taken the opportunity of explaining the circumstances under which the Alabama and other confederate cruisers have been equipped in fraud of that neutrality which he invokes. Justice is one thing, but parties who claim something more than justice, because they are "struggling against odds," must at least come into court with clean hands.

Mr. Adams to Mr. Seward.

No. 721.]

LEGATION OF THE UNITED STATES,
London, June 16, 1864.

SIR: I have the honor to transmit a copy of a note this day received from Lord Russell, with a printed enclosure, being an extract from the London Gazette of the 15th of December, 1863. I annex a copy of my note in reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, June 15, 1864.
2. Extract from London Gazette, December 15, 1863.
3. Mr. Adams to Lord Russell, June 16, 1864.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 15, 1864.*

SIR: The regulations issued by her Majesty on the 31st of January, 1862, for the preservation of neutrality during the existing hostilities in North America, prescribe, as you are no doubt aware, that no ship-of-war or privateer belonging to either of the belligerents shall enter or remain in the port of Nassau, or any other port, roadstead, or waters of the Bahama islands, except by special leave of the lieutenant governor, or in case of stress of weather. It is, therefore, with regret that I have to state that it has been reported to her Majesty's government that vessels-of-war belonging to the United States are in the habit of resorting to the more distant and least populous of the Bahamas out-islands in disregard of those regulations.

I beg leave to instance the case of the United States gunboat *Tioga*, which is reported to her Majesty's government to have anchored without permission in the roadstead of Bimini on the 12th of April last. On that occasion a boat rowing eight oars, and having several officers in her, proceeded for the shore, and when they were met by the police magistrate of Abaco, who represented to them that their presence there was contrary to the Queen's regulations, they are stated to have expostulated, and to have asserted that they were permitted to remain there twenty-four hours.

This proceeding on the part of the United States gunboat *Tioga* could not, however, be excused on the ground of ignorance of the Queen's regulations, for it appears that the commander's attention had been called to these regulations a short time before, on the occasion of the *Tioga's* having entered Little Harbor, Abaco; neither could it be justified on the score of stress of weather, as the weather at Bimini on the 12th of April last is stated to have been "delightfully fine."

It has been further represented to her Majesty's government that this particular gunboat has made frequent visits to the Bahama out-islands for the purpose of obtaining supplies; and even admitting that advantage has not been taken of these visits to commit acts inconsistent with her Majesty's neutrality, these visits are not the less a violation of the Queen's regulations, and as such are deserving of reprehension.

I must, therefore, request that you will have the goodness to call the attention of your government to this subject; and I have the honor to enclose copies of the regulations referred to, to which is appended an explanatory instruction, issued by the Secretary of State for the colonies on the 6th of October last.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Extract from the London Gazette of the 15th December, 1863.

FOREIGN OFFICE, *December 15, 1863.*

Copies of a letter from Earl Russell to the lords commissioners of the admiralty, and of a despatch from the Duke of Newcastle to the governor of the Bahamas:

FOREIGN OFFICE, *January 31, 1862.*

MY LORDS: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves "the Confederate States of America," and being, moreover, resolved to prevent, as far as possible, the use of her Majesty's harbors, ports, and coasts, and the waters within her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your lordships, for your guidance, the following rules, which are to be treated and enforced as her Majesty's orders and directions:

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel islands on and after Thursday, the 6th day of February next, and in her Majesty's territories and possessions beyond the seas, six days after the day when the governor or other chief authority of each of such territories or possessions, respectively, shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

I. During the continuance of the present hostilities between the government of the United States of North America and the States calling themselves "the Confederate States of America," or until her Majesty shall otherwise order, no ship-of-war or privateer belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama islands, except by special leave of the lieutenant governor of the Bahama islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave, or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

If, at the time when this order is first notified in the Bahama islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the lieutenant governor shall give notice to such vessel to depart, and shall require her to put to sea, within such time as he shall, under the circum-

stances, consider proper and reasonable. If there shall then be ships-of-war or privateers belonging to both the said belligerents within the territorial jurisdiction of her Majesty, in or near the same port, roadstead, or waters, the lieutenant governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessel of the other belligerent (whether the same shall be a ship-of-war, or privateer, or merchant ship) which shall have left the same port, roadstead, or waters, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of her Majesty.

II. During the continuance of the present hostilities between the government of the United States of North America and the States calling themselves "the Confederate States of America," all ships-of-war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel islands, or in any of her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British crown, as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship-of-war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship-of-war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of her Majesty.

III. If any ship-of-war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel islands, and in the several colonies and foreign possessions and dependencies of her Majesty, respectively, enter any port, roadstead, or waters belonging to her Majesty, either in the United Kingdom or in the Channel islands, or in any of her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew or repairs; in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel, which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships-of-war, privateers, or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship-of-war, a privateer, or a merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship-of-war or privateer of the other belligerent; and the times, hereby limited, for the departure of such ships-of-war and privateers, respectively, shall always, in case of necessity, be extended, so far as may be requisite for giving effect to this proviso, but not further or otherwise.

IV. No ship-of-war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew; and except so much

coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship-of-war or privateer, in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

I have, &c.,

RUSSELL.

NOTE.—A similar letter has been addressed to the secretaries of state for the home, colonial, war, and India departments, and to the lords commissioners of her Majesty's treasury.

DOWNING STREET, *October 6, 1863.*

SIR: Doubts having been expressed as to whether, under the regulations of the 31st January, 1862, which were embodied in a proclamation issued by you on the 11th March following, it is required that the commander of a belligerent ship-of-war or privateer should obtain the permission of the local authorities before entering the ports, roadsteads, or waters of the Bahamas out-islands, when the governor is not there present, I am to acquaint you that Earl Russell has taken her Majesty's pleasure thereupon, and you are to understand that at the ports of the out-islands, as at Nassau, the special leave of the governor himself is required (unless in stress of weather) by any belligerent vessel desiring to enter, with this exception only, that in cases of grave emergency and real necessity and distress, such as a sailing vessel being dismasted, or accident happening to the machinery of a steam vessel, the vessel may enter the ports, roadsteads, or waters, on obtaining leave from a resident officer, to whom the governor shall have delegated his authority in that behalf.

With a view to give effect to her Majesty's intentions, you will be pleased to convey to the officers in the out-islands to whom it may best be confided, the authority in question, taking care to communicate to them copies of the regulations of the 31st January, 1862, and calling their especial attention to the limits of the authority delegated, and to that clause of the regulations of 31st January, 1862, in which it is directed that vessels entering under stress of weather, or by special leave, shall be required to put to sea as soon as possible.

I have, &c.,

NEWCASTLE.

Governor BAYLEY, *C. B., &c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, June 16, 1864.

MY LORD: I have the honor to acknowledge the reception of your note of the 15th instant, in relation to certain proceedings of the commander of the United States gunboat *Tioga*, at the Bahama islands, represented to be in violation of the regulations made by her Majesty's government in regard to the reception at the ports in those islands of vessels engaged in the present war in America, two printed copies of which have been at the same time furnished me, with a request that I would call the attention of my government to the subject.

In accordance with your lordship's desire, I shall seize the first opportunity to transmit this representation to my government, from whom I do not doubt that the subject will meet with the most prompt consideration.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 722.]

LEGATION OF THE UNITED STATES,

London, June 17, 1864.

SIR: The meeting of the conference has been twice postponed this week. It is now fixed for Saturday. Meanwhile the greatest efforts are making by this government to bring about some arrangement. These are doubtless stimulated by a knowledge that the opposition contemplate proposing in the House of Commons a vote of want of confidence in case of failure. This movement has been much talked about during the past week; but there are intimations that the cohesion necessary to success is not established in the party. Should this be so it will not be attempted.

The ministerialists are now sanguine as to their continuance for another year, in spite of the known divisions in the cabinet.

Mr. Lindsay has made some modifications in his motion which is in order for this evening. But even as it stands, under present circumstances, it is scarcely likely that he will press it. He may postpone it again, in the hope of hitting a better opportunity hereafter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 723.]

LEGATION OF THE UNITED STATES,

London, June 17, 1864.

SIR: I have the honor to transmit herewith two papers just issued by her Majesty's government—one being "instructions to governors of colonies respecting the treatment of prizes captured by federal or confederate cruisers if brought into British waters;" and the other, a return of the number and tonnage of American vessels sold to British subjects in the year 1863.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

BELLIGERENT CRUISERS.

Circular instructions to governors of colonies respecting the treatment of prizes captured by federal or confederate cruisers, if brought into British waters.

DOWNING STREET, June 2, 1864.

SIR: I think it well to communicate to you the decisions at which her majesty's government have arrived on certain questions which have arisen respecting the treatment of prizes captured by federal or confederate cruisers, if brought into British waters.

1. If any prize captured by a ship-of-war of either of the belligerent powers shall be brought by the captors within her Majesty's jurisdiction, notice shall be given by the governor to the captors immediately to depart and remove such prize.

2. A vessel which shall have been actually and *bona fide* converted into and used as a public vessel-of-war, shall not be deemed to be a prize, within the meaning of these rules.

3. If any prize shall be brought within her Majesty's jurisdiction through mere stress of weather, or other extreme and unavoidable necessity, the governor may allow for her removal such time as he may consider to be necessary.

4. If any prize shall not be removed at the time prescribed to the captors by the governor, the governor may detain such prize until her Majesty's pleasure shall be made known.

5. If any prize shall have been captured by any violation of the territory or territorial waters of her Majesty, the governor may detain such prize until her Majesty's pleasure shall be made known.

Her Majesty's government have not thought it necessary to make any addition to the instructions already given with respect to cargoes, viz., that her Majesty's orders apply as much to prize cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

These rules are for the guidance of the executive authority, and are not intended to interfere in any way with the process of any court of justice.

I have, &c.,

EDWARD CARDWELL.

A return of the number and tonnage of American (United States) vessels sold and transferred to British subjects in the year 1863; with the names of the parties, (sellers and purchasers;) also stating whether the ships so transferred were afterwards (wholly or in part) mortgaged; and if so, whether the mortgagees were British subjects or foreigners.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged
Tornado, (foreign name same).	1, 721	Henry Threlfal Wilson and James Chambers, both of Liverpool, county of Lancaster, merchants, joint owners.	Not mortgaged.
Meerschbaum, (foreign name, Harvest Queen.)	1, 122	Arnold de Beer Barchuson, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Golden Age, (foreign name, Ella A. Clarke.)	1, 068	Joseph Greaves, of Liverpool, county of Lancaster, merchant.-----	Mortgage, dated 25th June, 1863, for sums due on an account current, and interest, to Thomas Brittain Forwood and Arthur Bower Forwood, both of Liverpool, county of Lancaster, merchants, joint mortgagees.
Charmer, (foreign name same).	1, 048	William Hughes Daunt, 34 shares; and James Walker, 30 shares; both of Liverpool, county of Lancaster, merchants.	Not mortgaged.
Forrest Queen, (foreign name same.)	648	Carruthers Charles Johnston, 32 shares; Thomas Burnard Gunston, 32 shares; both of Liverpool, county of Lancaster, merchants.	Not mortgaged.
Coburg, (foreign name, R. B. Sunner.)	1, 057	John Robinson, of Liverpool, county of Lancaster, gentleman.	Not mortgaged.
Sarah, (foreign name, Alice)---	353	Samuel Gardner, of Liverpool, county of Lancaster, merchant.-----	Not mortgaged.
Hypatia, (foreign name, Florence.)	869	William Henry Jones, 32 shares; John Samuel McKnight, 32 shares; both of Liverpool, in the county of Lancaster, merchants.	Not mortgaged.
Clara Ewen.-----	282	Charles Findlater, of London, county of Middlesex, master mariner--- Who transfers his interest to Alexander Robinson, of Dublin, county of Dublin, merchant.	Mortgage, dated 11th May, 1863, for sums due on account current to Robert Rankin, the younger, of Liverpool, in the county of Lancaster, merchant; subsequently discharged Mortgage, dated 17th November, 1863, for sums due on account current to Charles Walford Kellock, of Liverpool, in the county of Lancaster, broker; who sells under the mortgage.

Berlin, (foreign name same).	848	Josiah Jones, the younger, of Liverpool, in the county of Lancaster, ship-builder— Who transfers his interest to William Nicolas de Mattos, of 27 Leadenhall street, city of London, merchant.	Mortgage, dated 26th June, 1863, for an account current, to Henry Dresser, of Great St. Helen's, city of London, merchant. Not mortgaged.
Blenheim, (foreign name, Ocean Scud.)	1, 141	John Peter Van Rossum, of the city of New York, in the United States of America, merchant.	Not mortgaged.
Albion, (foreign name same).	1, 245	James John Tapscott, merchant, 8 shares; William Western Tapscott, merchant, 32 shares; Sarah Tapscott, spinster, 16 shares; Samuel Smith, merchant, 4 shares; John Farmer, merchant, 4 shares; all of Liverpool, in the county of Lancaster.	Not mortgaged.
Mary Warren, (foreign name same.)	955	George Warren, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Leamington, (foreign name, De Soto.)	973	William Henry Haynes, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Neptune's Car, (foreign name same.)	1, 156	Jacob Michael, of St. Mary Axe, in the city of London, ship-owner— Who transfers his interest to William Nicholas de Mattos, of 27 Leadenhall street, city of London, merchant.	Mortgage, dated 15th May, 1863, for an account current, with interest, to John Gillespie, William Smith Churchill and Charles Frederick Mozley, of Great Winchester street, city of London, merchants, joint mortgagees. Not mortgaged.
Sea Flower, (foreign name same.)	1, 072	James Jackson and Robert Burke Homan, joint owners, 48 shares; George McCorquodale, 16 shares; all of Liverpool, in the county of Lancaster, merchants.	Not mortgaged.
St. Leonard's, (foreign name, Abner Stitsen.)	1, 108	Arthur Bower Forwood, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Hemisphere, (foreign name same.)	1, 155	James Jernyn Mack, stevedore, 11 shares; John Durant, stevedore, 11 shares; Edward Durant, stevedore, 11 shares; William Laurence Sutherland, ship-carpenter, 11 shares; Joseph Thorburn, merchant, 11 shares; Charles Walford Kellock, shipbroker, 9 shares; all of Liverpool, county of Lancaster.	Not mortgaged.
Royal Dane, (foreign name, Sierra Nevada.)	1, 616	James Bains and Joseph Greaves, shipowners, of Liverpool, in the county of Lancaster; Thomas Miller Mackay and John Taylor, shipowners of the city of London; all joint owners.	Mortgage, dated 18th May, 1863, for sums due on account current to William Lucas Merry, of Cannon street, in the city of London, merchant, on 60 shares.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Elphaleet Greely, (foreign name same.)	1, 091	George Taylor and William Tipper, both of Liverpool, in the county of Lancaster, merchants, joint owners.	Not mortgaged.
Genoa, (foreign name same)---	651	Elijah James Crocker, of Liverpool, in the county of Lancaster, ship chandler.	Not mortgaged.
Southern Ocean, (foreign name Otsonthe.)	1, 265	James Baines and Joseph Greaves, of Liverpool, in the county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, of Leadenhall street, city of London, shipowners; all joint owners.	On 60 shares; mortgage, dated 18th May, 1863, for sums due on account current, to Wm. Lucas Merry, of Cannon street, city of London, merchant.
Laughing Water, (foreign name same.)	925	James Walker, of Liverpool, in the county of Lancaster, merchant.	Mortgage, dated 3d June, 1863, for sums due on account current, to John Gillespie, of Great Winchester street, city of London, merchant.
Arab, (foreign name same)---	302	Charles Jones, of Liverpool, in the county of Lancaster, sailmaker.	Mortgage, dated 10th April, 1863, for sums due on account current, to James Malcolm, of Liverpool, in the county of Lancaster, merchant.
Realm, (foreign name same)---	673	Archibald Edmiston, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Bird of Paradise, (foreign name, Henrietta.)	705	Alexander Taylor and Joseph Taylor, joint owners. 40 shares; Samuel Cearus and Aaron Brown, joint owners. 8 shares; Samuel Smith, 8 shares; all of Liverpool, county of Lancaster, merchants; Edward Hudson, of Sheffield, county of York, manufacturer, 8 shares.	Not mortgaged.
Western Ocean, (foreign name same.)	1, 255	James Baines and Joseph Greaves, of Liverpool, in the county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, of Leadenhall street, in the city of London, shipowners; all joint owners.	Not mortgaged.
British crown.-----	1, 121	William Hughes Daunt, of Liverpool, in the county of Lancaster, shipowner.	Not mortgaged.
Surat, (foreign name same)---	499	James Napier, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.

Emily Flinn, (foreign name, Parthenon.)	1, 009	George Taylor and William Tipper, both of Liverpool, county of Lancaster, merchants, joint owners.	Not mortgaged.
Arab, (foreign name same)-----	594	William Wallace Bruce, of Liverpool, county of Lancaster, shipowner.	Not mortgaged.
Atmosphere, (foreign name same.)	1, 378	William Western Tapscott, merchant, 32 shares; Sarah Tapscott, spinster, 16 shares; Samuel Smith, merchant, 4 shares; John Farmer, merchant, 4 shares; James John Tapscott, merchant, 4 shares; all of Liverpool, county of Lancaster.	On 48 shares; mortgage, dated 15th May, 1863, to secure sum due on an account current, to Charles Mozley and Lewin Bamin Mozley, of Liverpool, county of Lancaster, bankers, joint mortgagees.
Clarissa Currier, (foreign name same.)	1, 126	John Holfeldt, 32 shares; Henry McBlain, 32 shares, both of Quebec, in the province of Canada, merchants.	On 32 shares; mortgage, dated 23d of October, 1863, for an account current, and interest at 7 per cent., to Alfred Falkenberg and Henry McBlain, both of Quebec, in the provinces of Canada, merchants, joint mortgagees; subsequently discharged.
Columbus, (for'gn name same)---	1, 077	George Warren, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Sharon, (foreign name same)---	306	Henry Salt, of Liverpool, county of Lancaster, shipowner.	Not mortgaged.
Corsair, (foreign name, Katakasia.)	679	John Starr de Wolf and James Ratchford de Wolf, both of Liverpool, in the county of Lancaster, merchants, joint owners.	Not mortgaged.
Charlotte and Emma, (foreign name, Anne L. Mowe.)	562	James Orr, of Londonderry, county of Londonderry, ship broker.---	Mortgage, dated 5th May, 1863, for sums due on an account current, to Charles Walford Kellock, of Liverpool, county of Lancaster, shipbroker.
Edith Jane, (foreign name, Emma F. Chase.)	298	William Wallace Bruce, of Liverpool, county of Lancaster, shipowner.	Mortgage, dated 5th November, 1863, to secure sums due on an account current, to William Barter and Edward Russell Cummins, both of the city of London, merchants, joint mortgagees.
America, (foreign name same.)	1, 199	Samuel Cearus, 8 shares; Edward Shoyd, 8 shares, Josiah Thompson, 12 shares; Aaron Brown, 8 shares; all of Liverpool, county of Lancaster, merchants; James Atkins, stevedore, 12 shares; Wm. McEbrov, shipwright, 12 shares; George Lingham, accountant, 2 shares; of Liverpool as aforesaid; Frederick Green, book-keeper, of Prescott, county of Lancaster, 2 shares.	Not mortgaged.
Wisconsin, (for'gn name same).	950	Stephen Barker Guion, of Liverpool, county of Lancaster, merchant.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Chancellor, (foreign name same.)	1, 971	James Jermyn Mack, of Liverpool, in the county of Lancaster, stevedore.	Not mortgaged.
Maribelle, (foreign name, Belle of the Ocean.)	1, 019	John Alexander Sellar, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Mersey, (foreign name, Nathaniel Thompson.)	707	William Chard Fox, of Liverpool, county of Lancaster, ship store dealer.	Not mortgaged.
Elton, (foreign name, Overman.)	302	Edwin Pinkham, of Barrington, Nova Scotia, shipowner	Not mortgaged.
Tiptree, (foreign name, Metropolitanis.)	942	William Chard Fox, of Liverpool, county of Lancaster, ship store dealer.	Not mortgaged.
Granada, (foreign name unknown.)	705	William Pirrie, Joseph Thompson, and Robert Reid, all of Liverpool, county of Lancaster, shipowners, joint owners.	Not mortgaged.
Queen of the South	1, 589	James Baines and Joseph Greaves, both of Liverpool, county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, both of Leadenhall street, city of London, shipowners, joint owners.	Not mortgaged.
Ganges, (foreign name same)---	1, 212	Edmund Thompson, of Liverpool, county of Lancaster, shipowner.	Not mortgaged.
Cynosure, (foreign name same)---	1, 418	William Western Tapscott, merchant, 32 shares; James John Tapscott, merchant, 4 shares; Sarah Tapscott, spinster, 16 shares; Samuel Smith, merchant, 8 shares; John Farmer, merchant, 4 shares; all of Liverpool, county of Lancaster.	Not mortgaged.
Dauntless, (foreign name, Rufus Choate.)	1, 051	Edmund Thompson, of Liverpool, county of Lancaster, shipowner.	Not mortgaged.
Hamilton, (for gn name same)---	221	William Wallace Bruce, of Liverpool, county of Lancaster, ship-owner.	Not mortgaged.
Florence Nightingale, (foreign name same.)	1, 260	Henry Whittle, 32 shares; John Park, 32 shares; both of Liverpool, in the county of Lancaster, merchants.	Not mortgaged.
Stonewall Jackson, (foreign name, Phineas.)	429	William Deanes Harris, of Cork, in the county of Cork, merchant.	Not mortgaged.
Simoda, (foreign name same)---	651	Andrew Leighton, of Liverpool, in the county of Lancaster, shipowner.	Not mortgaged.
Rockhampton, (foreign name, James Brown.)	1, 065	James Baines and Joseph Greaves, both of Liverpool, county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, both of the city of London, shipowners; joint owners.	Not mortgaged.

Lord Brougham, (for'gn name, Young Sam.)	1, 057	Robert Girvin, of Liverpool, county of Lancaster, merchant.....	Not mortgaged.
Baron Macaulay, (for'gn name, Spiridin.)	1, 319	Robert Girvin, merchant, 56 shares; Oliver Cunningham, master mariner, 8 shares; both of Liverpool, county of Lancaster.	Not mortgaged.
Pernano, (foreign name same).	404	The Pacific Steam Navigation Company, of Liverpool, in the county of Lancaster.	Not mortgaged.
Flora, (foreign name, Flora Woodhouse.)	351	Thomas Gilgan, of Matamoros, merchant.....	Not mortgaged.
Eagle, (foreign name same)---	1, 724	Edward Rugehot, of Liverpool, county of Lancaster, shipowner.---	Not mortgaged.
Fearnought, (foreign name, Isabella.)	1, 302	Edmund Thompson, of Liverpool, county of Lancaster, merchant.---	Not mortgaged.
Kate Gregory, (foreign name, Matilda.)	1, 013	John Cleverly, of the city of London, merchant.....	Not mortgaged.
Recovery, (foreign name, Niobe.)	817	James Wilson Robinson and John Allison Foster, both of Liverpool, county of Lancaster, merchants, joint owners.	Not mortgaged.
Virginian, (for'gn name same).	308	Edward Hatton and Thomas Worthington Cookson, both of Liverpool, in the county of Lancaster, merchants, joint owners.	Not mortgaged.
Milton, (foreign name same)---	753	Hugh Andrews, the younger, of Belfast, in the county of Antrim, shipowner, 32 shares; James Alexander, of Liverpool, county of Lancaster, shipowner, 32 shares.	Not mortgaged.
Joseph Taylor, (foreign name, James M. Hicks)	542	Matthew Isaac Wilson, of Liverpool, county of Lancaster, shipowner,	Not mortgaged.
Anna, (foreign name, Guiding Star)	530	Benjamin Crawley, of Yarmouth, Nova Scotia, merchant.....	Not mortgaged.
Cheshire, (foreign name, Wellington.)	684	Matthew Isaac Wilson, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Ellora, (foreign name, S. H. Talbot.)	627	Elijah James Crocker, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Lady Rowena, (foreign name, Robert Cushman.)	1, 181	William Hughes Daunt, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Rock Light, (foreign name same.)	1, 767	Michael Bousfield, broker, 16 shares; William Mason, merchant, 16 shares; Richard James Tetley, merchant, 16 shares; Edward Hajgh, broker, 8 shares; Thomas Wilkinson Tetley, broker, 4 shares; Gordon Ross, merchant, 4 shares; all of Liverpool, county of Lancaster.	Not mortgaged.
Cestrian, (foreign name, Flying Scud.)	1, 216	Charles William Harrison Pickering, 48 shares; Charles Holland, 8 shares; Joseph Thompson, 4 shares; Frederick Julius Hubert Servaes, 4 shares; all of Liverpool, county of Lancaster, merchants.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Anglo-Indian, (foreign name, Sunshine.)	1, 487	Patrick Tregent, the younger, and Frederick Rushton Marrow, both of Liverpool, county of Lancaster, merchants; joint owners.	Not mortgaged.
Vivid, (foreign name, Vivid Light.)	430	James Anderson, of Liverpool, county of Lancaster, master mariner.	Not mortgaged.
Majestic, (foreign name same).	788	James Fisher Jones, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Ravenna, (foreign name same).	319	Edward Shaw, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
City of Mobile, (foreign name same.)	1, 797	Robert Shinn, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Florence Adelaide, (foreign name, Mary.)	830	Elijah James Crocker, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Lila Mansfield, (foreign name same.)	778	William Morrice, of Heath House, Leighton Buzzard; at present residing in New York, United States of America.	Not mortgaged.
Landsborough, (foreign name, Morning Star.)	1, 066	James Baines and Joseph Greaves, of Liverpool, county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, of Leadenhall street, city of London, shipowners; joint owners.	Mortgage, dated 29th October, 1863, for £5,500, and interest at 7½ per cent., to Thomas Britain Forwood, of Liverpool, county of Lancaster, merchant.
Cressington, (foreign name, Deshlers.)	282	John Francis Holmes Woodward, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Sherwood, (foreign name same.)	489	Alexander Taylor, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Wirralite, (foreign name, Vanguard.)	277	Edward Shaw, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
St. Hilda, (foreign name, Wisurgis.)	1, 001	John Jacob Lidgett and George Lidgett, both of 9 Billiter street, city of London, shipowners; joint owners.	Not mortgaged.
Thomas, (foreign name, Corinthian.)	225	Thomas Tolme, of Havana, in the island of Cuba, merchant.	Not mortgaged.
Flectwing, (foreign name, Lorenza.)	1, 105	James Miller, of Croydon, in the county of Surrey, shipowner.	Not mortgaged.
Mogul, (foreign name same) --	893	Gustav Claussen Schutz, of St. Leonard's-on-Sea, in the county of Sussex, shipowner.	Not mortgaged.

Jupiter, (foreign name, Black Sea.)	772	John Brown, of Bangor, in the county of Down, Ireland, merchant, 32 shares; Robert Brown Brown, of 52 Cheapside, city of London, merchant, 32 shares.	Not mortgaged.
Flowerly Land, (foreign name, C. W. Poulitney.)	371	William Wemyss Ker, of 25 Poultry, city of London, merchant.....	Not mortgaged.
King of the Seas, (foreign name, John Haren.)	1,085	Frederick Bassil, of Watford, in the county of Herts, shipowner.....	Mortgage, dated 15th June, 1863, for £4,400, with interest at 10 per cent., to George Tanner, of Crediton, county of Devon, gentleman; subsequently discharged. Mortgage, dated 11th September, 1863, to secure an account current to the Three Towns British Mutual Deposit and Loan Society, (limited,) of Stonehouse, county of Devon.
Yorick, (foreign name same)---	1,402	Anthony George Robinson, of 20 Mark lane, city of London, shipowner, 48 shares; George Palmer, of Greenwood, Bishop's Waltham, county of Hants, shipowner, 16 shares.	Not mortgaged.
Jumna, (foreign name same)---	821	Philip Thomas Blyth, of 17 Gracechurch street, city of London, shipowner—who transfers his interest to Alexander Fotheringham, of 54 Lime street, city of London, shipowner.	Mortgage, dated 29th June, 1863, to secure an account current, with interest at 10 per cent., to Philip Thomas Blyth, of 17 Gracechurch street, city of London, merchant.
Benares, (foreign name, Louisa)	822	John Brodie, of 21 Mark lane, city of London, shipowner, 24 shares; James Burness, of 138 Leadenhall street, city of London, shipowner, 24 shares; George Croshaw, of 116 Fenchurch street, city of London, shipowner, 16 shares.	Not mortgaged.
Mediator, (foreign name, Charlotte A. Stampler.)	1,069	Richard de Pass, of Abchurch lane, city of London, merchant, 48 shares; Thomas Stewart, of Ellen terrace, East India road, Poplar, county of Middlesex, master mariner, 16 shares.	Not mortgaged.
Fiery Star, (foreign name, Comet.)	1,361	James Baines, of Liverpool, county of Lancaster; Thomas Miller Mackay, of 1 Leadenhall street, city of London; Joseph Greaves, of Liverpool, county of Lancaster; John Taylor, of 1 Leadenhall street, city of London, shipowners and joint owners.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Anstruther, (foreign name, Thomas H. Perkins.)	904	Alexander Adamson, of 3 Addison road, Kensington, county of Middlesex, shipowner.	Not mortgaged.
Maria Morton, (foreign name same.)	402	Arthur Bernard White, of Broad street Buildings, city of London, merchant.	Not mortgaged.
Independenza, (foreign name, Aspasia.)	576	Guiseppe Lisani, of Malta, shipowner.....	Not mortgaged.
Lizzie Southard, (foreign name same.)	1,045	Thomas Druitt, of 2 Prince's street, city of London, gentleman.	Not mortgaged.
Agra, (foreign name same)....	925	Thomas Percy Hearne, of 138 Leadenhall street, city of London, merchant.	Mortgage, dated 28th August, 1863, for an account current, with interest at 10 per cent., to George Croshaw, of 116 Fenchurch street, city of London, ship and insurance broker.
Harvest, (foreign name same.)	367	John Theodore Corpi, of 10 Austin Friars, city of London, merchant.	Not mortgaged.
Douglas, (foreign name, Orphan.)	330	Archibald Currie, of Melbourne, in the colony of Victoria, shipowner.	Not mortgaged.
Trusty, (foreign name, Kana-wha.)	241	George Francis Dickinson, of 17 Gracechurch street, city of London, merchant—who transfers his interest to Edwin Spence Roberts, of the city of London, shipbroker.	Mortgage, dated 17th December, 1863, to secure an account current and interest, to William James Lamport, George Holt, and Philip Henry Holt, all of Liverpool, county of Lancaster, merchants, joint mortgagees.
Alfred Lemont, (foreign name same.)	662	William Gladstone, 16 shares; William Kenrick Gladstone, 16 shares; Christopher Weguelin, 16 shares, all of Old Broad street, city of London, merchants; Frederick Philip Ripley Webb, of 17 Gracechurch street, city of London, merchant, 8 shares; Charles Grierson, 4 shares; John Edmund Cole, 4 shares, both of 1 A, Prince's street, city of London, shipbrokers.	Not mortgaged.
Hamlin, (foreign name same)....	1,191	Edward Mesnard, of 58 Lombard street, city of London, merchant.	Mortgage, dated 18th Sept., 1863, to secure an account current, and interest at 5 per cent., to Geo. Croshaw, of 116 Fenchurch street, city of London, shipbroker.

Jane Isabella, (foreign name, Mountain Eagle.) Chimborazo, (foreign name same.)	367 935	George Stanton, of 5 Blomfield road, Maidahill, county of Middlesex, shipowner. Edward Mesnard, of 58 Lombard street, city of London, merchant.	Not mortgaged. Mortgage, dated 24th September, 1863, for an account current, and interest at 5 per cent., to George Croshaw, of 116 Fenchurch street, city of London, ship-broker. Not mortgaged.
Caroline, (foreign name, Arey)-	1, 133	James Ewing, of Leadenhall street, city of London, shipowner, 32 shares; William Tabor, of Bishopsgate street, city of London, merchant, 16 shares; John Atteridge, of Liverpool, county of Lancaster, master mariner, 16 shares. John Ballinghall Whyte, of 10 and 11 Upper East Smithfield, county of Middlesex, ship chandler—	Mortgage, dated 24th September, 1863, for an account current, and interest at 5 per cent., to Edmund Hammond, of 7 Leadenhall street, city of London, master mariner; subsequently discharged.
Christiana, (foreign name same.)	832	Who transfers his interest to Thomas Ashton, of 16 Prince's square, St. George's-in-the-East, county of Middlesex, butcher.	Mortgage, dated 14th October, 1863, for an account current, and interest at 5 per cent., to Edmund Hammond, as aforesaid— Who transfers the mortgage to Alexander Massey, of 6 Upper East Smithfield, county of Middlesex, clothier.
Josephus, (foreign name same)-	911	Edward Mesnard, of 58 Lombard street, city of London, merchant.	Mortgage, dated 26th September, 1863, for an account current, and interest at 5 per cent., to George Croshaw, of 116 Fenchurch street, city of London, ship-broker.
Empress, (foreign name same)-	1, 313	Alfred Houlder & Edwin Savory Houlder, of 146 Leadenhall street, city of London, shipowners; joint owners.	Not mortgaged.
Golden City, (foreign name same.)	779	Alfred Houlder & Edwin Savory Houlder, of 146 Leadenhall street, city of London, shipowners; joint owners.	Not mortgaged.
Roamer, (f'gn name, Screamer.)	1, 093	John De Costa, of Liverpool, in the county of Lancaster, shipowner.	Not mortgaged.
Sullote, (foreign name, H. S. Soule.)	1, 142	John William Ford, of Shooter's Hill, in the county of Kent, gentleman.	Mortgage, dated 27th October, 1863, for an account current, and interest at 7½ per cent., to Charles Gumm, of 19 Change alley, city of London, shipowner.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Lepanto, (foreign name same)---	906	Gustavus Claussen Schütz, of 45 Lime street, in the city of London, merchant.	Not mortgaged.
Compeer, (foreign name same)---	1, 011	Gustavus Claussen Schütz, of 45 Lime street, city of London, merchant.	Not mortgaged.
Isabella, (foreign name, Alice Counce.)	1, 061	George Stanton, of 5 Blomfield road, Madahill, in the county of Middlesex, shipowner.	Not mortgaged.
John Stanton, junior, (foreign name, Corra Linn.)	725	George Stanton, of 5 Blomfield road, Madahill, in the county of Middlesex, shipowner.	Not mortgaged.
Canvas Back, (foreign name same.)	670	George Stanton, of 5 Blomfield road, Madahill, in the county of Middlesex, shipowner.	Not mortgaged.
Shamrock, (for'gn name same).	1, 221	Frederick Bassil, of Watford, in the county of Herts, shipowner.	Mortgage, dated 17th November, 1863, to secure an account current, and interest at 12 per cent., to Edward Andrew Sanders, William Barnes, and Ralph Sanders, all of the city of Exeter, bankers, joint mortgagees.
Fusilier, (for'gn name, Crimea)---	1, 088	Thomas Miller Mackay, of Leadenhall street, city of London, James Baines, and Joseph Greaves, of Liverpool, county of Lancaster, shipowners; joint owners.	Mortgage, dated 17th November, 1863, to secure £550, and interest at 10 per cent., to Charles Hermann, of 8 Lime street, city of London, merchant.
Matagorda, (for'gn name same)---	154	William Sellar, of Birkenhill, county of Elgin, N. B., shipowner.	Not mortgaged.
Cosmopolite, (foreign name, Harraseeket)	1, 069	Edmund William Best, of Alma street, New North road, county of Middlesex, shipowner.	Mortgage, dated 9th December, 1863, for £7,000, and interest at 30 per cent., to Clement Henchman Soale, of Freeport, Maine, in the United States of America.
Pride of the Ocean, (foreign name, Barnabas Webb.)	1, 372	Robert Francis Gladstone, of 91 Middle Abbey street, Dublin, Ireland, shipowner.	Not mortgaged.
Lion, (foreign name same)-----	797	John William Ford, of Shooter's Hill, in the county of Kent, gentleman.	Not mortgaged.

Tempest, (foreign name same.)-	1, 011	Henry Vavasour, of the Jerusalem Coffee House, city of London, shipowner.	Not mortgaged.
Northland, (for gn name same.)-	939	John William Ford, of Shooter's Hill, in the county of Kent, shipowner.	Not mortgaged.
Red Rover, (foreign name, Charles H. Lunt.)	1, 042	Michael de Pass, merchant, 56 shares; Thomas Stewart, master mariner, 8 shares; both of 4 Abchurch lane, city of London.	Not mortgaged.
Sandringham, (foreign name not given.)	1, 126	Frederick Basil, of Watford, in the county of Herts, shipowner.	Mortgage, dated 19th December, 1863, for an account current, and interest at 10 per cent., to George Tanner, of Crediton, in the county of Devon, gentleman.
Canada West, (foreign name, Regulus)	743	James Milne, of Aberdeen, shipowner.....	Mortgage, dated 19th December, 1863, to secure £600, and interest at 10 per cent., to Arthur James Thorman, of 8 Lime street, city of London, ship broker.
Hindustan, (for gn name same.)-	674	James Milne, of Aberdeen, merchant.....	Not mortgaged.
Maid of Orleans, (foreign name same.)	928	John Barr, of Ardrossan, shipowner.....	Not mortgaged.
Betsy Williams, (foreign name same)	381	James Bradford, of Belfast, merchant.....	Not mortgaged.
Anna Moore, (foreign name, Sarah H. Snow.)	452	Anna Moore, of Belfast, spinster.....	Not mortgaged.
Cormorant, (foreign name, Columbia.)	302	Arthur Hickling Ivens, of Lisbon, Portugal, merchant.....	Not mortgaged.
T. E. Boyd, (foreign name, Floresta.)	278	Archibald Currie, of Melbourne, in the colony of Victoria, shipowner.	Not mortgaged.
Henry Brain, (foreign name, Vandallia.)	807	Henry Brain, of the city of Bristol, merchant.....	Not mortgaged.
William Booth, (foreign name, Omega.)	359	John Cory, of Cardiff, merchant.....	Not mortgaged.
J. Baker, (foreign name same.)-	781	Joseph Elliott, of Cardiff, merchant.....	Not mortgaged.
Monterey, (foreign name same.)-	434	Thomas Stott Pope, of Montreal, Canada East, and also of New York, in the United States of America, merchant.	Not mortgaged.
Sandringham, (foreign name, Santa Anna.)	571	Frederick Augustus Castle, of Stoke Newington, in the county of Middlesex, shipowner.	Not mortgaged.
Robert Gilroy, (foreign name not given.)	1, 072	Robert Gilroy, George Gilroy, and Alexander Gilroy, all of Dundee, merchants and flax-spinners, joint owners.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage	Name and address of owner.	Particulars, if mortgaged.
Lochee, (foreign name, Cherubim).	1, 501	James Cox, William Cox, Thomas Hunter Cox, George Addison Cox, all of Dundee, merchants, 16 shares each.	Not mortgaged.
George Gilroy, (foreign name not given.)	1, 093	Robert Gilroy, George Gilroy, and Alexander Gilroy, all of Dundee, flax-spinners, joint owners.	Not mortgaged.
Devonshire, (foreign name same.)	1, 328	Joseph Kelly, 14 shares; William Kelly, 14 shares; Thomas Crosby, 14 shares; John Edward Crosby, 14 shares; John O Donohoe, master mariner, 8 shares; all of the city of Dublin, merchants.	Not mortgaged.
Nimrod, (foreign name, Sancha Panza.)	726	Wm. Clark, shipowner, 22 shares; John Pearse, master mariner, 21 shares; John Sadler, master mariner, 21 shares; all of Plymouth, in the county of Devon.	Not mortgaged.
Dagmar, (foreign name, Joseph Peabody.)	1, 178	William Sim, 56 shares; Joseph Nicholson, 8 shares; both of 95 Bishopsgate street, Within city of London, merchants.	Not mortgaged.
Spitfire, (foreign name same).--	1, 241	William Nicholas de Mattos, of 27 Leadenhall street, city of London, merchant, 32 shares; James Walker, of 6 Cook street, Liverpool, county of Lancaster, merchant, 32 shares.	Not mortgaged.
Daphne, (foreign name same).--	1, 087	Francis Martin, 22 shares; Archibald Robertson, 21 shares; James Oughterson, 21 shares; all of 67 Gracechurch street, city of London, merchants.	Not mortgaged.
Thyra, (foreign name, Evangeline.)	491	Christopher Lamb, of the Crescent, Albany road, county of Surrey, shipowner.	Not mortgaged.
Albert the Good, (foreign name, H. G. Reeve.)	496	James Stuart, of 136 Leadenhall street, city of London, merchant.	Not mortgaged.
Dolphin, (foreign name same).--	462	Thomas Winniett, of the city of New York, United States of America.	Not mortgaged.
Daisy, (foreign name, E. Churchhill.)	181	George Paterson and James Peebles, both of Glasgow, county of Lanark, ship-chandlers, joint owners.	Not mortgaged.
Mataura, (foreign name, Neptune's Favorite.)	1, 194	David Swan, of Maryhill, in the county of Lanark, merchant.....	Not mortgaged.
Campsie, (foreign name, Ab-biya.)	612	Robert Donald Robertson, of Glasgow, merchant.....	Not mortgaged.
Lucibelle, (foreign name, Olammon.)	915	Robert Donald Robertson, of Glasgow, merchant.....	Not mortgaged.

1, 403	Iona, (foreign name, S. Emerson Smith.)	William Stirling, 21 shares; Hero Young and George Young, joint owners, 21 shares; Robert Edmiston and Alexander Mitchell, joint owners, 22 shares; all of Glasgow, county of Lanark, merchants.	Not mortgaged.
298	St. Mungo, (foreign name, Norumbega.)	William Smith, of Glasgow, county of Lanark, merchant.	Not mortgaged.
218	Emma Gilmour, (foreign name, Martha Anna.)	William Barton, rope and sail maker, 32 shares; John Miller, coal merchant, 32 shares; both of Glasgow, county of Lanark.	Not mortgaged.
414	Catherine, (foreign name, Two Brothers.)	Archibald Currie, of Melbourne, in the colony of Victoria, shipowner.	Not mortgaged.
769	Mary Frances, (foreign name, Edward.)	William M'Ewen, of Glasgow, county of Lanark, merchant.	Not mortgaged.
632	Clutha Belle, (foreign name, H. T. Vennard.)	Robert Donald Robertson, of Glasgow, county of Lanark, merchant.	Not mortgaged.
604	Dependant, (foreign name, St. John.)	William Bird, of the city of Gloucester, shipowner.	Not mortgaged.
1, 222	Catherine Rankin, (foreign name, Sarah Freeman.)	William Rankin, of Dumbarton, in the county of Dumbarton, shipowner, 32 shares; Archibald Sword, of Greenock, in the county of Renfrew, 32 shares.	Not mortgaged.
681	Timor, (foreign name same)--	George Thomas Lawrence, of Hull, in the county of York, master mariner.	Not mortgaged.
256	A. A. Drebert, (foreign name same.)	Thomas Edward Kelly, of Yarmouth, Nova Scotia.	Not mortgaged.
540	Mary Blades, (foreign name, Kate Sweetland.)	Charles Blades, of Lancaster, in the county of Lancaster, timber merchant.	Not mortgaged.
521	Glan Mor, (foreign name Glen burn.)	Simon Samuel, shipowner, 24 shares; William Samuel, shipowner, 24 shares; Ann Samuel, widow, 10 shares; Roger Lester, accountant, 6 shares; all of Llanelly, Wales.	Not mortgaged.
1, 073	Pequot, (foreign name same)--	Patrick George Carvill, of Newry, county of Armagh, Ireland, merchant.	Not mortgaged.
811	Zurich, (foreign name same)--	James Lewis Carvill, of Newry, county of Armagh, Ireland, merchant.	Not mortgaged.
506	William Sinclair, (foreign name, Sierra Nevada.)	William Sinclair and Abraham Redmond Walker, both of Newry, county of Armagh, Ireland, merchants, joint owners.	Not mortgaged.
370	Vigo, (foreign name same)---	John Binkmyre, merchant, 32 shares; Peter M'Farlane, master mariner, 32 shares; both of Port Glasgow, county of Renfrew.	Not mortgaged.
1, 030	Old England, (foreign name same.)	Peter Wilson, of Plymouth, county of Devon, shipowner.	Not mortgaged.
276	Albion, (foreign name Convoy)--	Richard Coombes Souiter and Robert Harwood Souiter, both of Cock-hill, Ratchliffe, shipowners, joint owners.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Village Bell, (foreign name, Nazarene.)	235	William Scurr, of West Hartlepool, in the county of Durham, ship-chandler.	Not mortgaged.
Far West, (foreign name same).	664	Robert Gething, shipowner, 42 shares; George William Jones, shipbroker, 22 shares; both of Newport, Monmouthshire.	Not mortgaged.
Uncas, (foreign name same)---	406	Robert Imearny, of South Shields, in the county of Durham, chemical manufacturer.	Not mortgaged.
Byethorn, (foreign name, Germanian.)	547	Harry Smith Edwards, ship-builder, 53 shares; John Taylor, shipwright, 6 shares; James Richard Edwards, rope manufacturer, 5 shares; all of South Shields, county of Durham.	Not mortgaged.
John Perkins, (foreign name same.)	72	Nathaniel Fleming Fisher, of Southampton, shipowner.-----	Not mortgaged.
Florence and Anne, (foreign name, Jane M. Johnston.)	384	William Williams, shipowner, 48 shares; Thomas Lewis, master mariner, 16 shares; both of Newport, Monmouthshire.	Not mortgaged.
Lancaster, (foreign name, New York.)	518	William Morrice, of Heath House, Leighton Buzzard, Bedfordshire, shipowner.	Not mortgaged.
Gypsey, (foreign name not given.)	131	Joseph Mather, of Newcastle-upon-Tyne, gentleman.-----	Not mortgaged.
Mary Patterson, (foreign name, Mary Wood.)	14	William Patterson, of Wellington, in Prince Edward Island, inn-keeper.	Not mortgaged.
Bonny Doon, (foreign name, Crinoline.)	18	Thomas Cooper, yeoman, and Benjamin H. Cooper, mariner, both of Port Burwell, Canada, joint owners.	Not mortgaged.
Tom Wrong, (foreign name, S. C. Ives.)	151	Thomas Wrong, merchant, 32 shares; John A. Cakens, 32 shares; both of Port Burwell, Canada.	Not mortgaged.
Rapid, (foreign name same)---	191	Thomas Harbottle and James Stevenson, both of the city of Hamilton, Canada, joint owners.	Not mortgaged.
Princess Alexandra, (foreign name, Marshfield.)	228	William Auglin, of the city of Kingston, Canada, esquire -----	Not mortgaged.
Kenotha, (foreign name same)---	262	Donald Milloy, of Magam, province of Canada, gentleman, 32 shares; Nichol Milloy, of the city of Toronto, gentleman, 32 shares.	Mortgage, dated 24th June, 1863, for \$7,000, and interest at 6 per cent., to Eohen S. Sheppard, of Chicago, ship-owner.
Express, (foreign name same)---	29	Richard Yeomans Rabbitt, of Pictou, Nova Scotia, mariner -----	Not mortgaged.

West Wind, (foreign name same)	155	William Banton, merchant, 32 shares; William Hall, mariner, 32 shares; both of Wellington square, Canada.	Not mortgaged.
Maggie, (foreign name, Speedwell)	106	William Banton, merchant, 22 shares; Daniel Henderson, merchant, 21 shares; Christopher Richardson, 21 shares; all of Wellington square, Canada.	Not mortgaged.
Star of Canada, (foreign name, J. C. Boynton)	725	James Stapleton Millar, of Montreal, Canada, merchant.	Mortgage, dated 17th July, 1863, for \$15,000 and interest at 10 per cent., to John Redpath, of the city of Montreal. Merchant, subsequently discharged.
West Wind, (foreign name same.)	369	Frank Ross, of Montreal, Canada, merchant, 32 shares; William Ross, of Toronto, Canada, merchant, 32 shares.	Mortgage, dated 24th July, 1863, for \$7,500 and interest at 10 per cent., to John Redpath, of Montreal, merchant, subsequently discharged.
Mount Royal, (foreign name, J. Morton.)	1,210	James Stapleton Millar, of Montreal, Canada, merchant.	Mortgage, dated 4th December, 1863, for \$20,000 and interest at 10 per cent., to John Redpath, as aforesaid.
John S. Harris, (foreign name, same.)	543	Hugh Allan, of Montreal, Canada, merchant.	Not mortgaged.
Liberty, (foreign name same).--	576	George Shaw and David Shaw, of Montreal, Canada, joint owners, 48 shares; David Shaw, the aforesaid, 16 shares.	Mortgage, dated 24th July, 1863, for \$1,500 and interest at 10 per cent., to John Redpath, of Montreal, merchant, subsequently discharged.
C. M. Davis, (foreign name not given.)	1,023	Henry Turner MacIim, of Portland, Maine, merchant.	Mortgage, dated 4th December, 1863, for \$20,000 and interest at 10 per cent., to John Redpath, the aforesaid.
Welfoot, (foreign name, Sumter.)	384	John Johnston Reford, of Boston, in the United States of America, clerk.	Not mortgaged.
			Not mortgaged.
			Mortgage, dated 12th October, 1863, for \$12,000 and interest at 6 per cent., to Micah Humphrey, Lewis P. Purce, Bell A. Humphrey, Geo. Kingman, and Elisha H. Ryder, all of Boston, in the United States of America, merchants, joint mortgagees.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Lightfoot, (foreign name, Revolution.)	472	John Johnston Reford, of Boston, in the United States of America, clerk.	Mortgage, dated 12th October, 1863, for \$20,000 and interest at 6 per cent., to Daniel Draper, William P. Draper, George Draper, and F. Cochran, joint mortgages.
Catharine, (foreign name not given.)	483	George F. Lovitt, of St. John, New Brunswick, merchant.....	Not mortgaged.
Jewess, (no foreign name given.)	476	John A. Willard, of Newcastle, New Brunswick, merchant's clerk...	Mortgage, dated 29th October, 1863, for \$30,000 and interest at 6 per cent., to Samuel E. Sawyer, of Boston, United States of America, merchant.
Sydenham, (foreign name, Windsormere)	1, 236	George F. Lovitt, of St. John, New Brunswick, merchant	Mortgage, dated 29th October, 1863, for \$10,000 and interest at 6 per cent., to Charles Watson, of Boston, United States of America.
Sathedral, (foreign name, Gulf Stream.)	1, 046	George F. Lovitt, of St. John, New Brunswick, merchant	Mortgage, dated 21st November, 1863, for \$40,000 and interest at 6 per cent., to Hartley Lord, of Boston, in the United States of America, merchant.
Ernestine, (foreign name, Lammergeir.)	1, 049	Matthew Isaac Wilson, of Liverpool, county of Lancaster, merchant.	Mortgage, dated 21st November, 1863, for \$38,000 and interest at 6 per cent., to Hartley Lord, of Boston, in the United States of America, merchant.
Montebello, (foreign name same.)	1, 089	Raymond Leeman Gilchrist, of Liverpool, county of Lancaster, ship-owner.	Mortgage, dated 19th August, 1863, for £5,000 and interest at 5 per cent., to John Farnworth and David Jardine, both of Liverpool, county of Lancaster, merchants, joint mortgages.
			Mortgage, dated 8th September, 1863, for an account and interest at 5 per cent., to Dunbar Henderson, of Thomaston, Maine, U. States of America, merchant.

Wallasea, (foreign name, Enoch Bernard.)	1,434	Charles William Harrison Pickering, merchant, 32 shares; Edward Tennant and James Moore Tennant, merchants, joint owners, 16 shares; Andrew Haymond Houghton and Patrick Vance, cotton brokers, joint owners, 8 shares; Frederick Julius Herbert Servaes, merchant, 4 shares; Joseph Thompson, merchant, 4 shares; all of Liverpool, county of Lancaster.	Not mortgaged.
Ariosto, (foreign name, Rachel.)	837	Andrew Malcolmson, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Edwin, (foreign name, Hebur.)	418	Edwin Holford, of Liverpool, county of Lancasternchan t.....	Not mortgaged.
Sam Lewis, (foreign name same.)	80	Francis S. Sawyer, 32 shares; Hector McLean, 32 shares; both of Wallacebury, Kent.	Not mortgaged.
Bell, (foreign name, C. W. Godard.)	28	Felix Geoffron, of Vezelieres, in the province of Canada, notary public.	Not mortgaged.
J. C. Rahming, (foreign name, Muskingum.)	199	John C. Rahming, of New York, United States of America, merchant.	Not mortgaged.
Oracle, (foreign name same)...	1,134	James William Hamilton, of St. John, New Brunswick, merchant.	Not mortgaged.
Nan Nan, (foreign name, Flushing)	100	Robert Winning Simpson, of Ardee, county of Louth, Ireland, gentleman.	Not mortgaged.
Leonide, (foreign name not given.)	696	Archibald Baxter, of New York, United States of America, merchant.	Not mortgaged.
W. E. Alexander, (no foreign name given.)	190	Edward Lyster, of Yarmouth, Nova Scotia, now of New York, United States of America, stevedore.	Mortgage, dated 10th June, 1863, for \$7,000, and interest at 5 per cent., to Nathaniel Gott Tucker, of Harrington, Maine, United States of America, master mariner.
Ella, (foreign name, Republic.)	124	John Waterbury Cudlip and George Edwin Sinder, both of St. John, New Brunswick, merchants, joint owners.	Not mortgaged.
Natal, (foreign name, Storm King)	372	Charles Hall, of Sheffield, England, now of Boston, United States of America, merchant.	Not mortgaged.
James Murchie, (foreign name, Palmetto.)	210	James Murchie, of St. Stephen, New Brunswick, merchant.....	Not mortgaged.
Spaulding, (foreign name, St. John.)	277	William Miller M'Lean, of St. John, New Brunswick, merchant.....	Not mortgaged.
Oxford, (foreign name, Regulator.)	1,075	George Greig, of Oxford Canada West, gentleman.....	Not mortgaged.
Aberdeen, (foreign name, Mamaranack.)	1,210	John Waterbury Cudlip and George Edwin Sinder, both of St. John, New Brunswick, merchants, joint owners.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Kenilworth, (foreign name, Volant.)	987	William Miller M'Lean, of St. John, New Brunswick, merchant.....	Mortgage, dated 11th August, 1863, for \$35,000, and interest at 6 per cent., to Francis Curtis and Samuel Endicott Peabody, of Boston, United States of America, merchants, joint mortgagees. Not mortgaged.
Vicksburg, (foreign name same.)	1,244	Hugh Cuthbert, of Greenock, county of Renfrew, Scotland, ship-owner.	
Laura, (no foreign name given.)	164	Charles Adolphus Gisborne, of New York, United States of America, merchant.	Not mortgaged.
Fanny, (foreign name, Sea Ranger.)	101	William Miller M'Lean, of St. John, New Brunswick, merchant.....	Not mortgaged.
St. Albans, (foreign name, Henrietta Marcy.)	1,266	William Miller M'Lean, of St. John, New Brunswick, merchant.....	Mortgage, dated 28th August, 1863, for \$55,000, and interest at 6 per cent., to Francis Curtis and Samuel Endicott Peabody, both of Boston, United States of America, merchants, joint mortgagees. Not mortgaged.
Lottie Warren, (foreign name same.)	1,184	Frank Shaw, of Boston, United States of America, merchant.....	
Avon, (foreign name, Cyclone)	1,000	William Miller M'Lean, of St. John, New Brunswick, merchant.....	Mortgage, dated 2d September, 1863, for \$35,000, and interest at 6 per cent., to Francis Curtis and Samuel Endicott Peabody, both of Boston, United States of America, merchants, joint mortgagees. Not mortgaged.
Sarah March, (foreign name same)	525	Edward Dazrel Jewett, of St. John, New Brunswick, merchant.....	
C. H. Soule, (foreign name same.)	1,043	William Thomson, of St. John, New Brunswick, merchant.....	Mortgage, dated 13th October, 1863, for \$70,000, to C. H. Soule, Enos Soule, Enos C. Soule, of Freeport; Charles Soule, of Yarmouth, ship-

builders; William Sinnett, of Cape Elizabeth, master mariner; all in the State of Maine, United States of America, joint mortgagees. Not mortgaged.

Not mortgaged.

Not mortgaged.

Mortgage, dated 5th November, 1863, for £13,000, to Gilbert C. Trufant, of Boston, United States of America, merchant.

Not mortgaged.

Not mortgaged.

Mortgage, dated 2d July, 1863, for £9,600, and interest at 5 per cent., to Ezra Denison Post, of Essex, Connecticut, in the United States of America, shipowner.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Not mortgaged.

Henry Eyre, of New York, United States of America, merchant.....

William Stalker Johnson, of New York, United States of America, master mariner.

John Ambrose Willard, of St. John, New Brunswick, merchant's clerk, resident at Boston, United States of America.

William Miller McLean, of St. John, New Brunswick, merchant.....

James Morris Walthew and John Richmond Cuthbert, both of Liverpool, in the county of Lancaster, merchants, joint owners.

Francis Gertraud Prange, of Liverpool, county of Lancaster, merchant.

James Nixon Duck, of the city of New York, in the United States of America, merchant.

James Morris Walthew and John Richmond Cuthbert, both of Liverpool, county of Lancaster, merchants, joint owners.

William Western Tapscoot, merchant, 52 shares; Samuel Smith, merchant, 8 shares; John Farmer, merchant, 4 shares; all of Liverpool, county of Lancaster.

James Hainsworth, of Liverpool, county of Lancaster, merchant.....

Andrew Malcomson, of Liverpool, in the county of Lancaster, merchant.

Edward Darrell Jewett, of St. John, New Brunswick, merchant.....

John Ferris, of Fermanagh, Ireland, now resident at Boston, United States of America.

Albertus Lemmen and Ricardo Hayward, both of Adelaide, gentlemen, joint owners.

Edward Crooke, of Port Albert, colony of Victoria, squatter.....

10 Coringa, (foreign name, Lucia.)

Andrew Jackson, (foreign name same)

* Prima Donna, (foreign name, Annie M. Kelly.)

Longwood, (foreign name same.)

The Craigs, (foreign name, Cheltenham.)

Mesopotamia, (foreign name, Fas Siew.)

Frances A. Palmer, (foreign name same.)

Northern Belle, (foreign name, Jennie Beals.)

Gratitude, (foreign name, John J. Boyd.)

Alhambra, (foreign name same.)

Aline, (foreign name, Quickstep)

Bosphorus, (foreign name same.)

Eureka, (foreign name same).....

Sea Shell, (foreign name same.)

Rebecca, (foreign name same).....

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A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Calcutta Merchant, (foreign name, Sybil.)	717	Hadjee Saynn Rhomotoolah, of Calcutta, merchant.....	Mortgage, dated 6th February, 1863, for 36,875 rupees, and interest at 12 per cent., to Gocooldoss Soonderjee, of Calcutta, merchant. Subsequently discharged.
Sultana, (foreign name, Chevalier.)	502	Gocooldoss Soonderjee, of Calcutta, merchant.....	Mortgage, dated 27th August, 1863, for 35,000 rupees, and interest at 12 per cent., to Hadjee Jackariah Mahomed, of Calcutta, merchant.
Turkey, (foreign name, Eagle.)	1, 121	Hussen Jerahim Ben Johar, of Calcutta, merchant.....	Mortgage, dated 24th February, 1863, for 25,000 rupees, and interest at 10 per cent., to William Michael Whitney, Israel Goodwin Whitney, and Stanton Whitney, all of Calcutta, merchants, joint mortgagees.
Jehangheer, (foreign name, Quickstep.)	560	Hadjee Sedick Hamed, 48 shares; Adyoob Sally Mahomed, 16 shares; both of Calcutta, merchants.	Mortgage, dated 20th March, 1863, for Rs. 47,375 12 a., to John Atkinson, Frederick Augustus Tilton, Frederick Gideon Elderidge, and Merewether Hood Griffiths, all of Calcutta, merchants. Subsequently discharged.
Fiery Cross, (foreign name, Belle of the West.)	989	Johannes Avdall, the younger, of Calcutta, merchant.....	Mortgage, dated 3d October, 1863, for 37,750 rupees, and interest at 12 per cent., to Stanton Whitney, of Calcutta, merchant.

739	Channaceer, (foreign name, Union.)	Henry Honyman Handley, of Calcutta, surveyor of shipping.....	Not mortgaged.
843	Indian Merchant, (foreign name, Indian.)	Golaum Hossam Veerjee, of Calcutta, merchant.....	Mortgage, dated November 27th, 1863, for 59,400 rupees, and interest at 12 per cent., to John Atkinson, Frederick Augustus Tilton, Frederick Gideon Eldridge, Merewether-Hood Griffiths, all of Calcutta, merchants, joint mortgagees.
371	Rattlesnake, (no foreign name given.)	Ebrahim Dedee, of Calcutta, merchant.....	Not mortgaged.
631	Dirigo, (no foreign name given.)	Womeschumder Ghose, of Calcutta, Banian.....	Mortgage dated 12th December, 1863, for 60,000 rupees, and interest at 8 per cent., to John Atkinson, Frederick Augustus Tilton, Frederick Gideon Eldridge, and Merewether Hood Griffiths, all of Calcutta, merchants, joint mortgagees.
349	Rachel, (foreign name, Venice.)	Marear Gregory, of Calcutta, merchant.....	Not mortgaged.
728	Hippogriffe, (foreign name not given.)	Hadjee Jaffer Moosa, of Calcutta, merchant.....	Mortgage, dated 19th December, 1863, for 45,000 rupees, and interest at 12 per cent., to John Atkinson, Frederick Augustus Tilton, Frederick Gideon Eldridge, and Merewether Hood Griffiths, all of Calcutta, merchants, joint mortgagees.
879	Cohen Family, (foreign name, Clara S. Pable.)	Abraham Cohen, of Moulmein, British Burnah, merchant and ship-owner.	Not mortgaged.
419	Homer, (foreign name same.)	Sim Cheang Chien, of Singapore, merchant.....	Not mortgaged.
458	Kate Hastings, (foreign name same)	Chung Soh Chew, 32 shares; Sim Seang Chew, 32 shares; both of Singapore, merchants.	Not mortgaged.
1, 202	Cama Family, (foreign name, Edwin Fife.)	Syed Abdullah Bin Ormaral Juneid, of Singapore, merchant.....	Not mortgaged.
713	Hermann and Hebecka, (foreign name, Samuel Appleton.)	John Heinrich Dauslsberg, of Singapore, merchant.....	Not mortgaged.
490	Augusta, (foreign name, Oriental.)	Wie Wat Sing, 32 shares; Yeo Hong Ghee, 32 shares; both of Singapore, traders.	Not mortgaged.
627	Singapore, (foreign name, Kate Howe)	Tay Ibo Swee, 22 shares; Lun Ching Guan, 21 shares; Chi Anlock, 21 shares; all of Singapore, traders.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Imperial, (foreign name same.) Lombard, (foreign name same.) Alma, (foreign name not given.)	1, 015 208 63	Edward John Leveson, of Singapore, merchant..... James Smith, of Dunedin, in New Zealand, barrister..... James Bell Hye, of Hamilton, Bermuda, chemist.....	Not mortgaged. Not mortgaged. Not mortgaged.
Olander, (foreign name not given.)	230	William Hubbard Peniston, of Hamilton, Bermuda, master mariner.	Mortgage, dated 3d March, 1863, for 12,000 dollars, with interest at 5 per cent., to John Nathaniel Butterfield Middleton and Thomas Dickenson Middleton, both of New York, United States of America, merchants, joint mortgagees. Not mortgaged.
Alice Tainter, (no foreign name given.)	570	Joseph Johnson, of St. George, Bermuda, merchant.....	Not mortgaged.
Solferino, (no foreign name given.)	192	George Augustus Lewis, of London, England, resident in New York, United States of America.	Not mortgaged.
Penniman, (no foreign name given.)	188	Edward Lyster, of Yarmouth, Nova Scotia, now of New York, United States of America.	Mortgage, dated 11th April, 1863, for 12,000 dollars, and interest at 5 per cent., to William M. Peck and Francis Church, of New York, United States of America, merchants, joint mortgagees. Not mortgaged.
Maria, (no foreign name given.)	166	George Augustus Lewis, of London, England, resident at New York, United States of America.	Not mortgaged.
Winthrop, (no foreign name given.)	200	John Printon, of London, England, resident in New York, United States of America, merchant.	Not mortgaged.
Kent, (no foreign name given.)	59	Robert Leggett, of Waterford, Ireland, now of Brooklyn, Long Island, New York, United States of America.	Not mortgaged.
Lizzie Barnard, (no foreign name given.)	380	George A. Boardman, of St. Stephen's, Charlotte county, New Brunswick, merchant.	Not mortgaged.
Georgianna, (no foreign name given.)	43	John Christopher Rahming, of Nassau, New Providence, now of New York, United States of America, merchant.	Not mortgaged.
Nile, (no foreign name given.)	161	Samuel Salters, merchant, 48 shares; William Evans Whittla, master mariner, 16 shares; both of Pembroke, Bermuda.	Not mortgaged.

Pyramid, (no foreign name given.)	808	William Morice, of Heath House, Leighton Buzzard, Bedfordshire, England, now residing in New York, United States of America.	Not mortgaged.
Emma C., (foreign name, Somers.)	104	Thomas Cotton, jr., of Liverpool, England, now residing in Boston, United States of America.	Not mortgaged.
Matamoras, (foreign name same.)	232	William Stewart, of Liverpool, England, resident now at New York, United States of America, merchant.	Mortgage, dated 31st December, 1863, for 12,000 dollars, and interest at 5 per cent., to Oliver K. King, of New York, United States of America, merchants. Not mortgaged.
Charlotte, (foreign name, Providence.)	51	John Christopher Rahming, of Nassau, New Providence, resident at New York, United States of America.	Not mortgaged.
Louisa, (foreign name, Lillian.)	164	Alexander Johnson, of Nassau, New Providence, merchant.	Not mortgaged.
Antoinette, (foreign name, Stirling Price.)	42	James Black, of Nassau, New Providence, clerk.	Not mortgaged.
Ella, (foreign name same.)	176	Thomas William Smith Middleton, of Stepney, county of Middlesex, England, now resident at New York, United States of America, merchant.	Not mortgaged.
Southern Right, (foreign name, Mary Brown.)	5	Robert William Dowson Albury, of Nassau, New Providence, merchant.	Not mortgaged.
Julia, (foreign name, Bessie.)	78	Edward Key, of Holbeach, Lincolnshire, England, resident at Brooklyn, United States of America.	Not mortgaged.
Alma, (foreign name, Ella Alida.)	43	Edward Key, of Holbeach, Lincolnshire, England, resident at Brooklyn, United States of America.	Not mortgaged.
John Griffin, (foreign name same.)	344	Henry Henderson, of London, England, resident at New York, United States of America.	Not mortgaged.
William D. S. Hyer, (foreign name same.)	100	George Panton Bell, of London, England, resident at Havana, Cuba.	Not mortgaged.
Ann Giberson, (no foreign name given.)	99	George Panton Bell, of London, England, resident at Havana, Cuba.	Not mortgaged.
Herald, (foreign name same.)	70	John Palliser, of Connagh, Kilmacthomas, Ireland, gentleman.	Not mortgaged.
Albert, (foreign name, Susan Canon.)	105	William Robert Saunders, of Nassau, New Providence, merchant.	Not mortgaged.
Amelia Ann, (foreign name same.)	77	Robert William Dowson Albury, of Nassau, New Providence, merchant.	Not mortgaged.
Ella and Annie, (foreign name, W. G. Herves.)	755	James Carlin, of Hunstanton, Norfolk, England, master mariner, resident at Nassau, New Providence.	Not mortgaged.
Eugenie, (foreign name, Anna J. Lyman.)	92	R. W. Stimpson, of London, England, resident at Havana, Cuba.	Not mortgaged.
Ella Adelle, (foreign name, Mary Lee.)	286	Joseph Encas, of New York, United States of America, merchant.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Express, (foreign name, H. B. Squire.)	123	Nehemiah Kelly Clements, of Yarmouth, Nova Scotia.....	Not mortgaged.
Jane A. Bishop, (foreign name same.)	433	Henry Henderson, of London, England.....	Not mortgaged.
Banshee, (foreign name same.)	420	William Stewart, of Liverpool, county of Lancaster, England.....	Not mortgaged.
Sybil, (foreign name, Eagle.)	210	William Stewart, of Liverpool, county of Lancaster, England.....	Mortgage, dated 11th November, 1862, for 10,000 dollars, and interest at 5 per cent., to Oliver K. King, of N. York, merchant.
Bob, (foreign name, R. A. Perry.)	72	Joseph Eneas, of New York, United States of America, merchant, 32 shares; Robert Everard Hutchison, of Eleuthera, Bahamas, merchant, 32 shares.	Not mortgaged.
John G., (foreign name, Palestine.)	176	Robert Henry Sawyer and Ramon Antonio Menendez, both of Nassau, New Providence, merchants, joint owners.	Not mortgaged.
Belle, (foreign name, Zouave.)	45	George P. Bell, a British subject, resident at Havana, Cuba.....	Not mortgaged.
Susan B. Thompson, (foreign name, George Albert.)	231	Charles Shephard, of Brooklyn, New York, United States of America.	Not mortgaged.
Northwood, (foreign name same.)	295	John Earnest Alexandre, of New York, United States of America.	Not mortgaged.
Helena, (foreign name, Spencer D.)	105	Charles Campbell, of Ireland, resident at New Orleans, United States of America.	Not mortgaged.
Atlantic, (foreign name same.)	504	James Peat, of Liverpool, England, master mariner.....	Not mortgaged.
Mary Robinson, (foreign name same.)	52	John Robinson, of Preston, England, ship-builder, resident at New Orleans, United States of America.	Not mortgaged.
Ocean Eagle, (foreign name same.)	264	Charles Robert Foster, of Pictou, Nova Scotia.....	Mortgage, dated 19th February, 1863, for £2,900, and interest at 6 per cent., to William Henry Luce, Robert S. Luce, Mary F. Luce, Eliza E. Luce, and Chas. E. Luce, of Rockland, Maine, United States of America, joint mortgagees.
Artist, (foreign name same.)	78	Nehemiah K. Clements, of Yarmouth, Nova Scotia.....	Not mortgaged.
Lucy Heywood, (foreign name same.)	215	William Francis Ogilvie, of London, England, now of Brooklyn, New York, United States of America.	Not mortgaged.

Harriet, (foreign name, Alexander.)	Henry Walrond Oke Edge, of Torbay, England, now resident at New York, United States of America.	Not mortgaged.
Maria L. Davis, (foreign name same.)	Benjamin Crawley, of Yarmouth, Nova Scotia.	Not mortgaged.
Red Fox, (foreign name, Henry Horton)	Robert Jump, of Liverpool, England, now resident at New Orleans, United States of America, merchant.	Not mortgaged.
Adelaide, (foreign name, Citadel.)	Henry Walrond Oke Edge, of Torbay, England, resident at New York, United States of America.	Not mortgaged.
Sophia, (foreign name Amelia.)	Henry Walrond Oke Edge, of Torbay, England, resident at New York, United States of America.	Not mortgaged.
Julia, (foreign name, Grand Turk.)	William Morrice, of Leighton Buzzard, Bedfordshire, England, now of New York, United States of America.	Not mortgaged.
Tivola, (foreign name same.)	Amos Bigland, of Liverpool, England, merchant, resident at New York, United States of America.	Not mortgaged.
William Smith, (foreign name same.)	Joseph Eneas, of New York, United States of America, merchant.	Not mortgaged.
Indian Belle, (foreign name same.)	George Henkell Tobias, of Annapolis Royal, Nova Scotia	Not mortgaged.
Ella, (foreign name, Gypsey)	Thomas Stead, of Nassau, New Providence, clerk.	Not mortgaged.
Salem, (foreign name same.)	William Pearse Worwell, of Liverpool, England.	Not mortgaged.
Don José, (foreign name, Edna Jones.)	George Panton Bell, of London, England, merchant, resident at Havana, Cuba.	Not mortgaged.
Mary, (foreign name, Yulee.)	Samuel Sawyer, of Green Turtle Bay, Abaco, Bahamas.	Not mortgaged.
Eleanor Miller, (foreign name, Samoset.)	John Josiah Turtle, of Nassau, New Providence, merchant.	Not mortgaged.
Deer, (foreign name same)-----	Hugh Allison, of New York, United States of America.	Not mortgaged.
Sarah Ann, (foreign name, Lolla.)	Alexander Johnson, of Nassau, New Providence, merchant.	Not mortgaged.
Nightingale, (foreign name, Lady Jane.)	John Thomas Hogg, of Brooklyn, United States of America.	Mortgage, dated 22d April, 1863, for £3, 500, and interest at 5 per cent., to Frederick L. Smith, master of the ship.
Lizzie, (foreign name same)-----	William Robert Saunders, of Nassau, New Providence, merchant.	Not mortgaged.
Ranger, (foreign name, Snipe).	Gabriel William Conves, of Gillingham, Kent, now resident at New Orleans, United States of America, merchant.	Not mortgaged.
Arletta, (foreign name, Mary Emma.)	Henry James Creighton, of Halifax, Nova Scotia, now resident at New York, United States of America.	Not mortgaged.
Rover, (for gn name Secretary).	Henry Rowland Saunders, of Nassau, New Providence, merchant.	Not mortgaged.
Havelock, (foreign name, Mary Catherine)	Charles Adolphus Gisborne, of Blooklyn, United States of America.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Indus, (foreign name same)---	126	Joseph Eneas, of New York, United States of America, merchant....	Not mortgaged.
William Henry, (no foreign name given.)	314	William Burnard, of Biddford, Devon, England, master mariner....	Not mortgaged.
Clara D. Robbins, (foreign name, Martha Post.)	273	Timothy Outhouse, of Sackville, New Brunswick.....	Not mortgaged.
William, (for'gn name, Corelli)-	57	Lewis Grant Watson, of Nassau, New Providence, merchant.....	Not mortgaged.
Edwin, (foreign name, E. C. Billings.)	161	Edwin Pinkham, of Boston, United States of America, merchant....	Not mortgaged.
James Douglas, (foreign name, W. A. Griffin.)	74	Joseph Henry Johnson, of Harbor island, Bahamas, master mariner..	Not mortgaged.
Mattie, (foreign name, Transquil.)	72	Henry Llewellyn Williams, of New York, United States of America, merchant.	Not mortgaged.
Mary, (foreign name same)----	11	John Saunders, merchant, 32 shares; Azariah Curry, mariner, 16 shares; John Curry, mariner, 16 shares; all of Abaco, Bahamas.	Not mortgaged.
Highland Mary, (foreign name, Parana.)	145	John Henry Brown, of Arbroath, Scotland, stevedore,—resident at New Orleans, United States of America.	Not mortgaged.
Jane, (foreign name same)-----	57	Charles A. Gisborne, of Brooklyn, United States of America.....	Not mortgaged.
Anna D. Jordan, (foreign name same.)	334	George Henkell Tobias, of Annapolis Royal, Nova Scotia.....	Not mortgaged.
Quick, (no for'gn name given)-	27	Ramon A. Menendez, of Nassau, New Providence, merchant.....	Not mortgaged.
Spaulding, (foreign name, St. John.)	277	Samuel Otis Johnson, 32 shares; Thomas Williams, 32 shares; both of Nassau, New Providence, merchants.	Not mortgaged.
Acme, (no for'gn name given)-	267	John Patterson, of Inverness, Scotland, resident at New York, United States of America, merchant.	Mortgage, dated 7th July, 1863, for £3,125, and interest at 5 per cent., to Louis E. Hargous, Louis le Contents, both of New York, United States of America, merchants, joint mortgagees.
Fairy, (foreign name same)-----	15	Robert Edwin Rigby, of Nassau, merchant.....	Not mortgaged.
Gertrude, (for'gn name, Morning Star.)	43	George H. Eveas, merchant, 16 shares; William G. Albury, 16 shares; William A. Allroy, 8 shares; Joseph T. Albury, 8 shares; Joseph Saunders, 16 shares; all of Harbor island, Bahamas.	Not mortgaged.
Lola, (foreign name, Cora)-----	58	John Brunet, of New Orleans, United States of America, merchant....	Not mortgaged.

55	Susana, (for 'gn name, America.)	Thomas Harry Solom, of Havana, Cuba, merchant.....	Not mortgaged.
359	Governor Bayley, (foreign name, Bella Vernon.)	Thomas Williams, of Nassau, New Providence, merchant.....	Not mortgaged.
334	Maine, (foreign name, State of Maine.)	William Morrice, of Heath House, Leighton Buzzard, Bedfordshire, England, merchant.....	Not mortgaged.
29	Tip Top, (foreign name not given.)	Charles Milbank, of Essex, merchant.....	Not mortgaged.
290	H. G. Berry, (foreign name not given.)	Hugh Alison, at present residing in New Orleans, United States of America.....	Not mortgaged.
59	Silvanus, (foreign name, Elizabeth Hull.)	Silvanus Bethel, of Nassau, New Providence, ship carpenter.....	Not mortgaged.
37	Minnie, (for 'gn name, Shadow.)	James Black the younger, of Nassau, New Providence.....	Not mortgaged.
637	Henry Adderley, (for 'gn name, Rebecca.)	Henry Adderley, Augustus John Adderley, George D. Harris, all of Nassau, New Providence, merchants; joint owners.	Not mortgaged.
60	Del Pilar, (for 'gn name, Yankee Bird.)	John H. C. Ogilvie, a British subject resident at New York, United States of America, merchant.	Not mortgaged.
110	Walter Scott, (no foreign name given.)	William Francis Scott, resident at New Orleans, United States of America, merchant.	Not mortgaged.
263	C. F. O'Brien, (no for 'gn name given.)	John Baker, of Lydd, Kent, England, resident at New Orleans, United States of America, merchant.	Not mortgaged.
85	Lou'isa, (foreign name, Matamoras.)	James Bluck, of Nassau, New Providence, merchant's clerk.....	Not mortgaged.
50	Jane Otis, (no foreign name given.)	Michael Keating, of Port Mulgrave, Nova Scotia, merchant.....	Not mortgaged.
24	Exchange, (foreign name not given.)	Edward M. Marshall, of Digby, Nova Scotia, merchant.....	Not mortgaged.
108	Aimee, (no for 'gn name given.)	Urban Doncet, of Clare, Nova Scotia, master mariner.....	Not mortgaged.
181	Sarabs, (no for 'gn name given.)	James William Bigelow, of Cape Causo, Guysborough, Nova Scotia, master mariner.	Not mortgaged.
195	Quindaro, (foreign name, Ann and Mary)	Edwin Pinkham, of Barrington, Nova Scotia, merchant.....	Not mortgaged.
179	Idella, (for 'gn name, Aladdin.)	Edwin Pinkham, of Boston, United States of America, merchant.....	Not mortgaged.
245	Sarah Atlee, (foreign name, Ian the.)	George Panton Bell, of Havana, Cuba, merchant.....	Not mortgaged.
35	Perseverance, (no for 'gn name given.)	Edward S. Smith, of North Sydney, county of Cape Breton, merchant.	Not mortgaged.
133	Dearborn, (no foreign name given.)	J. D. Deville, of Chamberry, Canada East	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
J. C. Harrison, (no foreign name.)	33	Edward Pierson Archibald, of Sydney, Cape Breton, Nova Scotia, merchant.	Not mortgaged.
Albert, (foreign name, Baltimore.)	58	George Killain, of Yarmouth, Nova Scotia, merchant.....	Not mortgaged.
Forest Oak, (foreign name same)	92	Theodore Churchill, of Yarmouth, Nova Scotia, master mariner	Not mortgaged.
Ocean Wave, (foreign name, Ocean.)	37	Maurice Peters, 42 shares; Oliver Peters, 22 shares; both of Westport, Nova Scotia, mariners.	Not mortgaged.
Lydia, (foreign name, North Carolina)	700	Nehemiah K. Clements, of Yarmouth, Nova Scotia, merchant	Not mortgaged.
John Spear, (foreign name same.)	694	James Anderson, of Liverpool, Great Britain, master mariner	Not mortgaged.
Winnifred, (foreign name same.)	329	Nehemiah K. Clements, of Yarmouth, Nova Scotia, shipowner.....	Not mortgaged.
Veloz, (foreign name, Henrietta.)	47	Samuel M. Ryerson, of Yarmouth, Nova Scotia, shipowner	Not mortgaged.
Margaret Evans, (foreign name same.)	1,013	George Shaw, of Montreal, Canada; David Shaw, of Glasgow, Scotland, shipping agents, joint owners.	Not mortgaged.
Marigo, (foreign name, Henry Hill.)	493	George Emmanuel Franghuidi, of London, Great Britain, merchant.	Not mortgaged.
Saxon, (foreign name, Lucy Johnson.)	216	William James Anderson, of Cape Town, merchant.....	Not mortgaged.
Mary Gardiner, (foreign name same.)	239	Henry Terestone Watson, of Cape Town, shipowner.....	Mortgage, dated 7th April, 1863, for £2,000, and interest at 6 per cent., to John Ames Thomas, master mariner.
Star of the West, (foreign name same.)	1,297	James Atkins, of Liverpool, county of Lancaster, master stevedore.	Not mortgaged.
Elizabeth, (foreign name, E. Foster.)	338	Henry Tibbitts Roper, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Vaucluse, (foreign name same.)	759	Raymond Leeman Gilchrist, of Liverpool, county of Lancaster, shipowner.	Not mortgaged.

Margaret Quayle, (foreign name, James Honey.)	1, 089	William Quayle, of Liverpool, county of Lancaster, merchant	Mortgage, dated 24th October, 1863, for £6,000, and interest at 5 per cent., to John Courpland, the younger, of Liverpool, county of Lancaster, merchant.
Edith, (foreign name, Thomas Jefferson.)	1, 114	Henry Flinn, of Liverpool, county of Lancaster, master mariner.	Mortgage, dated 5th October, 1863, to secure sums due on account current to George Taylor and William Tipper, both of Liverpool, county of Lancaster, ship brokers, joint mortgagees. Not mortgaged.
Philadelphia, (foreign name same)	1, 259	The Globe Navigation Company, (limited,) of Liverpool, county of Lancaster.	Not mortgaged.
John (Gipin, (foreign name same.)	283	John Paterson, of Port Elizabeth, merchant	Not mortgaged.
Ansdell, (foreign name same.)	362	Thomas Ansdell, of Cape Town, merchant	Not mortgaged.
Fulcon, (foreign name, Clara Hayall.)	340	Alfred Hardwick Gibbs, of Harewood, Yorkshire, now resident at New York, United States of America, shipowner.	Mortgage, dated 27th June, 1863, for \$32,000, and interest at 5 per cent., to John Henry Harbeck and William Henry Harbeck, of New York, United States of America, joint mortgagees. Not mortgaged.
Antelope, (foreign name same)	1, 139	John Garven Dale, of Cape Town, merchant	Mortgage, dated 27th June, 1863, for \$24,000, with interest at 2½ per cent., to John Henry Harbeck and William Henry Harbeck, of New York, United States of America, joint mortgagees. Not mortgaged.
Clipper, (foreign name same.)	75	Michael Sewans Vander Bye, of Cape Town, merchant	Mortgage, dated 28th December, 1863, for \$800, and interest at 9 per cent., to Edward Foster Lakeman, of Port Louis, master mariner. Not mortgaged.
Morning Star, (foreign name same.)	433	John Garven Dale, of New York, United States of America, merchant	Not mortgaged.
Ida, (foreign name, Peri.)	168	Jean Victor Bandeau, 22 shares; Desiré François, 21 shares; Jean Pierre François, 21 shares; all of Port Louis, traders.	Mortgage, dated 14th October, 1863, for \$3,000, to Alexander Duff, of Port Louis, merchant.
Chance, (foreign name, Northwest.)	286	Henry Clay Squier, shipwright, 42 shares; John William Gould, shipwright, 22 shares; both of Port Louis. John William Gould transfers his interest to Henry Clay Squier, as aforesaid.	
Catherine Holbrook, (foreign name, Sarah.)	375	Henry Clay Squier, of Port Louis, shipwright	
Codabux, (foreign name, Grace Ross.)	1, 287	Eyoob Aboo Tauleb, of Port Louis, merchant	
Nil Desperandum, (foreign name, Rodman.)	347	Alexander Griffin, of Port Louis, Mauritius, master mariner	

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Jan Allum, (foreign name, Julia Lawrence.)	999	Eyoob Aboo Tauleb, of Port Louis, Mauritius, merchant.....	Not mortgaged.
Georgina, (foreign name, Thomas W. Lears.)	540	James Fraser, of Port Louis, Mauritius, merchant.....	Not mortgaged.
Azelia, (foreign name same.)	287	William Whitlock, of St. Andrew's, New Brunswick, merchant.....	Not mortgaged.
W. A. Farnsworth, foreign name, Lapwing.)	327	Henry Clay Squier, of Port Louis, Mauritius, shipwright.....	Mortgage, dated 24th December, 1863, for £5,000, to Frederick Thorndyke, of Port Louis, master mariner.
G. T. Kemp, (foreign name, David Rimball.)	370	John Paterson, of Port Elizabeth, Cape of Good Hope, merchant.....	Not mortgaged.
Falcon, (foreign name same.)	479	John Paterson, of Port Elizabeth, Cape of Good Hope, merchant.....	Not mortgaged.
Edward, (foreign name not given.)	183	Henry Thackray, of Teekwith, near Leeds, Yorkshire, England.....	Not mortgaged.
E. P. Dorr, (no foreign name given.)	60	Thomas O'Donohue, of Quebec, Canada, watchmaker.....	Not mortgaged.
Sunbeam, (foreign name same.)	993	Henry Fry, of Quebec, province of Canada, merchant.....	Not mortgaged.
George Downs, (foreign name same)	147	Owen Hinds, of St. Stephen, province of New Brunswick, ship-builder.	Not mortgaged.
Mystic Tie, (foreign name, Amethyst.)	33	James Brown, 22 shares; Alfred Brown, 21 shares; David Ludlow, 21 shares; all of Campobello, New Brunswick, fishermen.	Not mortgaged.
Norfolk, (foreign name same.)	125	Zachariah Chipman and John Bolton, both of St. Stephen, New Brunswick, merchants, joint owners.	Not mortgaged.
Mary Kelly, (foreign name same.)	172	Stephen H. Hitchings, of St. Stephen, New Brunswick, esq.....	Not mortgaged.
Albert, (foreign name, Mendomake.)	70	Douglas Cogswell, of St. Andrew's, New Brunswick, mariner.....	Not mortgaged.
Jeff Davis, (foreign name Otis.)	21	Thomas R. Parker, of Deer Island, New Brunswick, fisherman.....	Not mortgaged.
Villafrañca, (foreign name same.)	370	Zachariah Chipman, of St. Stephen, New Brunswick, merchant.....	Not mortgaged.
Emma Pemberton, (foreign name Julie.)	89	Robert Robinson, of Canterbury, New Brunswick, merchant.....	Not mortgaged.

Italian, (foreign name same.)--	52	Gillman F. Chaffey, of Indian island, New Brunswick, mariner	Mortgage, dated 30th June, 1863, for \$900, and interest at 6 per cent., to George Peabody and Howard Cummings, both of Eastport, Maine, United States of America, merchants, joint mortgagees.
William Graham, (foreign name, Inlet.)	25	John J. Robinson, of Campobello, New Brunswick	Mortgage, dated 30th June, 1863, for \$300, and interest at 6 per cent., to Gideon Stickney, of Eastport, as aforesaid.
Anvil, (foreign name same.)---	85	Lorenzo Wilson, of Campobello, New Brunswick	Not mortgaged.
Caravan, (foreign name same.)	25	Nelson Ludlowe, of Deer island, New Brunswick, fisherman	Not mortgaged.
Czarina, (foreign name same.)	538	Annie M. Kidley, of Bristol, England, at present residing at St. Andrew's, New Brunswick, spinster.	Mortgage, dated 28th July, 1863, for \$38,000, and interest at 6 per cent., to James Treal, of Frankford, State of Maine, United States of America, merchant.
Alpine, (foreign name same.)---	516	Annie M. Kidley, as aforesaid	Mortgage, dated 28th July, 1863, for \$40,000, and interest at 6 per cent., to James Treal, of Frankford, as aforesaid.
M. A. Herrera, (foreign name same.)	396	Annie M. Kidley, as aforesaid	Mortgage, dated 28th July, 1863, for \$20,000, and interest at 6 per cent., to James Treal, of Frankford, as aforesaid.
Robin, (foreign name same.)---	309	Annie M. Kidley, as aforesaid	Mortgage, dated 28th July, 1863, for \$15,000, and interest at 6 per cent., to James Treal, as aforesaid.
Gazelle, (foreign name same.)	25	William B. Guptill, 48 shares; Charles Sinclair, 16 shares; Grand Manan, province of New Brunswick (both of,) fishermen.	Not mortgaged.
Sardinia, (foreign name same.)	724	Charles Alfred de Wolf, of Halifax, Nova Scotia, merchant	Not mortgaged.
Alice, (foreign name, Fischer.)	99	Annie M. Kidley, of Bristol, England, at present residing at St. Andrew's, New Brunswick, spinster.	Mortgage, dated 4th September, 1863, for \$7,000, and interest at 6 per cent., to James Treal, of Frankford, State of Maine, United States of America, merchant.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
James M. Churchill, (foreign name same.)	417	Annie M. Kidley, of Bristol, England, at present residing at St. Andrew's, New Brunswick, spinster.	Mortgage, dated 8th September, 1863, for \$20,000, and interest at 6 per cent., to James Treal, of Frankfort, State of Maine, as aforesaid.
Fred. Warren, (foreign name same.)	1, 168	Frank Shaw, of Salford, Lancashire, England, now residing at Boston, United States of America.	Not mortgaged.
Flor del Mar, (foreign name same.)	557	William Whitlock, of St. Andrew's, New Brunswick.....	Mortgage, dated 25th September, 1863, for \$45,000, and interest at 6 per cent., to Webster Treal, of Frankfort, State of Maine, merchant.
Sparkling Sea, (foreign name same.)	416	William Whitlock, of St. Andrew's, New Brunswick, merchant.....	Mortgage subsequently transferred to Lyman Wisrrell, of Frankfort, as aforesaid, master mariner.
Son, (foreign name Palanquin.)	24	George E. Fountain, of Deer Island, New Brunswick, fisherman.....	Mortgage, dated 15th October, 1863, for \$25,000, and interest at 6 per cent., to Webster Treal, of Frankfort, State of Maine, United States of America, merchant.
Fleet Wing, (foreign name same.)	74	Theodore Churchill, of Yarmouth, Nova Scotia, mariner.....	Mortgage, dated 22d October, 1863, for \$300, and interest at 6 per cent., to Samuel Stoddart, of Pembroke, State of Maine, as aforesaid.
George H. Warren, (foreign name same.)	1, 141	Frank Shaw, of Salford, Lancashire, England, at present residing in Boston, United States of America, merchant.	Not mortgaged.
Emma, (foreign name same.)	20	William Brown, of St. Stephen, New Brunswick, mariner.....	Not mortgaged.
Amy Wooster, (foreign name same.)	151	Clement B. Eaton, of St. Stephen, New Brunswick, merchant.....	Not mortgaged.
Frances Harriet, (foreign name not given.)	43	William N. Ingalls, 48 shares; Wm. W. Guthrie, 16 shares; both of Grand Manan, New Brunswick, fisherman.	Not mortgaged.
Thalatia, (foreign name same.)	762	Charles Hare, of Liverpool, in the county of Lancaster.....	Not mortgaged.

26	Fremont, (foreign name same.)	James Foley, of St. John, Newfoundland, joiner.	Not mortgaged.
115	Kasbec, (foreign name same.)	Francis John Brooking Wyatt, of St. John, Newfoundland, shipowner	Not mortgaged.
162	Hanover, (foreign name same.)	David Bartlett Lemon, of Belfast, Ireland, shipowner.	Not mortgaged.
125	Larlinc, (foreign name, Mat-thew Varsar.)	Francis Wrentmore Cook, of Sidney, New South Wales, shipowner.	Mortgage, dated 17th January, 1863, for £600, and interest at 9 per cent., to Michael Metcalfe, of Sydney, New South Wales, merchant.
506	Austerlind, (foreign name not given.)	Alexander Stuart, of Sydney, New South Wales, merchant, who transfers his interest to John Rayden Bingle, of Newcastle, New South Wales, shipowner.	Mortgage, dated 3d June, 1863, for £3,000, to Robert Towns and Alexander Stewart, both of Sydney, New South Wales, joint mortgagees.
454	Mary and Edith, (foreign name, Leon.)	Alexander Stuart, of Sidney, New South Wales.	Not mortgaged.
1,308	Donna Amelia, (foreign name, Golden Cross.)	Alexander Pellow Wilson, of Bahia, in the empire of Brazil, merchant.	Not mortgaged.
466	Clara Hargrave, (foreign name, Achilles.)	George Martin, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
869	Annie Boylston, (foreign name not given)	Elijah James Crocker, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
1,180	Sanspareil, (foreign name Fan-ny M'Henry.)	The Globe Navigation Company (limited) of Liverpool, county of Lancaster.	Not mortgaged.
266	Wavertree, (foreign name, R. H. Harman.)	Edward Shaw, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
850	Olympia, (foreign name, Inez.)	Edward Stewart Jones, 32 shares, merchant; John Samuel McKnight, shipowner, 32 shares; both of Liverpool, county of Lan-caster.	Not mortgaged.
1,162	Simoon, (foreign name same.)	Nicholas Sinnott, of Enniserthing, county of Wexford, merchant, 40 shares; William James Lampport, George Holt, and Phillip Henry Holt, all of Liverpool, county of Lancaster, merchants, joint owners, 8 shares; John Phillips and William Ellis, of Liverpool, aforesaid, sailmakers, joint owners, 8 shares; John Murphy, master mariner, of Liverpool, aforesaid, 8 shares.	Mortgage, dated 7th November, 1863, (on 40 shares held by Nicholas Sinnott,) for an account current to William James Lampport, George Holt, and Phillip Henry Holt, all of Liverpool, county of Lancaster, merchants, joint mortgagees. Mortgage, dated 11th November, 1863, (on 8 shares held by John Murphy,) for an account current to William James Lampport, George Holt, and Phillip Henry Holt, as aforesaid, joint mortgagees.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
W. C. Wentworth, (foreign name, John Howe.)	315	James Merrimam, of Sydney, New South Wales, shipowner.....	Not mortgaged.
Queensland, (foreign name, N. M. Haven.)	414	Robert Towns, of Sydney, New South Wales, merchant.....	Not mortgaged.
Manakan, (foreign name, Elizabeth C. Felton.)	443	Waltham Kensell, of Sydney, New South Wales, shipowner.....	Not mortgaged.
Fanny Merrimam, (foreign name, Rapid.)	401	James Merrimam, 33 shares; William Andrews, 32 shares; both of Sydney, New South Wales, shipowners.	Not mortgaged.
Eliza, (foreign name not given.)	1, 378	Karsandos Madhavadas, of Bombay, Hindoo merchant.....	Not mortgaged.
Storm King, (foreign name same.)	1, 148	Charles Turton Johnson, of Victoria, Hong Kong, merchant.....	Not mortgaged.
Zephyr, (foreign name same.)	410	Robert Inglis Fearon, of Victoria, Hong Kong, merchant.....	Not mortgaged.
Wild Pigeon, (foreign name not given.)	769	William Morrice, of Leighton Buzzard, Bedfordshire, merchant, who transfers his interest to Graham Anderson, of Hong Kong..	Mortgage, dated 8th December, 1863, for 40,000 dollars, with interest at 12 per cent., to Epsto P. Fabbie, and Frederick Chauncey, of New York, United States of America, merchants.
Assam Valley, (foreign name Viston.)	1, 100	Patrick Tregent, the younger, and Frederick Rushton Marrow, both of Liverpool, in the county of Lancaster, merchants, joint owners— Who transfer 8 shares to Robert Duncan, of Liverpool, in the county of Lancaster, master mariner.	Mortgage, dated 21st December, 1863, to secure 350 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i> , and interest at 10 per cent., to Thomas Main and James Rentoul Montgomery, both of Liverpool, county of Lancaster, ship-store dealers, joint mortgagees.
Clara Wheeler, (foreign name same.)	1, 228	Stephen Baker Guion, merchant, 16 shares; John Durant, stevedore, 12 shares; William Lawrence Sutherland, ship carpenter, 12 shares; Edward Durant, stevedore, 12 shares; James Jermy Mack, stevedore, 12 shares; all of Liverpool, county of Lancaster.	Not mortgaged.
Napier, (foreign name same.)	1, 424	Samuel Robert Graves, of Liverpool, county of Lancaster, merchant.	Not mortgaged.

Etowah, (foreign name, Howell Hopcock.)	321	Edward Shaw, of Liverpool, county of Lancaster, shipowner.....	Not mortgaged.
Abbotsford, (foreign name Prince of Wales.)	1, 178	William Tipper, of Liverpool, county of Lancaster, merchant.....	Not mortgaged.
Juventa, (foreign name same.)	1, 324	Elijah James Crocker, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Utinia, (foreign name, Ina Russell.)	1, 225	Francis Martin, 22 shares; Archibald Robertson, 21 shares; James Oughterson, 21 shares; all of 67 Gracechurch street, city of London, merchants.	Not mortgaged.
Louisa, (foreign name same) --	939	George Duncan, of 147 Leadenhall street, city of London, shipowner, 16 shares; James Young Simpson, of Queen street, Edinburgh, physician, 32 shares; William Kay Coalrough, of Liverpool, county of Lancaster, merchant, 8 shares; Alexander Sturrock Petrie, of Ironmonger lane, city of London, merchant, 8 shares.	Not mortgaged.
Light Brigade, (foreign name, Ocean Telegraph.)	1, 214	James Baines and Joseph Greaves, of Liverpool, county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, of 1, Leadenhall street, city of London, shipowners, all joint owners.	Not mortgaged.
Humber, (foreign name, Star of the Sea.)	1, 403	John Jacob Lidgett and George Lidgett, of 9 Billiter street, city of London, shipowners, joint owners.	Not mortgaged.
Elphinstone, (foreign name, H. B. Mildmay.)	893	Henry John Hall, of 140 Leadenhall street, city of London, shipowner.	Mortgage, dated 13th February, 1863, for £4,000, and interest at 12 per cent., to Philip Thomas Blyth, of 15 Gracechurch street, city of London, esquire; subsequently discharged. Mortgage, dated 23d May, 1863, for an account current, and interest at 10 per cent., to John Gillespie, William Smith Churchill, and Charles Frederick Moxley, of Great Winchester street, city of London, merchants, joint mortgagees. Not mortgaged.
Anita, (foreign name, W. H. Newton.)	349	Alexander Mackenzie, of Allapool, Ross, Scotland, merchant.....	Not mortgaged.
Lyeemooon, (foreign name same.)	425	Patanjee Framjee, of Victoria, Hong Kong, merchant.....	Not mortgaged.
Nankin, (foreign name same.)	230	Arthur Abraham and David Sassoon, of Victoria, Hong Kong, merchants.	Not mortgaged.
Queen of the Seas, (foreign name, Esther.)	739	Frederick Spring, of New York, United States of America, merchant.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage	Name and address of owner.	Particulars, if mortgaged.
Music, (foreign name same) . .	444	George Blakeway, of Victoria, Hong Kong, merchant.....	Mortgage, dated 2d December, 1863, for £6,000, and interest, to D. E. Murray, Secretary of the Atlantic Navigation Company, New York, of Faybrook, Connecticut, and James Kluir, master mariners, joint mortgagees. Not mortgaged.
Foh-Kien, (foreign name same.)	867	Robert Brand, of Shanghai, merchant.....	Not mortgaged.
Yangtze, (foreign name not given.)	548	Lee Seng Moh, 22 shares; Chin Ho, 26 shares; Rhoo Kin, 16 shares; all of Rangoon.	Not mortgaged.
Nightingale, (foreign name same.)	282	Thomas Henderson and John Sangster Macfarlane, both of Auckland, New Zealand, merchants, joint owners.	Not mortgaged.
Alice Cameron, (foreign name not given.)	347	Thomas Henderson, of Auckland, New Zealand, merchant.....	Not mortgaged.
Conflict, (foreign name same.)	134	Emile Sapenne Delisle, 32 shares; Alexander John Cock, 32 shares; both of St. Christopher, merchants.	Not mortgaged.
Augusta, (foreign name same.)	136	Edward Lyster, of Yarmouth, Nova Scotia, merchant.....	Not mortgaged.
Agnes, (foreign name, Ashler.)	194	Emile Sapenne Delisle, of St. Christopher, merchant.....	Not mortgaged.
Eclipse, (foreign name same)	94	Emile Sapenne Delisle, as aforesaid.....	Not mortgaged.
Sarah Flagg, (foreign name not given.)	262	William Francis Ogilvie, of the city of London, merchant.....	Not mortgaged.
Eclipse, (foreign name not given.)	132	Emile Sapenne Delisle, 32 shares; Frederick Sapenne Delisle, 16 shares; Gustave Sapenne Delisle, 16 shares; all of the island of St. Christopher, merchants.	Not mortgaged.
F. W. Congdon, (foreign name not given.)	118	Charles Summers, of the town of St. George, Grenada, merchant.....	Not mortgaged.
Charles Anna, (foreign name not given.)	68	William Carr, of the city of New York, United States of America, merchant.	Not mortgaged.
Thomas Dallett, (foreign name same.)	287	Henry Lord Boulton, of Laguayra, in the State of Venezuela, merchant.	Not mortgaged.
Mount Vernon, (foreign name same.)	169	George Salomon, of the city and parish of Kingston, Jamaica, merchant.	Not mortgaged.

Roanoke, (foreign name same.) -	Henry Lord Boulton, of Laguayra, in the state of Venezuela, merchant.	Not mortgaged.
John Boulton, (foreign name, Chase.)	Henry Lord Boulton, as aforesaid, 21 shares; William George Boulton, 21 shares; William Bliss, 22 shares; both of Philadelphia, United States of America, merchants.	Not mortgaged.
Velocity, (foreign name, Lizzie Ivcat.)	Walter Danel, of the island of Bermuda, master mariner, who transfers his interest to William Edward Darrell, of Bermuda and New York, United States of America, merchant.	Mortgage, dated 24th July, 1863, for 6,500 dollars, and interest at 5 per cent., to Eliza Pack Morris, of Brooklyn, New York, United States of America.
Kingston Packet, (foreign name, Marsellus.)	William Dugan, of the island of Grand Cayman, Jamaica, master mariner.	Not mortgaged.
Aigburth, (foreign name not given.)	Thomas Gilgal, of Matamoros, Mexico, merchant.	Not mortgaged.
Denmark, (foreign name same.)	James Burrows Bell, of Bermuda, gentleman.	Not mortgaged.
Honduras, (foreign name, Charles Heddle.)	John Ernest Alexander, of New York, United States of America, merchant.	Not mortgaged.
Kate, (foreign name, Indomitable)	William Henry Sears, of Harlem island, Bahamas.	Not mortgaged.
Cabaulla, (foreign name, Greyhound.)	David King and David Brown, both of Savannah Le Mar, in the island of Jamaica, merchants, joint owners.	Not mortgaged.
Josephine B. Small, (foreign name same.)	Joseph Eneas, of Harbor island, Bahamas, merchant.	Not mortgaged.
Charles Russell, (foreign name, Maria B. Lawson.)	James Davidson, of Kingston, Jamaica, merchant.	Not mortgaged.
Imperador, (foreign name same.)	John Matthews, of Pernambuco, Brazil, merchant.	Not mortgaged.
Beaver, (foreign name same.)	Henry Solomon Henry, of New York, United States of America, merchant.	Not mortgaged.
Henry, (foreign name same.)	George Hekell Tobias, of Annapolis Royal, Nova Scotia.	Not mortgaged.
White King, (foreign name same.)	Henry Lord Boulton, of Laguayra, in the State of Venezuela, merchant, 22 shares; William Bliss, merchant, 21 shares; William G. Boulton, merchant, 21 shares; both of Philadelphia, United States of America.	Not mortgaged.
Kate, (foreign name same.)	Henry Solomon Henry, of New York, United States of America, merchant.	Not mortgaged.
Henry Throckray, (foreign name, John Churchman.)	Henry Throckray, of Leeds, Yorkshire, England.	Not mortgaged.
Bird of the Wave, (foreign name same.)	George Beale Sewell, of Port-au-Prince, Hayti, gentleman.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Holland, (foreign name same).	357	William Morrice, of Bedfordshire, England.....	Mortgage, dated 10th March, 1863, for 25,000 dollars, with interest at 5 per cent., to Jonathan Thompson, of New York, United States of America.
Paragon, (foreign name, Andrew Peters.)	242	William Morrice, as aforesaid.....	Mortgage, dated 28th March, 1863, for 8,000 dollars, and interest at 5 per cent., to Charles Peters and Andrew James Peters, both of New York, United States of America, merchants. Not mortgaged.
R. W. Griffiths, (no foreign name given.)	356	Henry Henderson, of London, England.....	Not mortgaged.
Henry Darling, (foreign name same.)	413	Frederick Spring, of the city of New York, United States of America, merchant.	Not mortgaged.
Golden South, (foreign name, Flying Childers.)	976	James Baines and Joseph Greaves, of Liverpool, county of Lancaster; Thomas Miller Mackay and John Taylor, of 1 Leadenhall street, city of London; all shipowners and joint owners.	Mortgage, dated 18th August, 1863, for an account current, to Charles Mozley, of Liverpool, county of Lancaster, banker. Not mortgaged.
Glenforth, (foreign name, C. H. Southard.)	733	John Charles Robertson, of Grangen, county of Stirling, merchant, 32 shares; James Wilkie Adamson, 16 shares; Thomas Ronaldson, 16 shares; both of 1 Leadenhall street, city of London, shipowners.	Not mortgaged.
Queen of the Clippers, (foreign name, Harvey Maybee)	214	Charles Rudd Tatham, of Tufnell Park, in the county of Middlesex, shipowner.	Not mortgaged.
Maritzburg, (foreign name, James Briant)	537	Henry John Hall, of 148, Leadenhall street, city of London, shipowner.	Mortgage dated 7th April, 1863, for 1,750 <i>l.</i> , and interest at 10 per cent., to John Gillespie, of Great Winchester street, city of London, merchant. Not mortgaged.
Blandina Dudley, (foreign name same.)	929	Charles Gumm, of 19 Change alley, Cornhill, in the city of London, shipowner.	Not mortgaged.
Golden Land, (foreign name, Ivanhoe.)	817	James Baines and Joseph Greaves, of Liverpool, county of Lancaster, shipowners; Thomas Miller Mackay and John Taylor, of 1 Leadenhall street, city of London, shipowners; all joint owners.	Not mortgaged.

Chatsworth, (foreign name, Ohio.)	850	John Peter Van Rossum, of the city of New York, in the United States of America, merchant.	Not mortgaged.
Saxony, (foreign name same.)	438	George Croshaw, 43 shares; Leon Benham, 21 shares; both of Fen-church street, city of London, shipbrokers.	Not mortgaged.
Fow-tsun, (foreign name, Walter Lord.)	1, 079	Charles Shaw, of Cophall court, Throgmorton street, city of London, merchant.	Not mortgaged.
Highland Chief, (foreign name same.)	843	John Hall, of Newcastle-upon-Tyne, merchant.	Not mortgaged.
Golden Empire, (foreign name, Mary E. Balch.)	1, 218	James Baines and Joseph Greaves, of Liverpool, county of Lancas-ter; Thomas Miller Mackay and John Taylor, of 1 Leadenhall street, city of London; all shipowners, and joint owners.	Mortgage (on 60 shares), dated 18th May, 1863, for an account current, with in-terest at 5 per cent., to William Lucas Merry, of Cannon street, city of Lon-don, merchant.
Pedro, (foreign name, Pedro Sanchez Coly.)	174	Henry James Creighton, of Halifax, Nova Scotia.	Mortgage, dated 24th April, 1863, for 12,000 dollars, and interest at 5 per cent., to William M. Peek and Francis Church, both of New York, United States of America, merchants.
Sam Shepherd, (foreign name same.)	283	Henry Henderson, of London, England.	Not mortgaged.
Crusoe, (foreign name same.)	382	Jacob Embleton, of Sunderland, England, master mariner.	Mortgage, dated 12th March, 1863, for 12,000 dollars, and interest at 6 per cent., to George L. Luce, of Maine, United States of America, master mariner.
Minnie, (foreign name, Sha-dow.)	37	William Henry Williams, of Brooklyn, New York, United States of America.	Not mortgaged.
Chanticleer, (foreign name same.)	301	Henry Thackray, of Leeds, Yorkshire, England.	Mortgage, dated 20th February, 1863, for \$15,000, equal to £3,125 sterling, and interest at 5 per cent., to Henry Becker, of New York, United States of America, merchant.
Sarah Ann, (foreign name, Lalla.)	74	Peter F. Kennedy, of St. Andrew's, New Brunswick, master mar-iner.	Mortgage, dated 11th June, 1863, for £583, and interest at 6 per cent., to Lloyd Slemmer, of New York, as aforesaid.
Wilhelmine, (foreign name same.)	339	Henry Thackray, of Leeds, Yorkshire, England.	Mortgage, dated 13th March, 1863, for \$18,000, and interest at 5 per cent., to Henry Becker, of New York, United States of America, merchant.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
John Barnard, (foreign name same.)	400	Zachariah Chipman, of St. Stephen's, New Brunswick.....	Not mortgaged.
H. A. Stephenson, (foreign name same.)	400	James Nixon Duck, of New York, United States of America, merchant.	Not mortgaged.
Mary, (foreign name same.)	271	William Morrice, of Bedfordshire, England.....	Not mortgaged.
Auctioneer, (foreign name, Catherine)	172	Thomas Mackay Hughes, of St. Thomas, West Indies, writing clerk.	Not mortgaged.
R. W. Darrell, (foreign name not given)	73	Robert William Darrell, of Grand Turk, Turk's and Calco's islands, pilot.	Not mortgaged.
Alice Maud, (foreign name same.)	234	William H. Chaffey, of West Isles, New Brunswick.....	Mortgage, dated 25th March, 1863, for \$10,000 and interest at 6 per cent., to John H. M'Larrén, of Eastport, State of Maine, United States of America.
Osprey, (foreign name same.)	383	Edward Lyster, of Yarmouth, Nova Scotia.....	Mortgage, dated 4th April, 1863, for \$18,000 and interest at 5 per cent., to William M. Peek and Francis Church, both of New York, United States of America, merchants.
N. F. Colthirst, (foreign name not given.)	175	John Funton, of London, England.....	Not mortgaged.
Almata, (foreign name, Royalston.)	232	William Henry Williams, of London, England.....	Not mortgaged.
Ouachita, (foreign name, Sequine.)	156	Edward Alexander Brazil, of Tipperary, Ireland.....	Mortgage, dated 27th March, 1863, for \$8,000 with interest at 5 per cent., to Horace Elliot Brown and Charles Cook Morrell, both of New York, United States of America, merchants.
Angler, (foreign name, Bridges.)	74	Thomas Cotton, jr., of Liverpool, England, trader.....	Mortgage, dated 2d July, 1863, for \$3,500 and interest at 6 per cent., to William N. Nelson, of Plymouth, Massachusetts, United States of America.
Clyde, (for n name, Santiago.)	119	Benjamin Crawley, of Yarmouth, Nova Scotia, merchant.....	Not mortgaged.

George Crump, (foreign name, Ben Dunning.)	George T. Abbott, of Philadelphia, United States of America.....	Mortgage, dated 1st June, 1863, for \$6,000 with legal interest, to Stephen F. Soder, of Philadelphia, United States of America.
Imaum, (foreign name same.)	Thomas Inglis, of Boston, United States of America, merchant....	Mortgage, dated 1st June, 1863, for \$3,750 with legal interest, to James H. Winchester, of Brooklyn, New York, United States of America.
Planet, (no foreign name given.)	Thomas Cotton, the younger, of Liverpool, England	Mortgage, dated 1st June, 1863, for \$750 with legal interest, to Messrs. Bridge & Lord, of Boston, United States of America.
Carlota, (no foreign name given.)	William Bliss, of Philadelphia, United States of America.....	Not mortgaged.
Planet, (foreign name, Ocean Bird.)	Thomas Cotton, the younger, of Liverpool, England.....	Not mortgaged.
William S. Hansell, (foreign name, Aura.)	William Francis Ogilvie, of New York, United States of America.	Not mortgaged.
Arran, (foreign name, Mary Hammond.)	William Francis Ogilvie, of New York, United States of America.	Mortgage, dated 4th August, 1863, for \$3,500 and interest at 6 per cent, to Ebenezer Wheelwright, of Boston, United States of America, merchant.
St. George, (foreign name same.)	Carruthers Charles Johnston, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Admiral, (foreign name same)	Sidney Panter Slater, of Manchester, county of Lancaster, merchant, at present residing in New York, United States of America.	Not mortgaged.
William Dent, (foreign name, Palmas.)	Matthew Isaac Wilson, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.
Perseverance, (foreign name, Barnbury.)	The Company of African Merchants (limited,) of Liverpool, in the county of Lancaster.	Not mortgaged.
Ocean Ranger, (foreign name same.)	Alexander Alcock Nevins, of Liverpool, county of Lancaster, merchant.	Not mortgaged.
Windsor Forest, (foreign name same.)	Andrew Leighton and Charles Russell, both of Liverpool, county of Lancaster, shipbrokers, joint owners.	Not mortgaged.
	John Malcomson, of Liverpool, in the county of Lancaster, merchant.	Not mortgaged.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Undine, (foreign name, Lysander.)	182	John Johnston Reford, of Belfast, Ireland, merchant.....	Mortgage, dated 30th November, 1863, for \$10,000, and interest at 6 per cent., to Benjamin F. Burgess and Nathan B. Gibbs, both of Boston, United States of America, merchants.
Manitou, (foreign name same.)	179	Edwin Pinkham, of Barrington, Nova Scotia, merchant.....	Not mortgaged.
Mary, (foreign name not given.)	162	Ellen Delaney, of Cork, Ireland, now of the city of New York, United States of America.	Not mortgaged.
Ozell, (foreign name not given.)	117	Alfred Hardwick Gibbes, of Harewood, Yorkshire, England.....	Not mortgaged.
Eliza, (foreign name not given.)	179	John Christopher Rahming, of New York, United States of America, merchant.	Not mortgaged.
Balto, (foreign name not given)	192	Edwin Deir Parker, of Stapleton, Richmond, United States of America, gentleman.	Not mortgaged.
Scio, (foreign name not given.)	181	Zorenzo Wilson, of Charlotte county, New Brunswick, merchant.....	Mortgage, to secure \$10,000, and interest at 6 per cent., to John H. M'Zeaven, of Eastport, Maine, United States of America, merchant.
Isabella, (foreign name same.)	162	Henry Rudge, of New York, United States of America.....	Not mortgaged.
Scotland, (no foreign name given.)	139	William Parker Zeacock, of Bridgetown, Barbadoes, merchant.....	Mortgage, dated 1st July, 1863, for \$8,000, and interest, to Elisha J. Smith, of Hartford, Connecticut, United States of America.
Victoria, (foreign name, America.)	205	Robert George Barrow, of Bridgetown, Barbadoes.....	Mortgage, dated 13th of July, 1863, for \$6,000, to Thomas B. Watson and Edward L. Clark, both of Philadelphia, United States of America, merchants.
Adelphi, (no foreign name given.)	168	Edwin Deir Parker, of Stapleton, Richmond, New York, United States of America, gentleman.	Not mortgaged.
Julia, (foreign name not given.)	186	George Augustus Lewis, of London, England; at present residing in New York, United States of America, gentleman.	Not mortgaged.
Irma, (foreign name not given.)	145	George Y. Abbott, of St. Stephen's, New Brunswick.....	Not mortgaged.

Enchantress, (foreign name not given)	126	John Armstrong, of Langford, Ireland; at present residing in New York, United States of America.	Not mortgaged.
Unou, (foreign name not given.)	184	John Matthues, of London, England; now of Pernambuco, merchant.	Not mortgaged.
Sarah Larsen, (foreign name, Commerce.)	118	John Flynn, of Tralee, Ireland; now of Philadelphia, United States of America, gentleman.	Mortgage, dated 12th of November, 1863, for \$6,000 and legal interest, to Henry C. Lancaster, of Philadelphia, United States of America, merchant.
Eaglet, (no foreign name given.)	198	Charles Nickelson, of Horncastle, Lincolnshire, mariner; now of Bridgeport, Connecticut, United States of America.	Not mortgaged.
Iliya, (no foreign name given).--	172	Robert Gordon, of Dumfries, Scotland; at present residing in New York, United States of America, merchant.	Not mortgaged.
Lucy W. Alexander, (foreign name same.)	108	Alexander Campbell, of Port Spain, Trinidad, merchant.....	Not mortgaged.
Island Belle, (foreign name same.)	126	William Bliss, of Philadelphia, United States of America, merchant..	Not mortgaged.
Indian Queen, (no foreign name given.)	77	Thomas James, of Halifax, Nova Scotia, merchant.....	Not mortgaged.
Concordia, (foreign name, Samuel Hall.)	63	James Nixon Duck, of Tannton, England, merchant.....	Not mortgaged.
Colonel Adams, (foreign name same.)	1, 516	George Waterbury, of Liverpool, in the county of Lancaster, merchant, who transfers his interest to Raymond Leeman Gilchrist, of Liverpool, in the county of Lancaster, shipowner.	Mortgage, dated 6th of April, 1863, for \$3,000, with interest at 5 per cent., to William Poppe, of New York, United States of America, merchant; subsequently discharged.
William, (foreign name, William.)	469	Andrew Gibson, merchant, 24 shares; William Thompson, merchant, 16 shares; both of Liverpool, county of Lancaster; Richard Calvert Hawes, shipowner, of St. John, New Brunswick, 16 shares; Henry Gibson, of Liverpool, in the county of Lancaster, bookkeeper, 8 shares.	Mortgage, dated 1st of September, 1863, for £13,000 and interest, to Harvey Mills, of Thomaston, Maine, United States of America, master mariner.
Armada, (foreign name same).--	1, 858	John Graven Dale, of Liverpool, in the county of Lancaster, merchant; at present residing in the city of New York, in the United States of America.	Not mortgaged.
			Mortgage, dated 19th of August, 1863, for £12,000 and interest at 5 per cent., to William Henry Harbeck and John Henry Harbeck, both of the city of New York, United States of America, merchants, joint mortgagees.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Naval Reserve, (foreign name not given)	1, 831	James Baines and Joseph Greaves, of Liverpool, in the county of Lancaster, shipowners; Thomas Miller Mackay, of the city of London, shipowner; joint owners.	Not mortgaged.
Sultana, (foreign name, Ocean Romp.)	942	John Mincaster Mitcheson, of Garford street, Poplar, in the county of Middlesex, shipowner, 32 shares; David Mainland, of the Grove, Stratford, in the county of Essex, shipowner, 32 shares.	Not mortgaged.
Berkley, (foreign name, John M. Mayo.)	612	James F. Phelaw, of Halifax, Nova Scotia, merchant	Mortgage, dated 25th of June, 1863, for \$20,000 and interest at 6 per cent., to Franklin Snow, of Boston, Massachusetts, United States of America.
Zalicka, (foreign name same.)— Glacier, (foreign name, Charles Keen.)	195 481	Charles Hall, of Sheffield, Yorkshire, England, merchant Henry Torrace, of the city of New York, United States of America, merchant.	Not mortgaged.
Thistle, (foreign name, Parkman.)	50	Peter Ross, of Halifax, Nova Scotia, merchant, who transfers 16 shares each to John C. Mickerson and Nelson Nickerson, of Sherbrook, Nova Scotia, mariners.	Mortgage, dated 10th of October, 1863, for \$1,500 and interest at 6 per cent., to Peter Ross and Henry Paint, of Halifax, Nova Scotia, joint mortgagees.
Oriole, (foreign name same.)—	219	Joseph Marie Trayer, of Queen's county, Ireland, but now of New York city, merchant.	Not mortgaged.
Statira, (foreign name, Essex.)—	327	Charles Hall, of Sheffield, England, at present of Boston, United States of America, merchant.	Not mortgaged.
Melissa, (foreign name, Ocean Eagle)	203	William Morrice, of Leighton Buzzard, Bedfordshire, England, now resident in New York, United States of America.	Not mortgaged.
St. Andrew, (foreign name, Andrew Carney.)	299	Charles Hall, of Sheffield, Yorkshire, England, merchant.	Mortgage, dated 10th of September, 1863, for \$17,000 and interest at 6 per cent., to James Upton, of Salem, Massachusetts, United States of America, merchant.
Africa, (no foreign name given.)	182	Charles Hall, the aforesaid	Not mortgaged.
Girraifar, (foreign name, Sumter.)	519	Melchor George Kingsender, of Liverpool, in the county of Lancaster, England.	Not mortgaged.
Mary M' Rae, (foreign name same.)	203	Edward Francis Matland, of Norwich, Norfolk, England, now residing in New York, United States of America.	Not mortgaged.

Winona, (foreign name same.)	389	Edward Lyster, of Yarmouth, Nova Scotia, at present residing in New York, United States of America, contractor.	Mortgage, dated 11th of April, 1863, for \$19,000 and interest at 5 per cent., to William M. Peck and Francis Church, both of the city of New York, merchants, joint mortgagees.
Fannie Hamilton, (foreign name same.)	379	Edward Lyster, the aforesaid.	Mortgage, dated 21st of July, 1863, for \$13,000, with interest at 5 per cent., to Augustus H. Badger and James W. Badger, both of New York, United States of America, merchants, joint mortgagees.
S. H. Waterman, (foreign name same)	445	Charles Hall, of Sheffield, England, at present residing in Dorchester, Massachusetts, United States of America, merchant.	Mortgage, dated 15th of May, 1863, for \$12,000 and interest at 6 per cent., to Ebenezer Wheelwright, of Boston, Massachusetts, United States of America, merchant.
Celestia, (foreign name same.)	315	David Bartlett Lemon, of Belfast, Ireland, now resident at New York, United States of America, merchant.	Mortgage, dated 23d of March, 1863, for \$10,000 and interest at 5 per cent., to Zenas D. Bassett, of Brooklyn, New York, and Samuel C. Howes, of Middleborough, Massachusetts, United States of America, joint mortgagees.
Fredona, (foreign name, Azor.)	397	David Arklay, of Dundee, in the county of Forfar, Scotland, merchant.	Mortgage, dated 14th of July, 1863, for \$2,200 and interest at 6 per cent., to Chas. W. Dabney, of Faval, gentleman.
Advance, (foreign name same)	1, 388	Edmund Best, of 30 Singleton street, Hoxton, county of Middlesex, shipowner.	Mortgage, dated 10th of July, 1863, for \$8,000, and an account current, with interest at 5 per cent., to Arthur Child, of the city of New York, United States of America.
Flying Eagle, (foreign name same.)	363	Frank M'Gurn, of Carriek, Leitrim, Ireland, now residing at Boston, United States of America, grocer.	Not mortgaged.
Atlantic, (no foreign name given.)	284	Thomas Stott Pope, of Stanstead, Canada, now residing at New York, United States of America.	Not mortgaged.
Morning Light, (no foreign name given.)	525	John Garven Dale, of Liverpool, England, now residing at New York, United States of America, merchant.	Mortgage, dated 28th of July, 1863, for \$24,000, with interest at 5 per cent., to John Henry Harbeck and William Henry Harbeck, both of New York, United States of America, merchants.

A return of the number and tonnage of American (United States) vessels, &c.—Continued.

Name of ship.	Tonnage.	Name and address of owner.	Particulars, if mortgaged.
Ocean Spray, (foreign name same.)	267	Duncan M'Coll, of Bermuda, at present residing in New York, as aforesaid, merchant.	Not mortgaged.
Angostura, (foreign name same)	376	John Garven Dale, of Liverpool, England, now residing in New York, as aforesaid, merchant.	Mortgage, dated 2d September, 1863, for \$16,000 and interest at 5 per cent., to John Henry Harbeck, of New York city, as aforesaid, merchant.
Tabita, (foreign name same.)	332	William H. Chaffey, of West Isles, New Brunswick, merchant	Mortgage, dated 22d of June, 1863, for \$12,000 and interest at 6 per cent., to John H. M'arren, of Eastport, Maine, United States of America, merchant.
Russell, (foreign name, Narragansett.)	360	William Morrice, of Heath House, Leighton Buzzard, Bedfordshire, England, now of the city of New York, merchant.	Mortgage, dated 10th of October, 1863, for \$12,000 and interest at 5 per cent., to Henry W. Peabody, of Salem, Massachusetts, United States of America.
Tulja, (foreign name, Boston Light.)	943	Kursondass Madhowdass, of Bombay, Hindoo merchant.	Not mortgaged.
Sarah Maria, (foreign name, J. H. Duvall.)	234	James George Hill, of Bombay, master mariner.	Not mortgaged.
John Stuart, (no foreign name given.)	1, 650	George Hamilton, of Bombay, merchant.	Not mortgaged.

Total ships..... 608
 Total tonnage..... 328, 665

The registry books contain no record of the sellers of foreign ships, or any note respecting the nationality of the mortgagees; the names of the sellers of the ships cannot therefore be furnished, nor can it be stated whether the mortgagees are British subjects or foreigners.

W. WYBROW,
Chief Secretary, British Shipping.

Mr. Seward to Mr. Adams.

No. 996.]

DEPARTMENT OF STATE,
Washington, June 20, 1864.

SIR: Your despatch of the 2d of June, No. 705, has been received. The account you give in it of the credulity exercised in political circles in regard to alleged disasters of our armies is fully sustained by the concurrent expositions of the British press. I perceive that it is at last confessed by that press, with entire unanimity, that the sympathies and good wishes of the nation are with the insurgents. The British nation has arrived at this stage only now, at the moment when, for the first time, it is made clear that the success of the Union involves directly the extinction of African slavery throughout the world, while the failure of the Union would reinvigorate and perpetuate that greatest solecism of modern civilization. All popular sympathies and excitements seem to me to run their course briefly in England. British humanitarians no longer appeal to the world for Poland. They dismiss Garibaldi and united Italy with grace, indeed, but still without practical aid. On the contrary, they reason against military demonstration, and hope, without encouragement, for the failure of the American Union. That illusive hope they will not surrender. Nevertheless, they cannot admit even to themselves that the hope which is so precious arises out of ungenerous motives. We can afford to wait. Time, which has so slowly brought to the British politicians sufficient boldness to confess the sympathies with the armed upholders of slavery, which were heretofore denied, will not long leave the sources of those deplorable sympathies undisclosed. Nevertheless, I cannot hold the British nation altogether responsible. It is misled, not unwillingly, indeed, but still it is misled, by that portion of our own citizens who see in the ruin of slavery the removal of the basis upon which a huge fabric of political strength is permanently built. In short, the struggle in which we are engaged, while it is flagrant civil war in the insurrectionary States, is at the same time a political revolution within the States which recognize the Union. In this respect our case is not an exceptional one. It is the experience of every nation that falls into civil war. We did well, however, at the beginning, when we disallowed an appeal to European sympathies, and declared that we should rely exclusively upon ourselves. It has been very difficult to convince many of our citizens of this; but we are vindicated at last. Let us hope that the strange hallucination of the British nation may not, when it ends, be succeeded by lasting resentments and prejudices in either country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 997.]

DEPARTMENT OF STATE,
Washington, June 20, 1864.

SIR: Your despatch of June 2, No. 708, has been received. It throws all the light you can gather with your prevision upon the Germania-Danico conference, and upon the ministerial situation in England, and I thank you for it, although the condition of those questions is, as you confess, confused and unsatisfactory, altogether too much so to enable us at this distance to conjecture the solution of either.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 998.]

DEPARTMENT OF STATE,
Washington, June 20, 1864.

SIR: I have received your despatch of the 2d of June, No. 707, which is accompanied by a copy of a note which you addressed to Earl Russell on the 23d of May last, concerning enlistments for the insurgent marine service in British ports, also a copy of Earl Russell's acknowledgment of the note, and also copies of voluminous affidavits, which, on occasion of writing that paper, you submitted to her Majesty's secretary of state for foreign affairs. These papers have been submitted to the President, and I am directed to approve fully of your proceedings therein set forth, and to commend the urgency with which you have therein remonstrated against transactions as palpably unlawful as they are injurious to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1000.]

DEPARTMENT OF STATE,
Washington, June 20, 1864.

SIR: No significant military event has occurred in the region beyond the Mississippi since my last notice of the campaign. A considerable force which was sent out by General Washburn, under command of General Sturgis, encountered the insurgents, led by Forrest, and was repulsed and routed. This reverse excited apprehensions here for the safety of General Sherman's communications. Later information assures us that although the defeat of Sturgis was complete, yet the losses were greatly exaggerated. General Sherman, on hearing of it, promptly assured us that he had taken adequate measures to guard against any serious embarrassments which might otherwise result from that unfortunate occurrence. During the last week we were kept well apprised by General Sherman of his own position, and the uncertain attitude of his opponent, Johnston. Last night General Sherman announced that Johnston had again retreated, and that our whole army are pursuing the insurgents as far as the Chattahoochee river, where we understand Johnston will probably make a new stand for the defence of Atlanta. We have heard from General Hunter's flying column only through the insurgent papers at Petersburg and Richmond. From these reports we infer that he is still operating either against Charlottesville or against Lynchburg. The insurgents claim to have defeated Sheridan's cavalry on the Virginia and Tennessee railroad, near Gordonsville, with severe loss, but this is erroneous; he obtained a victory, with substantial fruits in the engagement in which he is reported to have been beaten. But afterwards, on arriving at Gordonsville, he found that place too well defended by an infantry force to be carried by assault; he therefore retired, and when he was last heard from was at West Point, on the York river, it is supposed in communication with General Grant. You will read in the newspapers Lieutenant General Grant's modest but clear account of his success in transferring the army of the Potomac, without any loss, from its position in front and within fifty yards of the enemy on the north bank of the Chickahominy, across that river, and also across the James river, to the south bank of the James, below Petersburg, at the same time re-enforcing General Butler at Bermuda Hundred. The movement, as I before wrote you, began on the evening of the 12th instant, and was

entirely completed on the 15th. Immediately upon obtaining his new position, Lieutenant General Grant began a series of assaults against Petersburg. The place was found strongly defended. Some of the outer intrenchments have been carried with a considerable capture of prisoners and guns, and these defences are still held; yet the enemy has not been displaced from Petersburg. It is understood that Lee has strongly re-enforced Beauregard, who defends Petersburg, and that he has recovered the railroad which connects that place with Richmond, and which at one time fell into the hands of General Butler. Some of the prisoners state that they have just arrived from Tennessee, and this fact implies that Lee has been re-enforced from Johnston's army; but the evidences of it are not conclusive. I do not know that I could say more to render the military situation intelligible; but, in view of the discredit with which all accounts of our operations are met in Europe, I may not improperly add that our commanding generals, and all our military authorities, regard the progress which the armies have made with satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1001.]

DEPARTMENT OF STATE,
Washington, June 20, 1864.

SIR: Your despatch of the 2d instant, No. 704, has been received. Your prompt proceedings adopted with a view to prevent any ill effects from the forged proclamation are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, June 21, 1864.

General Sherman telegraphed yesterday that he had been in error in saying that the enemy had retreated to the Chattahoochee river. You will correct my No. 1,000 by this last information.

All was quiet on the 19th, 20th, and 22d, at Petersburg; but Lieutenant General Grant is not idle there.

I am, sir,

WILLIAM H. SEWARD.

Mr. Adams to Mr. Seward.

No. 724.]

LEGATION OF THE UNITED STATES,
London, June 21, 1864.

SIR: You will have received before this arrives, from other sources, the gratifying intelligence of the destruction of the Alabama by the Kearsarge,

which took place on last Sunday morning. Mr. Dayton did me the favor to send the news by telegraph to me a few hours after it happened, so that I was enabled to be the first to announce it to a few loyal Americans who happened to be at my house on that evening.

I transmit copies of the various morning newspapers, which contain long accounts of the affair as drawn up exclusively from rebel sources. The conduct of the master of the British yacht in aiding the escape of the commander and a part of the crew will doubtless attract your attention. Thus far I have no direct information from Captain Winslow or any other source upon which I could base a representation to this government, if disposed to make one. I incline rather to collect testimony and await instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the London Times of June 21, 1864.]

THE NAVAL ACTION BETWEEN THE ALABAMA AND THE KEARSARGE.

(From our own Correspondent.)

SOUTHAMPTON, *Monday.*

The English steam yacht *Deerhound*, belonging to Mr. John Lancaster, of Hindley Hall, Wigan, Lancashire, arrived here last night and landed Captain Semmes, (commander of the late confederate steamer *Alabama*,) thirteen officers, and twenty-six men, whom she rescued from drowning after the action off Cherbourg yesterday which resulted in the destruction of the world-renowned *Alabama*. From interviews held this morning with Mr. Lancaster, with Captain Jones, (master of the *Deerhound*,) and with some of the *Alabama*'s officers, and from information gleaned in other quarters, I am enabled to furnish you with some interesting particulars connected with the fight between the *Alabama* and the *Kearsarge*.

The *Deerhound* is a yacht of 190 tons and 70 horse power, and her owner is a member of the royal yacht squadron at Cowes and of the royal Mersey yacht club. By a somewhat singular coincidence she was built by Messrs. Laird & Son, of Birkenhead, and proof of her fleetness is furnished by the fact that she steamed home from the scene of action yesterday at the rate of thirteen knots an hour. On arriving at Cherbourg at 10 o'clock on Saturday night, by railway from Caen, Mr. Lancaster was informed by the captain of his yacht, which was lying in harbor awaiting his arrival, that it was reported that the *Alabama* and the *Kearsarge* were going out to fight each other in the morning. Mr. Lancaster, whose wife, niece, and family were also on board his yacht, at once determined to go out in the morning and see the combat.

The *Alabama* left Cherbourg harbor about 10 o'clock on Sunday morning, and the *Kearsarge* was then several miles out to seaward, with her steam up ready for action. The French plated ship-of-war *Couronne* followed the *Alabama* out of harbor, and stopped when the vessels were a league off the coast, her object being to see that there was no violation of the law of nations by any fight taking place within the legal distance from land. The combat took place about nine miles from Cherbourg, and, as there are some slight differences (as might naturally be expected under the circumstances) in relation to the period over which it lasted, and other matters, it may be well here to reproduce from Mr. Lancaster's letter in the *Times* of this morning the subjoined extract from the log kept on board the *Deerhound*:

"*Sunday, June 10, 9 a. m.*—Got up steam and proceeded out of Cherbourg harbor. 10.30.—Observed the Alabama steaming out of the harbor towards the federal steamer Kearsarge. 11.10.—The Alabama commenced firing with her starboard battery, the distance between the contending vessels being about one mile. The Kearsarge immediately replied with her starboard guns; a very sharp, spirited firing was then kept up, shot sometimes being varied by shells. In manœuvring both vessels made seven complete circles at a distance of from a quarter to half a mile. At 12 a slight intermission was observed in the Alabama's firing, the Alabama making head sail, and shaping her course for the land, distant about 9 miles. At 12.30 observed the Alabama to be disabled and in a sinking state. We immediately made towards her, and on passing the Kearsarge were requested to assist in saving the Alabama's crew. At 12.50, when within a distance of 200 yards, the Alabama sank. We then lowered our two boats, and, with the assistance of the Alabama's whale-boat and dingy, succeeded in saving about forty men, including Captain Semmes and thirteen officers. At 1 p. m. we steered for Southampton."

One of the officers of the Alabama names the same hour, viz: 11.10, as the commencement of the action, and 12.40 as the period of its cessation, making its duration an hour and a half; while the time observed on board the Deerhound, which is most likely to be accurate, that vessel being free from the excitement and confusion necessarily existing on board the Alabama, limited the action to an hour, the last shot being fired at 12.10. The distance between the two contending vessels when the Alabama opened fire was estimated on board the Deerhound at about a mile, while the Alabama's officer tells me that she was a mile and a half away from the Kearsarge when she fired the first shot. Be this as it may, it is certain that the Alabama commenced the firing, and as it is known that her guns were pointed for a range of 2,000 yards, and that the second shot she fired, in about half a minute after the first, went right into the Kearsarge, that may be taken as the real distance between the two ships. The firing became general from both vessels at the distance of a little under a mile, and was well sustained on both sides, Mr. Lancaster's impression being that at no time during the action were they less than a quarter of a mile from each other. Seven complete circles were made in the period over which the fight lasted. It was estimated on board the Deerhound that the Alabama fired in all about 150 rounds, some single guns, and some in broadsides of three or four, and the Kearsarge about 100, the majority of which were 11-inch shells. The Alabama's were principally Blakeley's pivot guns. In the early part of the action the relative firing was about three from the Alabama to one from the Kearsarge, but as it progressed the latter gained the advantage, having apparently a much greater power of steam. She appeared to have an advantage over the Alabama of about three knots an hour, and steam was seen rushing out of her blowpipe all through the action, while the Alabama seemed to have very little steam on.

At length the Alabama's rudder was disabled by one of her opponent's heavy shells, and they hoisted sails; but it was soon reported to Captain Semmes by one of his officers that his ship was sinking. With great bravery the guns were kept ported till the muzzles were actually under water, and the last shot from the doomed ship was fired as she was settling down. When her stern was completely under water Captain Semmes gave orders for the men to save themselves as best they could, and every one jumped into the sea and swam to the boats which had put off to their rescue. Those of them who were wounded were ordered by Captain Semmes to be placed in the Alabama's boats and taken on board the Kearsarge, which was as far as possible obeyed.

Captain Semmes and those above mentioned were saved in the Deerhound's boats, and when it was ascertained that the water was clear of every one that

had life left, and that no more help could be rendered, the yacht steamed away for Cowes, and thence to this port.

The Kearsarge, it is known, has for some time past been in hot pursuit of the Alabama, which vessel Captain Winslow was determined to follow everywhere till he overtook his enemy. Very recently she chased and came up with one of the vessels of the Chinese expeditionary force returning to England, and ran alongside with her gun pointed and crew at quarters, before she could be convinced of her mistake, for the expeditionary vessel was very like the celebrated confederate cruiser. The Kearsarge was then described as likely to prove a formidable overmatch for the Alabama, having higher steam power and rate of speed, a crew "nearly double" that under Captain Semmes, and, unlike her sister ship the Tuscarora, carrying ten, instead of eight, very heavy 11-inch shell guns—the so-called columbiads of the American navy. The Alabama, on the contrary, is stated to have had only two heavy rifled guns and six broadside 32-pounders. The confederate, too, after her long cruise, was sorely in need of a refit. A part of her copper, it is said, was off, and her bottom was covered with long weeds.

The crew of the Alabama comprised, in all, about 150 when she left Cherbourg. Of these, 10 or 12 were killed during the action, and a number were known to be drowned, the difference between these and the number brought home by the Deerhound being, it is hoped, saved by the boats of the Kearsarge, or some French pilot-boats which were in the vicinity. The French war vessel Couronne did not come out beyond three miles. The surgeon of the Alabama was an Englishman, and, as nothing has been heard of him since he went below to dress the wounds of some of the sufferers, it is feared that he went down with the ship.

The wounded men on board the Deerhound were carefully attended to until her arrival here, when they were taken to the Sailors' Home, in the Canute road. Several of the men are more or less scarred, but they are all out about the town to-day, and the only noticeable case is that of a man who was wounded in the groin, and that but slightly.

Captain Semmes, and his first lieutenant, Mr. J. M. Kill, are staying at Kelay's hotel, in Queen's Terrace, where the gallant commander is under the care of Dr. Ware, a medical gentleman of this town, his right hand being slightly splintered by a shell.

When the men came on board the Deerhound they had nothing on but their drawers and shirts, having been stripped to fight, and one of the men, with a sailor's devotedness, insisted on seeing his captain, who was then lying in Mr. Lancaster's cabin in a very exhausted state, as he had been intrusted by Captain Semmes with the ship's papers, and to no one else would he give them up. The men were all very anxious about their captain, and were rejoiced to find that he had been saved. They appeared to be a set of first-rate fellows, and to act well together in perfect union under the most trying circumstances.

The captain of the forecastle on board the Alabama, a Norwegian, says that, when he was in the water, he was hailed by a boat from the Kearsarge, "Come here, old man, and we'll save you;" to which he replied, "Never mind me, I can keep up half an hour yet; look after some who are nearer drowning than I am." He then made way for the Deerhound, thanking God that he was under British colors.

Throughout the action the Deerhound kept about a mile to windward of the combatants, and was enabled to witness the whole of it. The Kearsarge was burning Newcastle coals, and the Alabama Welsh coals, the difference in the smoke (the north country coal yielding so much more) enabling the movements of each ship to be distinctly traced. Mr. Lancaster is clearly of opinion that it was the Kearsarge's 11-inch shells which gave her the advantage, and that, after what he has witnessed on this occasion, wooden ships stand no

chance whatever against shells. Both vessels fired well into each other's hull, and the yards and the masts were not much damaged. The mainmast of the Alabama had been struck by shot, and as the vessel was sinking broke off and fell into the sea, throwing some men who were in the maintop into the water. Some tremendous gaps were visible in the bulwarks of the Kearsarge, and it was believed that some of her boats were disabled. She appeared to be temporarily plated with iron chains, &c. As far as could be seen, everything appeared to be well planned and ready on board the Kearsarge for the action. It was apparent that Captain Semmes intended to fight at a long range, and the fact that the Kearsarge did not reply till the two vessels got nearer together showed that they preferred the short range, and the superior steaming power of the latter enabled this to be accomplished. It is remarkable that no attempt was made by the Kearsarge to close and board the Alabama, and when the Alabama hoisted sail and made as if for the shore, the Kearsarge moved away in another direction, as though her rudder or screw was damaged and out of control. Great pluck was shown on both sides during the action. On board the Alabama all the hammocks were let loose, and arrangements had been made for sinking her rather than that she should be captured.

As far as it is known, not a relic of the Alabama is in the possession of her successful rival. When she was sinking, Captain Semmes dropped his own sword into the sea to prevent the possibility of its getting into their hands, and the gunner made a hole in one of the Alabama's boats and sank her for the same reason.

Before leaving the Deerhound, Captain Semmes presented to Mr. Lancaster's son one of his officer's swords and a pistol in remembrance of the occurrence and the kind treatment he and his men had received on board the yacht. The men stated that the best practice generally on board the Alabama during the action was shown by the gunners who had been trained on board the Excellent in Portsmouth harbor.

The spectacle presented during the combat is described, by those who witnessed it from the Deerhound, as magnificent, and thus the extraordinary career of the Alabama has come to a grand and appropriate termination.

The presence of the Deerhound on the scene was a providential circumstance, as, in all probability, the men saved by her would otherwise have been drowned, and a lamentable addition would thus have been made to the number of lives lost on the occasion.

Nothing is known here respecting the Kearsarge or her subsequent movements. She was in command of Captain John Winslow, and had about the same number of officers and crew as the Alabama. The last official American navy list describes her as 1,031 tons register, and carrying eight guns, being two guns less than the Tuscarora mounts, to which in all other respects the Kearsarge is a sister ship. The Tuscarora will be remembered as the federal ship-of-war that some two years and a half ago lay at this port watching the Nashville. Several of the Alabama's officers now here were attached to the Nashville on that occasion.

The Alabama's chronometers, specie, and all the bills of ransomed vessels are saved, having been handed over to a gentleman at Cherbourg before she left that port.

Mr. Mason, the confederate agent, Captain Bullock, and the Rev. Mr. Tremlett arrived by the 4 o'clock train this afternoon from London, and proceeded to Kelway's hotel to meet Captain Semmes.

Captain Semmes and all the men are now placed under the care of Mr. J. Wiblin for such medical attendance as may be required.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 725.]

LEGATION OF THE UNITED STATES,

London, June 23, 1864.

* * * * *

The most important event of the week has been the termination of the conference without result, which is announced in all the newspapers of this morning. The time expires on Sunday next. It now remains to be seen what effect this event will have on the internal politics of this kingdom. Whether the ministry will await the formal dissolution of the body before making their explanations in Parliament is not yet known. The division of opinion which has thus far affected its energy must now be either healed or widened. Some positive policy has become unavoidable. Whatever may be proposed, I scarcely see how it can fail to bring about a considerable change in existing combinations.

Inasmuch as the relations of the United States with this country are not unlikely to be more or less seriously affected by these changes, I shall do my best to keep you steadily informed of every movement that may occur.

* * * * *

The motion of Mr. Lindsay seems to have dropped from the list. Events thus far have failed to bring to it even a plausible shadow of support.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 726.]

LEGATION OF THE UNITED STATES,

London, June 23, 1864.

SIR: The popular excitement attending the action between the Alabama and the Kearsarge has been considerable. I transmit a copy of the Times of this morning, containing a report made to Mr. Mason by Captain Semmes. It is evidently intended for this meridian.

The more I reflect upon the conduct of the Deerhound the more grave do the questions to be raised with this government appear to be. I do not feel it my duty to assume the responsibility of demanding, without instructions, the surrender of the prisoners. Neither have I yet obtained directly from Captain Winslow any authentic evidence of the facts attending the conflict. I have some reason to suspect that the subject has already been under the consideration of the authorities here.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of June 23, 1864.]

THE ALABAMA AND THE KEARSARGE.

To the Editor of the Times.

SIR: I send herewith a copy of the official report of Captain Semmes of his late engagement with the United States ship Kearsarge, which you may, perhaps, think worthy a place in your columns.

I avail myself of the occasion to note one or two inaccuracies in the letter of your correspondent, dated at Southampton on Monday, and published in the Times of Tuesday. The crew of the Alabama is there stated at 150 men; she had, in fact, but 120, all told.

Again, as to her armament; that of the Kearsarge may be correctly given by your correspondent. I do not know what it was. The Alabama had one 7-inch Blakely rifled gun, one 8-inch smooth-bore pivot gun, and six 32-pounders, smooth-bore, in broadside.

I am, sir, very respectfully, your obedient servant,

J. M. MASON.

24 UPPER SEYMOUR STREET, *June 22.*

—
“SOUTHAMPTON, *June 21, 1864.*

“SIR: I have the honor to inform you that, in accordance with my intention, as previously announced to you, I steamed out of the harbor of Cherbourg between 9 and 10 o'clock on the morning of the 19th of June for the purpose of engaging the enemy's steamer Kearsarge, which had been lying off and on the port for several days previously. After clearing the harbor we descried the enemy, with his head off shore, at a distance of about seven miles. We were three-quarters of an hour in coming up with him. I had previously pivoted my guns to starboard, and made all my preparations for engaging the enemy on that side. When within about a mile and a quarter of the enemy he suddenly wheeled, and bringing his head in-shore, presented his starboard battery to me. By this time we were distant about one mile from each other, when I opened on him with solid shot, to which he replied in a few minutes, and the engagement became active on both sides.

“The enemy now pressed his ship under a full head of steam, and to prevent our passing each other too speedily, and to keep our respective broadsides bearing, it became necessary to fight in a circle, the two ships steaming around a common centre, and preserving a distance from each other of from a quarter to half a mile. When we got within good shell range we opened upon him with shell. Some 10 or 15 minutes after the commencement of the action our spanker gaff was shot away and our ensign came down by the run. This was immediately replaced by another at the mizenmast-head. The firing now became very hot, and the enemy's shot and shell soon began to tell upon our hull, knocking down, killing, and disabling a number of men in different parts of the ship.

“Perceiving that our shell, though apparently exploding against the enemy's sides, were doing him but little damage, I returned to solid shot firing, and from this time onward attended [alternated?] with shot and shell.

“After the lapse of about one hour and ten minutes our ship was ascertained to be in a sinking condition, the enemy's shell having exploded in our side and between decks, opening large apertures, through which the water rushed with great rapidity.

“For some few minutes I had hopes of being able to reach the French coast, for which purpose I gave the ship all steam, and set such of the fore and aft sails as were available. The ship filled so rapidly, however, that before we had made much progress the fires were extinguished in the furnaces, and we were evidently on the point of sinking. I now hauled down my colors, to prevent the further destruction of life, and despatched a boat to inform the enemy of our condition.

“Although we were now but 400 yards from each other, the enemy fired upon me five times after my colours had been struck. It is charitable to suppose that a ship-of-war of a Christian nation could not have done this intentionally.

“We now turned all our exertions towards saving the wounded and such of

the boys of the ship who were unable to swim. These were despatched in my quarter-boats, the only boats remaining to me, the waist-boats having been torn to pieces.

"Some twenty minutes after my furnace fires had been extinguished, and the ship being on the point of settling, every man, in obedience to a previous order which had been given the crew, jumped overboard and endeavored to save himself.

"There was no appearance of any boat coming to me from the enemy after my ship went down. Fortunately, however, the steam yacht *Deerhound*, owned by a gentleman of Lancashire, England, Mr. John Lancaster, who was himself on board, steamed up in the midst of my drowning men and rescued a number of both officers and men from the water. I was fortunate enough myself thus to escape to the shelter of the neutral flag, together with about forty others, all told.

"About this time the *Kearsarge* sent one, and then, tardily, another boat.

"Accompanying you will find lists of the killed and wounded, and of those who were picked up by the *Deerhound*; the remainder, there is reason to hope, were picked up by the enemy and by a couple of French pilot-boats, which were also fortunately near the scene of action.

"At the end of the engagement it was discovered by those of our officers who went alongside the enemy's ship with the wounded that her midship section on both sides was thoroughly iron-coated; this having been done with chain constructed for the purpose, placed perpendicularly from the rail to the water's edge, the whole covered over by a thin outer planking, which gave no indication of the armor beneath.

"This planking had been ripped off in every direction by our shot and shell, the chain broken and indented in many places, and forced partly into the ship's side. She was most effectually guarded, however, in this section from penetration. The enemy was much damaged in other parts, but to what extent it is now impossible to tell; it is believed he was badly crippled.

"My officers and men behaved steadily and gallantly, and though they have lost their ship, they have not lost honor.

"Where all behaved so well it would be invidious to particularize, but I cannot deny myself the pleasure of saying that Mr. Kell, my first lieutenant, deserves great credit for the fine condition in which the ship went into action with regard to her battery, magazine, and shell-rooms, and that he rendered me great assistance by his coolness and judgment as the fight proceeded.

"The enemy was heavier than myself, both in ship, battery, and crew; but I did not know until the action was over that she was also iron-clad.

"Our total loss in killed and wounded is 30; to wit, 9 killed, 21 wounded.

"I have the honor to be, very respectfully, your obedient servant,

"R. SEMMES, *Captain.*"

Mr. Adams to Mr. Seward.

No. 728.]

LEGATION OF THE UNITED STATES,

London, June 23, 1864.

SIR: After a long interval Lord Russell has resumed the correspondence, copies of the first portion of which I transmitted to you with my despatch No. 663, of the 21st of April last.

I now transmit copies of the two last notes which have passed on the same subject.

I have the honor to be, sir, your most obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, 18th June, 1864.
2. Mr. Adams to Lord Russell, 20th June, 1864.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June 18, 1864.*

SIR: Her Majesty's government have not failed to consider with the attention they deserved the observations contained in your note of the 16th of April, in which you enclosed copies of certain papers in confirmation of your position that British subjects captured in blockade runners may properly be treated by the United States as enemies, but I feel constrained to observe that in the opinion of her Majesty's government there is really nothing in the acts of the Congress of the so-styled Confederate States, or in the prospectus of the "Atlantic Trading Company, Limited," which either calls for or tends in any degree to explain or justify the orders issued by the United States government on this subject.

Her Majesty's government must continue to insist that it is not competent to the United States government to treat generally as enemies the subjects of her Majesty captured in the act of trading with the other belligerent, whatever may be the regulations of the confederate government under which that trade is carried on. If the circumstances of any peculiar case should prove that any of her Majesty's subjects have been taken while actively employed in the military service of the belligerent states, no just cause of complaint would be given if such subjects were treated as enemies. But the subjects of her Majesty are entitled by international law to carry on the operations of commerce equally with both belligerents, subject to the penalty of the capture of their vessel and to no other penalty, if they attempt to violate a properly constituted blockade or to carry contraband of war to the enemy. This is a proposition which Great Britain in common with all neutral states is bound to maintain and uphold, and her Majesty's government are decidedly of opinion that the circumstances under which the trade between the Confederate States and this country is now carried on are in no respect so exceptional as to entitle the United States government to depart in their manner of dealing with it from the ordinary course of procedure.

Her Majesty's minister at Washington will therefore be instructed to continue to protest against the course adopted by the United States government in this matter, and to press for the revocation of the orders issued by the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, June 20, 1864.

MY LORD: I have had the honor to receive your note of the 18th instant, in reply to that which I addressed to you on the 16th of April last, on the position in which British subjects who consent to navigate vessels destined to any port occupied by the insurgents in the United States are placed by the regulations established by those who assume to act by authority among them, without assenting to which they cannot be received.

Your lordship is pleased to observe that whatever may be the nature of those regulations, the subjects of her Majesty captured in the act of trading should not be treated as enemies. I regret to be compelled to adhere to the position heretofore assumed, that regulations which require as a preliminary condition to an act of trade that the vessels to the extent of one-half of their carrying capacity should be placed under the control of the so-called government, for conveying the public property used for the continued prosecution of the war in which it is engaged to and fro, necessarily take to that extent the character of transports engaged in the service of the enemy, and must be considered accordingly. All British subjects, therefore, who, as a preliminary to trade, voluntarily enter into a like compact, cannot be considered in any other light than as changing their neutral character of traders, and becoming for the occasion allies and servants to the insurgents in carrying on the war. As such they appear to forfeit their immunity in case of capture. It being apparent from this fixed opposition of sentiment that little can be hoped from further pressing my views upon your lordships here, I shall content myself with referring your latest note as well as the subject involved to my government, by whom I doubt not it will be again respectfully considered with an earnest desire to decide on it with the most scrupulous regard to every international obligation.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 729.]

LEGATION OF THE UNITED STATES,

London, June 23, 1864.

SIR: In connexion with your despatch No. 996, of the 28th of May, I now have the honor to transmit copies of my note to Lord Russell of the 18th instant, covering a representation made to me by Mr. Morse, the consul at this port, of the case of the steamer Hawk, and of his lordship's reply dated the 20th.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, June 18, 1864.
2. Mr. Morse to Mr. Adams, June 15, 1864.
3. Lord Russell to Mr. Adams, June 20, 1864.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

June 18, 1864.

MY LORD: I have the honor to submit to your consideration the copy of a letter addressed to me by Mr. Morse, the consul of the United States for this port, relating to the case of the steamer Hawk,

The observations made by Mr. Morse appear to me to apply with equal force to the *Alexandra*, which Mr. Dudley, the consul at Liverpool, informs me to be in preparation for similar purposes.

I am instructed by my government to represent to your lordship that the fact that the parties engaged in these enterprises succeed in disguising their operations to escape detection so far as is necessary to evade the laws of this kingdom designed to prevent them does not appear in any way to diminish the very grave nature of the injury committed against an innocent, friendly nation.

The practical consequence, if not guarded against, is not unlikely to become the establishment of a system of warfare on the ocean, carried on from every maritime country, without regard to international obligations and without responsibility. I need scarcely point out to your lordship that under such practices those nations which have the most extended commerce are subject to the severest injuries. I am directed to say that the United States are not less earnest on this subject now than when they last year remonstrated against the outfit of the vessels, some of which have since been diverted from their original destination.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,

London, June 15, 1864.

SIR: During an interview with you quite early last spring I called your attention to the steamer *Hawk*, then just launched at Renfrew, on the Clyde. About the same time I also communicated to our consuls at Glasgow and Liverpool all the information that had reached me in regard to her. But as she recently came into this port, and will soon, in some capacity, go into active service for the so-called Confederate States, I think it proper that I should again ask your attention to her, and lay before you such reliable facts as have come to my knowledge concerning her, notwithstanding your recent correspondence with the British government in regard to her. Owing to the extreme prudence and reticence of those who direct and execute rebel operations in this country, and the skill in evading the laws which three years' experience has taught them, I have found it quite impossible to procure such legal evidence as is here required for her detention and condemnation. But all the facts I propose to state I am confident are substantially correct and reliable.

The *Hawk* is a new and strongly built iron screw steamer of about 800 tons burden, and was built by Messrs. Henderson, Coleman & Co. at Renfrew, on the Clyde. She was examined while on the stocks by Captain Bullock, of the so-called confederate navy, and then purchased by Thomas Sterling Begbie, of London, as I have not the slightest doubt, either for the so-called Confederate States or for certain citizens thereof. When purchased her deck was laid and her accommodations arranged for the usual number of officers and men carried by steamers of her class in merchant service. Immediately after she was purchased by Mr. Begbie her arrangements for the accommodation of officers and men were entirely changed and made to conform to those of a regular man-of-war. This enlarged accommodation for commissioned and warrant officers, seamen, and others takes up so much space in the vessel as to largely diminish her capacity for cargo. After she was launched side passages were made under deck on each side connecting the forward with the after part of the ship. These passages

were formed by running an iron floor from the lower forward deck through the coal-bunkers and engine-room to the after deck.

The entire floor of these passages is supported by strong iron braces, and there are iron bulkheads run from its inner edge up to the deck, thus making a closed-in passage way on each side of the ship, about four feet wide and say about seven feet high, running fore and aft, through coal-bunkers, engine and fire rooms. If the Hawk was intended for a mere trading vessel, for what is such an arrangement intended? It is hardly to be supposed that so much space would be given on *each side* of the ship merely to form a new mode of communication between the fore and after part of the vessel. Is it not more reasonable to suppose that these side passages or spaces are to be used as depositories of coal, cotton, and other substances for the protection of engines and boilers against cannon shot; and if so, is it not clearly *equipment for war purposes?*

Her decks were first laid of $3\frac{1}{2}$ inches deck plank, the usual thickness for vessels of the size of the Hawk, and abundantly thick for any vessel of her class, if intended for any branch of mercantile trade. After she was sold another $3\frac{1}{2}$ inches covering was laid over the first deck, making her deck when completed 7 inches thick. As this second covering of deck plank was entirely useless for any mercantile purpose, was it not put on to stiffen the upper part of the ship and deaden the shock she might receive from the recoil of guns when discharged from her deck? These alterations and her equipment and fittings were done by the direction of Captain Bullock, of the so-called confederate navy. This Captain Bullock visited her several times while in the process of completion, and once, in company with Mr. Henderson the builder, Smith, acting purser, and Captain Holmes, the acting agent of Begbie in fitting and equipping vessels for sea, made a thorough examination of her and directed various alterations to be made, which were made by the builders, Mr. Henderson & Co. Bullock was undoubtedly the chief superintendent and director in the purchase and fitting out of the Hawk, Holmes and Smith both looking to him for instructions, and yet she stands registered in Mr. Begbie's name, being put forward as the pretended owner to give her protection until she can be placed safely in confederate hands. The Hawk left Renfrew for London April 16, 1864. She touched at Greenock and took in a few men, and then came on towards London. After a passage of three days, during which she made about $10\frac{1}{2}$ knots per hour, she arrived near the mouth of the Thames, where she remained in some obscure place about three weeks.

Why she was detained there so long, whether to complete her equipment and fittings or merely detained for orders, I am at present unable to inform you.

She next came up to Gray's Thurrock, a short distance this side of Gravesend, and from thence into Victoria docks, London, where she remained at anchor, unconnected with the shore except by row-boats, until June 13, when she was taken out in great haste, and brought to an anchor off Woolwich. While she lay in the Thames and London docks, no person was allowed to go on board without permission from her first officer, who is a Lieutenant Knox, of the so-called confederate navy. The only boatman in attendance to take off persons who wished to go on board appears to have been carefully instructed in his duty and to have performed it satisfactorily to his employers. He first asked the name of the visitor, where he belonged, the nature of his business with the steamer, why he wished to go on board, &c., &c. He would then go off to the vessel and report the case to Lieutenant Knox and receive his instructions whether to take the person on board or not. This Lieutenant Knox was, I understand, first officer in the rebel steamer *Eugenie* when she was driven on shore, and captain of the *Robert E. Lee* when she was captured. Both of these steamers belonged to the insurgents or their government. Lieutenant Knox made application for an examination, and I think was examined for a captaincy in the British mercantile service, so that he might act as master in taking out from English ports confederate steamers.

But failing, if he appeared for examination, to obtain a commission as captain in the British merchant service, he has gone first officer of the *Hawk*, with the understanding, it is said, that he shall command her when she leaves Bermuda.

He took on board in this port some bar iron and a quantity of deal cases, the contents of which we were unable to learn. When she came into dock here she had two or three British custom-house officers on board. She had probably been under the observation of such officers since leaving the Clyde.

This scrutiny over her movements was no doubt one of the consequences of your correspondence with the British government in regard to her. It is not to be presumed that while here, under the observation of government officers, they would suffer anything to be done which is here considered in violation of the foreign enlistment act or the Queen's proclamation. Although many circumstances connected with her show that she is to be a confederate belligerent ship, yet while in this port and passing through the formalities necessary to be observed on going to sea, those who controlled her were careful to keep within the letter of the law, though it is not probable that they succeeded in disguising her true character. She has an English register, in which Thomas Sterling Begbie, a London merchant, is named as sole owner. Her crew was shipped at the Sailor's Home in this city, a government shipping office. They shipped for the run out; received one month's advanced wages, with a promise of two months' wages in addition on arriving out. She cleared under the protection of English papers and the English flag, and is bound, it is given out, for Bermuda, an English island.

From the fact that she was purchased, equipped, and fitted under the directions of Captain Bullock; that after the purchase she was changed so as to accommodate wardroom officers aft and warrant officers and over one hundred men forward of the engines; that she was greatly stiffened in the upper deck to enable her to bear the recoil of guns when discharged; that arrangements have been made for protecting her engines and boiler against shot; that the greatest secrecy and caution were observed in regard to her while in this port; and that a lieutenant in the rebel navy is acting as her first officer, and from many other facts and circumstances known to me, I am satisfied that she belongs to the so-called confederate government, and that said government intends to use her for purposes of war, or for committing depredations against the commerce of the United States. There is a possibility that she may go to some continental port to receive her armament and men, or take them in at sea. But should she go to Bermuda in conformity with her clearance from this port, permit me to suggest the propriety of requesting the British government to give her some attention on her arrival out.

I remain, sir, your obedient servant,

F. H. MORSE, *Consul*.

Hon. CHARLES F. ADAMS,
United States Minister.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June 20, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, and its enclosure respecting the *Hawk*, and I have the honor to state to you that her Majesty's government will cause further inquiries to be made with respect to that vessel.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1007.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: Your despatch of the 10th of June, No. 712, is received, together with a copy of your protest addressed to Earl Russell, against the validity of the sale of the pirate ship Georgia. The proceeding is approved, and notice thereof has been given to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1008.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: Your despatch of the 10th of June, No. 715, has been received, together with copies of Earl Russell's notes addressed to you of the 7th of May and the 1st of June. I observe that orators in Parliament complain that the legislature and people of Great Britain are left by the ministry in ignorance of the state of the question which is under debate in the European conference now sitting in London.

If the British people form an opinion concerning enlistments in England in violation of the neutrality laws from the debates in the House of Lords, they must come to the conclusion that it is not Great Britain that is injuring the United States, but the United States that are invading the sovereignty of Great Britain in that way. They will of course be undeceived when the correspondence of the two governments shall come to light. I give you, herewith, a copy of a resolution of the Senate on that subject, and of the President's answer to the Senate.

- I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1009.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: I acknowledge the receipt of your despatch of the 10th of June, No. 711. I thank you for the clear and candid expression of your views on the subject of our increasing our naval force in European waters.

The Niagara will appear there before this despatch will arrive. Perhaps all useful purposes may be effected by her presence, together with the Kearsarge. If occasion shall arise, we shall re-enforce them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1010.]

DEPARTMENT OF STATE,

Washington, June 27, 1864.

SIR: Your despatch of June 11, No. 716, has been received, and your proceedings therein mentioned, in relation to the difficulty between Spain and Peru, are approved.

Information received directly from London, although of no later date than the 3d of June, seems to warrant a hope that, with the aid of generous instructions from Earl Russell, the difficulty can be adjusted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1013 *bis.*]

DEPARTMENT OF STATE,

Washington, June 28, 1864.

SIR: Lieutenant General Grant having, as it is believed, safely and firmly established himself before Petersburg, and having made all prudent attempts to carry the town by assault, his operations there have now become simply strategic. He has already destroyed all the railroad and river communications of Petersburg and Richmond. It is not true that General Hunter has been defeated; on the contrary, it is satisfactorily known that his operations have been successful.

We have news from Major General Sherman that he met a repulse, with a loss of three or four thousand men, in a general assault yesterday upon the enemy's line in the Keewan mountains.

Perhaps I could in no better way relieve you of any apprehensions concerning the safety of our two great armies than by stating the fact that, notwithstanding the vicissitudes of battle, not only are our supplies and material regularly furnished to both armies in their advanced positions, but the headquarters of each are in direct and immediate telegraphic communication with this capital.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 731.]

LEGATION OF THE UNITED STATES,

London, June 28, 1864.

SIR: As I learn from the despatch agent that a bag is about to be forwarded by to-morrow's steamer, I seize the opportunity to transmit a copy of a note which I have addressed to Lord Russell on the conduct of the Deerhound in the late action. After receiving from Captain Winslow a copy of his official report to the Secretary of the Navy, I deemed it best to place the information at once in the hands of the British government, so that it might, if it thought best, respond, in anticipation of instructions, in a conciliatory tone. A copy of the actual reply of his lordship is subjoined.

I regret to perceive that it is evasive in character, and marked by his less agreeable tone.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LONDON, *June 25, 1864.*

MY LORD: I feel it my duty to submit to your consideration a copy of the official report of Captain Winslow, of the United States steamer Kearsarge, to the Secretary of the Navy, respecting the action which took place on Sunday last with the vessel first known at Liverpool as the gunboat No. 290, and since under the name of the Alabama.

It would appear from this statement that a grave question has arisen as to the fact of the interference of a British vessel, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who had already surrendered themselves as prisoners of war. These persons have been brought to this kingdom, and are believed to be in readiness to enter again into the same service, on the first opportunity. Thus the system, heretofore so frequently brought to your lordship's notice, of making this island the base of hostile operations against the commerce of the United States, is in danger of being carried on under a still more aggravated form.

I have the honor likewise to transmit a list of the names and official character of the persons who were picked up by the yacht Deerhound and brought to this island. I feel it my duty to call your attention to the remarkable proportion of officers and of American insurgents in this list as compared with the whole number of persons rescued from the waves. That this selection was made by British subjects with a view to connive at the escape of those particular individuals from captivity I can scarcely entertain a doubt.

Inasmuch as the questions involved in this proceeding appear to me of a character too serious to justify my proceeding further without specific instructions, I shall now content myself with simply submitting these papers for the information of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,
CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Captain Winslow to Mr. Welles.

No. 211.]

UNITED STATES STEAMER KEARSARGE,
Cherbourg, France, June 21, 1864.

SIR: I have the honor to report that towards the close of the action between the Alabama and this vessel all available sail was made on the former for the purpose of again reaching Cherbourg. When the object was apparent, the Kearsarge was steered across the bow of the Alabama for a raking fire, but before reaching this point the Alabama struck. Uncertain whether Captain Semmes was not making some ruse, the Kearsarge was stopped.

It was seen shortly afterwards that the Alabama was lowering her boats;

and an officer came alongside in one of them to say that they had surrendered and were fast sinking, and begging that boats would be despatched immediately for saving of life. The two boats not disabled were at once lowered, and, as it was apparent the Alabama was settling, this officer was permitted to leave in his boat to afford assistance.

An English yacht, the Deerhound, had approached the Kearsarge at this time, when I hailed and begged the commander to run down to the Alabama, as she was fast sinking, and we had but two boats, and assist in picking up the men. He answered affirmatively, and steamed towards the Alabama; but the latter sank almost immediately. The Deerhound, however, sent her boats, and was actively engaged, aided by several others which had come from the shore.

These boats were busy in bringing the wounded and others to the Kearsarge, whom we were trying to make as comfortable as possible, when it was reported to me that the Deerhound was moving off. I could not believe the commander of that vessel could be guilty of so disgraceful an act as taking our prisoners off, and, therefore, took no means to prevent it, but continued to keep our boats at work rescuing the men in the water.

I am sorry to say that I was mistaken. The Deerhound made off with Captain Semmes and others, and also the very officer who had come on board to surrender.

I learned subsequently that the Deerhound was a consort of the Alabama, and that she received on board all the valuable personal effects of Captain Semmes the night before the engagement.

I have the honor to be, very respectfully, your obedient servant,
JOHN A. WINSLOW, *Captain.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

—
List of officers and men belonging to the Alabama who were picked up by the British yacht Deerhound and landed at Southampton :

Captain, Semmes; Lieutenants, Kell and Sinclair; Lieutenant, Howell, (marines;) Sailing-master, Bullock; Midshipmen, Maffit and Anderson; Master's assistants, G. T. Fulham, J. Evans, M. Meulvier, and Schrader; Engineer, O'Brien; Gunner, Cuddy; Captain's clerk, Smith; Petty officers, J. Broesman, W. Crawford, W. Purdy, J. Dent, B. Johnson, C. Seymour, C. Sleson, J. Connor; Firemen, O. Duffy, J. Foxton, W. Levins, M. Macfarland, J. Mason; Seamen, T. McMillan, F. Townshend, R. Masters, G. Redman, W. Angel, W. McClellan, W. Hearn, L. Depoys, A. Piffer, F. Lennan, J. Mahan, P. Whar-ton, T. Kehoe, R. Longshaw.

—
Earl Russell to Mr. Adams.

FOREIGN OFFICE, June 27, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, complaining of the interference of a British vessel, the Deerhound, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who you state had already surrendered themselves prisoners of war, and calling my attention to the remarkable proportion of officers and American insurgents as compared with the whole number of persons rescued from the waves. You state, further, that you can scarcely entertain a doubt that this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity.

I have the honor to state to you, in reply, that it appears to me that the owner of the *Deerhound*, of the royal yacht squadron, performed only a common duty of humanity in saving from the waves the captain and several of the crew of the *Alabama*. They would otherwise, in all probability, have been drowned, and thus would never have been in the situation of prisoners of war.

It does not appear to me to be any part of the duty of a neutral to assist in making prisoners of war for one of the belligerents.

I shall, however, transmit to the owner of the *Deerhound* a copy of your letter and its enclosures, together with a copy of this letter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 733.]

LEGATION OF THE UNITED STATES,
London, June 30, 1864.

SIR: Despatches from the department numbering from 982 to 991 inclusive, and an enclosure belonging to No. 978, have been received at this legation.

The public interest has been much absorbed by the Danish question the past week. From the report of the proceedings at the conservative meeting, it is made plain, however, that no issue will be tendered to the government involving a change of policy. The ministry remains very feeble, but the opposition, the moment it is brought to face responsibility, becomes timid and wavering. There is much reluctance among the members of the Commons to hazard a dissolution and a new canvass. The general impression is that the debate which is to commence on Monday of next week will be a sharp and rather damaging one to the government, but that it will be productive of no result. The ministerial party count upon being sustained by a majority of perhaps five to ten. Meanwhile the Germans are proceeding against Denmark with vigor and success.

The intelligence from America seems to damp the energies of the rebel sympathizers, though it does not extinguish their hopes. There is little present prospect of a demonstration during this session. After the struggle of next week, should it end as anticipated, it is likely the attendance will begin to fall off, and the ministry will tide over to another year.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 734.]

LEGATION OF THE UNITED STATES,
London, June 30, 1864.

SIR: Much discussion has taken place in the public journals here of the conduct of the commander of the yacht *Deerhound* in the late action between the *Kearsarge* and the *Alabama*.

I send you a copy of the *Daily News* of the 29th instant, containing his defence; likewise a copy of the *Telegraph* of the 24th, upon the proposal to present a sword to Captain Semmes. As appearing in that press this article is

exceptional and rather surprising. On the whole, that scheme has not found much favor with the public. A few sympathizers may nevertheless contribute, in private, money enough to perpetrate the folly.

Large enlistments of men are meanwhile going on. They are sent to the continent to the Rappahannock, and perhaps other vessels preparing elsewhere. The mortification at the loss of the Alabama seeks an outlet in threats of what is to be done by some substitute hereafter. The feeling that the crew was English, and the gunners had been trained in the service, forms a cord of affiliation which may lead to important consequences hereafter.

As yet we hear nothing of the Niagara. I have received news from the consul at Cape Town that the Sacramento is on her way here. It may not be a bad thing to have some such vessels at hand.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington D. C.

[From the London Daily News of June 29, 1864.]

THE DEERHOUND, THE ALABAMA, AND THE KEARSARGE.

To the Editor of the Daily News :

SIR : As two correspondents of your journal, in giving their versions of the fight between the Alabama and the Kearsarge, have designated my share in the escape of Captain Semmes and a portion of the crew of the sunken ship as "dishonorable," and have moreover affirmed that my yacht, the Deerhound, was in the harbor of Cherbourg before the engagement, and proceeded thence on the morning of the engagement in order to assist the Alabama, I presume I may trespass upon your kindness so far as to ask for an opportunity to repudiate the imputation and deny the assertion. They admit that when the Alabama went down, the yacht, being near the Kearsarge, was hailed by Captain Winslow and requested to aid in picking up the men who were in the water; but they intimate that my services were expected to be merely ministerial; or, in other words, that I was to put myself under the command of Captain Winslow, and place my yacht at his disposal for the capture of the poor fellows who were struggling in the water for their lives. The fact is, that when we passed the Kearsarge the captain cried out, "For God's sake do what you can to save them," and that was my warrant for interfering in any way for the aid and succor of his enemies. It may be a question with some whether, without that warrant, I should have been justified in endeavoring to rescue any of the crew of the Alabama; but my own opinion is that a man drowning in the open sea cannot be regarded as an enemy at the time to anybody, and is therefore entitled to the assistance of any passer-by. Be this as it may, I had the earnest request of Captain Winslow to rescue as many of the men who were in the water as I could lay hold of, but that request was not coupled with any stipulation to the effect that I should deliver up the rescued men to him as his prisoners. If it had been I should have declined the task, because I should have deemed it dishonorable—that is, inconsistent with my notions of honor—to lend my yacht and crew for the purpose of rescuing those brave men from drowning only to hand them over to their enemies for imprisonment, ill-treatment, and perhaps execution. One of your correspondents opens his letter by expressing a desire to bring to the notice of the yacht clubs of England the conduct of the commander of the Deerhound which followed the engagement of the Alabama and Kearsarge. Now that my conduct has been impugned, I am equally wishful that it should come under the notice of the yacht clubs of England, and I am quite willing to

leave the point of "honor" to be decided by my brother yachtsmen, and, indeed, by any tribunal of gentlemen. As to my legal right to take away Captain Semmes and his friends, I have been educated in the belief that an English ship is English territory, and I am, therefore, unable even now to discover why I was more bound to surrender the people of the Alabama whom I had on board my yacht, than the owner of a garden on the south coast of England would have been if they had swum to such a place and landed there, or than the mayor of Southampton was when they were lodging in that city; or than the British government is now that it is known that they are somewhere in England.

Your other correspondent says that Captain Winslow declares that "the reason he did not pursue the Deerhound or fire into her was that he could not believe at the time that any one carrying the flag of the royal yacht squadron could act so dishonorable a part as to carry off the prisoners whom he had requested him to save from feelings of humanity." I was not aware then, and I am not aware now, that the men whom I saved were or ever had been his prisoners. Whether any of the circumstances which had preceded the sinking of the Alabama constituted them prisoners was a question that never came under my consideration, and one which I am not disposed to discuss even now. I can only say that it is new doctrine to me, that when one ship sinks another in warfare, the crew of the sunken ship are debarred from swimming for their lives and seeking refuge wherever they can find it, and it is a doctrine which I shall not accept unless backed by better authority than that of the master of the *Kearsarge*. What Captain Winslow's notion of humanity may be is a point beyond my knowledge, but I have good reason for believing that not many members of the royal yacht squadron would, from "motives of humanity," have taken Captain Semmes from the water in order to give him up to the tender mercies of Captain Winslow and his compatriots. Another reason than that assigned by your correspondent for that hero's forbearance may be imagined in the reflection that such a performance as that of Captain Wilkes, who dragged two "enemies" or "rebels" from an English ship, would not bear repetition. Your anonymous correspondent further says that "Captain Winslow would now have all the officers and men of the Alabama as prisoners had he not placed too much confidence in the honor of an Englishman, who carried the flag of the royal yacht squadron." This is a very questionable assertion; for why did Captain Winslow confide in that Englishman? Why did he implore his interference, calling out, "For God's sake do what you can to save them?" I presume it was because he could not or would not save them himself. The fact is that if the captain and crew of the Alabama had depended for safety altogether upon Captain Winslow, not one half of them would have been saved. He got quite as many of them as he could lay hold of time enough to deliver them from drowning.

I come now to the more definite charges advanced by your correspondents, and these I will soon dispose of. They maintain that my yacht was in the harbor of Cherbourg for the purpose of assisting the Alabama, and that her movements before the action prove that she attended her for the same object. My impression is that the yacht was in Cherbourg to suit my convenience and pleasure, and I am quite sure that when there I neither did, nor intended to do, anything to serve the Alabama. We steamed out on Sunday morning to see the engagement, and the resolution to do so was the result of a family council, whereat the question "to go out" or "not to go out" was duly discussed, and the decision in the affirmative was carried by the juveniles rather against the wish of both myself and my wife. Had I contemplated taking any part in the movements of the Alabama, I do not think I should have been accompanied with my wife and several young children. One of your correspondents, however, says that he knows that the Deerhound did assist the Alabama, and if he does know this he knows more than I do. As to the movements of the Deer-

hound before the action, all the movements with which I was acquainted were for the objects of enjoying the summer morning, and getting a good and safe place from which to watch the engagement. Another of your correspondents declares that since the affair it has been discovered that the Deerhound was a consort of the Alabama, and on the night before had received many valuable articles for safe-keeping from that vessel. This is simply untrue. Before the engagement neither I nor any of my family had any knowledge of or communication with either Captain Semmes, or any of his officers, or any of his crew. Since the fight I have inquired from my captain whether he or any of my crew had had any communication with the captain or crew of the Alabama prior to meeting them on the Deerhound after the engagement, and his answer, given in the most emphatic manner, has been, "None, whatever." As to the deposit of chronometers and other valuable articles, the whole story is a myth. Nothing was brought from the Alabama to the Deerhound, and I never heard of the tale until I saw it in an extract from your own columns. After the fight was over, the drowning men picked up, and the Deerhound steaming away to Southampton, some of the officers who had been saved began to express their acknowledgments for my services, and my reply to them, which was addressed also to all who stood around, was: "Gentlemen, you have no need to give me any special thanks. I should have done exactly the same for the other people if they had needed it." This speech would have been a needless, and indeed an absurd piece of hypocrisy, if there had been any league or alliance between the Alabama and Deerhound.

Both your correspondents agree in maintaining that Captain Semmes and such of his crew as were taken away by the Deerhound are bound in honor to consider themselves still as prisoners, and to render themselves to their lawful captors as soon as practicable. This is a point which I have nothing to do with, and therefore I shall not discuss it. My object in this letter is merely to vindicate my conduct from misrepresentation; and I trust that in aiming at this I have not transgressed any of your rules of correspondence, and shall therefore be entitled to a place in your columns.

I am, &c.,

JOHN LANCASTER.

HINDLEY HALL, *Wigan, June 27.*

The following correspondence between Mr. Mason and Mr. Lancaster, the owner of the Deerhound, has been forwarded to us for publication:

"24 UPPER SEYMOUR STREET, PORTMAN SQUARE,
London, June 21, 1864.

"DEAR SIR: I received from Captain Semmes at Southampton, where I had the pleasure to see you yesterday, a full report of the efficient service rendered under your orders by the officers and crew of your yacht, the Deerhound, in rescuing him, with thirteen of his officers and twenty-seven of his crew, from their impending fate, after the loss of his ship.

"Captain Semmes reports that, finding the Alabama actually sinking, he had barely time to despatch his wounded in his own boats to the enemy's ship, when the Alabama went down, and that nothing was left to those who remained on board but to throw themselves into the sea. Their own boats absent, there seemed no prospect of relief, when your yacht arrived in their midst, and your boats were launched; and he impressively told me that to this timely and generous succor he, with most of his officers and a portion of his crew, were indebted for their safety. He further told me that on their arrival on board the yacht every care and kindness were extended to them which their exhausted condition required, even to supplying all with dry clothing.

"I am fully aware of the noble and disinterested spirit which prompted you to go to the rescue of the gallant crew of the Alabama, and that I can add nothing to the recompense already received by you and those acting under you in the consciousness of having done as you would be done by; yet you will permit me to thank you, and, through you, the captain, officers, and crew of the Deerhound, for this signal service, and to say that, in doing so, I but anticipate the grateful sentiment of my country and of the government of the Confederate States.

"I have the honor to be, dear sir, most respectfully and truly, your obedient servant,

"J. M. MASON.

"JOHN LANCASTER, Esq., *Hindley Hall, Wigan.*"

"HINDLEY HALL, NEAR WIGAN,

June 24, 1864.

"DEAR SIR: I am in due receipt of your esteemed favor of the 21st instant, and am gratified to find that the timely aid we rendered with the yacht Deerhound to the gallant captain and officers and crew of the Alabama has met with your approval. I shall always look back to that event with satisfaction, however much we may regret the result which necessitated my interference.

"Yours, very respectfully,

"JOHN LANCASTER.

"Hon. J. M. MASON."

To the Editor of the Daily News:

SIR: The royal yacht squadron, to which Mr. Lancaster, it appears, belongs, are bound, as a court of honor, to examine the accusation of the captain of the Kearsarge, "that the yacht was bound to surrender the men saved from the sea as prisoners to the United States ship."

The royal yacht squadron has the privileges (signified by the right of flying a special burgee and the white ensign) of a British man-of-war in British ports. The same were conceded in French ports (as I recollect) by King Louis Philippe. The ships, when the Alabama was sinking, were either at sea or in French waters. The Alabama had sent a boat to say she had struck, but no boat had come in return to take possession. The naval history gives similar facts in the days of Nelson and Collingwood. With this state of things it seems the yacht was a part of England, and could with honor give refuge to drowning men. As the prize was not taken possession of, she could not have been adjudicated upon by any court, for the *res ipsa* or *corpus* was not in the possession of the court or captor whence it could come to the court. The Queen in council has given the rights of belligerents to the south. It seems, then, clear, that as belligerents the crew could swim, or by boats reach the yacht, as they could have swum to the English or French shore. Mr. Lancaster need not, if this reasoning is correct, appeal to humanity, but law, to justify himself. On the contrary, had a boat's crew been sent on board to take possession of the prize, and the Alabama ship's company then have jumped overboard (as they did by order) and swum on board the yacht, the individuals on the Alabama's muster-roll could have been claimed.

Lawyers would call this an inchoate possession; but Nelson and men of his profession would never have accepted a captain's sword in such a case, or any other, where a possession was not effected by superior force. Whether Captain Semmes, having sent his boat to announce the striking, was bound to stay on board and sink with his ship, is a question the yacht had nothing to do with any more than the deciding if Captain Semmes was a belligerent or a pirate. The

British government may have the United States minister claim him as a prisoner of war, if it pleases, just as well as the owner of the yacht. The simple fact is, the captain of the Kearsarge dared not take possession of the Alabama, knowing she was sinking, and therefore never had a right to her, or any man or thing on board of her.

I am, &c.,

NE QUID NIMIS.

P. S.—Humanity may well rejoice that, instead of moving with a “full head of steam” and half to a quarter of a mile of distance, the ships were not brought within one hundred yards, as they would have been at the Nile or Trafalgar. A concentrated fire (easily effected) would have sunk them both.

[From the London Daily Telegraph of June 24, 1864.]

CAPTAIN SEMMES.

JUNIOR UNITED SERVICE CLUB, S. W.,

June 23, 1864.

SIR: It will doubtless gratify the admirers of the gallantry displayed by the officers and crew of the renowned Alabama in the late action off Cherbourg, if you will allow me to inform them, through your influential journal, that it has been determined to present Captain Semmes with a handsome sword, to replace that which he buried with his sinking ship. Gentlemen wishing to participate in this testimony to unflinching patriotism and naval daring will be good enough to communicate with the chairman, Admiral Anson, United Service Club, Pall-mall, or, sir, yours, &c.,

BEDFORD PIM,

Commander R. N., Hon. Secretary.

N. B.—In order to give a larger number of friends the opportunity of contributing, the subscription is limited to a guinea.

Mr. Adams to Mr. Seward.

No. 735.]

LEGATION OF THE UNITED STATES,

London, June 30, 1864.

SIR: In accordance with the directions contained in your despatch, No. 983, of the 9th instant, I addressed a note to Lord Russell, thanking the government for services rendered by her Majesty's ship Perseus to the American bark Maryland, in Japan. I send a copy herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WM. H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, June 28, 1864.

MY LORD: Information has been received by the government of the United States that on the 10th of February last the American bark Maryland, in a

severe storm then raging at the port of Kanawaga, in Japan, fell into imminent danger of striking one of the stone jetties, which must have ended in her complete destruction. At this crisis the prompt and efficient labors of Augustus W. Kingston, the commander of her Britannic Majesty's sloop-of-war *Perseus*, his officers and crew, had the effect to rescue that vessel and all contained in it from the impending peril.

It gives me great pleasure to become the medium through which to express to her Majesty's government the thanks of the President for the timely and effective succor thus rendered to a distressed American vessel, in a remote portion of the globe, by these gallant men.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1015.]

DEPARTMENT OF STATE,

Washington, July 2, 1864.

SIR: Your despatch of the 16th of June, No. 718, has been received. I thank you for your comments on the debate which occurred in the House of Lords on the 9th day of June last, in regard to alleged American violations of the enlistment laws of Great Britain. Although I was quite unprepared for Earl Russell's attitude in that debate, I at once took the same view of it which I now learn was accepted by yourself.

The debate excited much attention in this country. The Senate called for information on the subject. I send you a copy of the resolution of inquiry, and of the President's reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1017.]

DEPARTMENT OF STATE,

Washington, July 2, 1864.

SIR: I have received your despatch of the 16th of June, No. 720, together with its accompaniment, namely, a copy of the London Times of the 16th ultimo, which contains a letter of the captain of the pirate *Alabama* to that journal, and the comments of the Times thereupon.

If the government and people of Great Britain are disposed to be content with the relations which Semmes has thus established between himself and the British nation, we may well leave them to the enjoyment thereof.

Time is wearing on, and it cannot fail to offer to Great Britain a trial of the mistaken policy she pursues towards the United States. In the meantime, it is already manifest that the people of Great Britain are paying more for gold, for cotton, and for bread, than they would cost if her Majesty's government had continued to respect the sovereignty of the United States. The presence of the *Alabama* in the German ocean, however it may annoy us, cannot prevent the augmentation of our wealth, and the increase of our population, which result

from immigration. The reason is obvious: Great Britain, to a certain extent, interposes an embargo against American commerce. This embargo favors our manufactures, and increases our strength and our internal revenue.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1018.]

DEPARTMENT OF STATE,
Washington, July 2, 1864.

SIR: Your despatch of the 16th of June, No. 721, has been received. It is accompanied by a complaint from Earl Russell, that certain United States vessels had violated the neutrality regulations of the British government, in the Bahama islands. I shall at once request the Secretary of the Navy to investigate these complaints. In the mean time you can hardly omit to inform Earl Russell that the whole of the British West India islands are practically used by our insurgent enemies as a base for hostile operations against the United States, and the profits derived by British subjects from these enterprises are avowed in every part of the British empire with as much freedom and as much satisfaction as if the operations were in conformity with international law and with treaties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1019.]

DEPARTMENT OF STATE,
Washington, July 2, 1864.

SIR: I have read with much interest your despatch of the 17th of June, No. 722, in which you inform me of the postponement of the European conference, of the demonstration of Mr. Lindsay against this country, and of the renewed expectation of her Majesty's government that they will be allowed to continue in office throughout the legal term of the present Parliament. It is not easy to imagine how any change which could be made now would improve the position of Great Britain in regard to either her domestic affairs or her foreign relations.

If Great Britain could now commit herself to a government that would be just to the United States, and true to the cause of human nature, it seems to me that most of her political embarrassments would disappear, and she would be able to exercise a controlling and beneficent influence in Europe. But she is manifestly prepared for no such ministry as that.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1020.]

DEPARTMENT OF STATE,
Washington, July 2, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 17th ultimo No. 723, enclosing two printed copies of instructions by her Majesty's govern-

ment to governors of colonies, respecting the treatment of prizes captured by federal or by the so-called confederate cruisers if brought into British waters, with the printed copy of a return of the number and tonnage of American vessels sold to British subjects in the year 1863, for which I give you my thanks.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1021.]

DEPARTMENT OF STATE,

Washington, July 4, 1864.

SIR: The honorable Salmon P. Chase, on the 30th ultimo, resigned the office of the Secretary of the Treasury. It was tendered to his Excellency David Tod, late governor of Ohio, but declined by him for want of adequate health. The President thereupon nominated the honorable William Pitt Fessenden, at present the chairman of the Committee on Finance in the Senate of the United States, and the Senate immediately and unanimously confirmed the appointment. Mr. Fessenden is expected to assume his place in the Cabinet on the adjournment of Congress.

After a session of seven months Congress will adjourn at noon to-day. It has in the main responded to the calls of the President for men and money to continue operations indispensable to suppress the insurrection. Theoretically larger revenues ought to have been levied than those which Congress has imposed; but, practically, those revenues are expected to satisfy the conditions upon which the public credit can be permanently established. The debates have been as loyal and harmonious as could reasonably have been expected in the legislative assembly of a confederate republic, in a great civil war. Congress has not confined itself to military measures. It has provided for carrying on the work upon the Capitol and other public buildings, for establishing steam mail communications with Brazil, for encouraging immigration, for prosecuting the construction of the interoceanic continental railroad, and has given its sanction to the preparation for building an intercontinental or world's telegraph line across Behring's Straits in connexion with Great Britain and Russia.

General Sherman surprised us yesterday with the agreeable information that he has flanked the insurgent forces on Kenesaw mountain, and advanced to Marietta on the way towards Atlanta.

During the last week, Lieutenant General Grant's operations upon the communications of the insurgent army now at Petersburg and Richmond have been eminently successful. I am desirous, in my correspondence, to give you only facts, not anticipations. * * * * *

You will read in the papers of a rebel raid at Martinsburg, threatening the Baltimore and Ohio railroad. The movement is not fully developed, but no serious embarrassment to our operations is apprehended from it.

So, also, you will see accounts of insurgent movements on the Mississippi and Red rivers. I am satisfied that our military authorities have in hand counter operations which promise us the needful security for Sherman's base on the Mississippi.

Upon a careful review of the whole field, the prospects of this great campaign are regarded as auspicious.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to other ministers in Europe.]

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, July 6, 1864.

JONATHAN AMORY,
Despatch Agent, Boston :

Send the following to Mr. Adams by steamer of to-day :

Reports received during the last night seem to prove that the insurgent raid on the Baltimore and Ohio railroad has been exaggerated, and that it affords no ground for serious apprehension. We have called out the militia in Pennsylvania, New York, and New England.

General Hunter is on the track of the raiders.

WILLIAM H. SEWARD.

Mr. Adams to Mr. Seward.

No. 737.]

LEGATION OF THE UNITED STATES,
London, July 7, 1864.

SIR: The British government appear to have instituted proceedings under the enlistment act against Campbell at Liverpool and Seymour in London, on the strength of the many depositions which I have heretofore presented to their notice. This seems to me to render unnecessary a prosecution just now of further complaints on behalf of our government, of their unequal action towards the belligerents. It is doubtful to me whether, in the precise condition of public affairs, any result will come of these proceedings. But in this case, the state of things does not materially differ from that which must prevail in every other, so long as the disjointed condition of the ruling power itself shall be permitted to continue.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 738.]

LEGATION OF THE UNITED STATES,
London, July 7, 1864.

SIR: In answer to the representation made by me to Lord Russell, concerning the fitting out of the steamer Hawk, as reported in my despatch No. 729, of the 23d of June, I have now the honor to transmit a copy of his lordship's note of the 4th instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July 4, 1864.*

SIR: With reference to my note of the 20th ultimo, I have the honor to inform you that it appears from further inquiries which have been made by the

board of customs with respect to the Hawk, that vessel left the Victoria docks on the 13th ultimo, and is stated to have passed Gravesend on the following day, cleared for Bermuda.

The commissioners of customs report that the cargo of the Hawk consisted of iron, iron bar, bar steel, and divers articles of merchandise; that some of the packages were examined by their officers, but that nothing of a suspicious nature was found therein.

The commissioners add that they are informed that their officers had no difficulty in going over every part of the ship, and that in so doing they saw nothing whatever to arouse any suspicion of the vessel; that she appeared to be a very fast merchant ship, and that the general opinion seems to have been that she was not fitted for war purposes, her iron plates being so thin and light.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 739.]

LEGATION TO THE UNITED STATES.

London, July 7, 1864.

SIR: Under the directions contained in your despatch No. 847, of the 17th of February last, I made a representation to this government of the conduct of Mr. Butterfield, a report of which was made in my despatch No. 610, of the 10th of March. The later proceedings in this case were noted in my Nos. 623 and 629. I have now the honor to transmit copies of the final reply of Lord Russell on the 30th of June, and of the enclosure containing Mr. Butterfield's defence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June 30, 1864.*

SIR: With reference to my note of the 19th of March, I have the honor to transmit to you a copy of a despatch which has been addressed by Mr. Vice Consul Butterfield to her Majesty's consul at New York, explaining his proceedings with regard to Edward T. Rich, which formed the subject of your note of the 8th of the same month.

I have the honor to add—that it appears to her Majesty's government that Mr. Butterfield's conduct in this matter has not been such as to merit their animadversion.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Butterfield to Mr. Archibald.

BRITISH VICE CONSULATE,
Key West, May 6, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of April 23, enclosing a despatch from Lord Lyons, containing an extract from a despatch of Admiral Bailey to the Hon. Gideon Welles, in which he complains of my proceeding in the case of Edward T. Rich. Admiral Bailey observes, "that Rich having been refused a pass by him to go to Havana, he sought and obtained the aid of the British vice consul, obtaining from him a certificate addressed to the Spanish consul asserting that Rich was a British subject, and requesting for him, as such, Spanish protection."

In reply to this statement I have the honor to inform you that E. T. Rich did, by oath, (which would now appear to be false,) declare himself to be a British subject, and belonging to Falmouth, England, and obtained from me a British certificate, but not until I had carefully examined him, and had every reason to believe that he was *bona fide* a British subject; but in regard to my affording him *aid* to make his escape from the island, I have only to state that such a thing was not possible, from any certificate that I could give him; as *no one* can pass the guard ship to leave the island, unless he has a pass from the provost marshal of the city, as well as from the admiral himself, and that, therefore, even should I have given a certificate to one who had no claim to it, it could in no way have been of any use to him as a means of escape.

The admiral also states that the certificate was addressed to the Spanish consul, requesting his protection. In reply to this, I have only to state that it was neither addressed to that official, nor did it ask of him any assistance or protection.

It is also stated by the admiral that Rich made his escape in a vessel "owned by a Spaniard residing at Key West." To this statement I have the authority of the Spanish consul in replying that there are no Spaniards residing here who are owners of vessels, and, also, that the only vessel that left this for Havana on the 27th January (the day named by the admiral) was the United States steamer Perry, of the quartermaster's department.

In support of the statement that I have made, that it would be impossible for any one to pass the guard ship *merely* on producing a consul's certificate which had not attached to it the provost marshal's pass, as well as that of the admiral, I would beg to mention the following cases, (the facts of which I have from the Spanish consul:) Two Spanish subjects took passage on the 26th of January last at this port for Havana in the schooner *Aristides*. There were twenty-eight passengers, all the papers of which were right with the exception of those held by these two men, and they were left behind at the last moment, because, although they had a pass from the Spanish consul as well as from the provost marshal, they *did not* have any from the admiral.

Should the statement made by the admiral as regards the nationality of Rich be correct, it would appear that, notwithstanding my efforts to the contrary, I have given a certificate to an improper person; still, however much I should regret this, as well as justly incur the displeasure of her Majesty's government, I must again beg to say, that his having my certificate gave him *no facility whatever* for escape, and that he could have got away quite as well without it as he appears to have done with it.

I need not, I am sure, remind you of the very peculiar position in which I am often placed here as regards the rights and claims made by British subjects, or those professing to be such, and of the great difficulty I have at times in knowing from whom and to what extent to seek for information concerning them.

I would also remark, that until yesterday, when I received your despatch, I had no knowledge of any dissatisfaction on the part of the admiral at what I

had done relative to Rich, or that he had made his escape; but had the admiral thought fit to represent to me that Rich was an American, when he saw that he had my certificate, (which he says in his despatch he did see,) I would at once have deprived him of it, or at least until investigation could have been had as to his real nationality.

I have, &c., &c., &c.,

AUBREY G. BUTTERFIELD.

E. M. ARCHIBALD, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 740.]

LEGATION OF THE UNITED STATES.

London, July 8, 1864.

SIR: It may be recollected that in my despatch No. 693, of the 19th of May, I referred to some representations made in the London newspapers of a combination about to be made between the three great powers of Russia and Germany for their mutual defence.

Within the past week a number of papers have found their way into the columns of the Morning Post, purporting to be translations of official communications between these parties relating to this subject. In a very singular little production that has appeared here irregularly during the sitting of the conference, and which, under the aspect of a jesting journal, has given evidence of a graver purpose, not less than of access to high sources of authority, there came out the other day what is averred to have been the form of a treaty now under the consideration of those powers in order to carry out their object.

These publications have created a sensation all over Europe. The genuineness of some of the papers has been promptly denied by the governments of Prussia and Austria in a manner to try to throw discredit upon the whole. Yet it is certain that the belief in the substantial correctness of the intelligence they communicate has not been shaken. Lord Stratford de Redcliffe, in referring to them the other evening in his place in the House of Lords, acknowledged that he had, before their publication, seen the papers in manuscript in French, in the hands of a person of respectability whom he did not name. If genuine, the fact that they have been surreptitiously obtained cannot be doubted. On the other hand, if not genuine, the British government has the power to say so, if it chooses, at least to the extent to which reference is made to reported conferences with one of its members. From the reticence thus far, as well as the fact of the selection of the presses in which the publications have been made, there is reason to suspect that they attach more or less of faith to them. Inasmuch as Lord Stratford proposes to question them more particularly hereafter, it is likely that better means will soon be furnished with which to arrive at a more certain conclusion.

In any event, if such a plan should have been in agitation, in any form, the effect of this publication will probably be to render perseverance in it impossible. It cannot but be regarded by France as altogether too minatory not to call for some immediate policy of counteraction. A union with this country is naturally its first resource. In that event the theory of non-intervention broached here so gravely would be likely to receive a strain in its infancy which might prove far more than it could bear. Great Britain has too much at stake outside of the little island to be able to play the part of an unconcerned spectator of formidable movements of the great powers, either in the east or in the west.

The movement is deeply interesting. I shall endeavor to keep you informed, so far as I can, of all the events as they may develop themselves at this point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 743.]

LEGATION OF THE UNITED STATES,
London, July 8, 1864.

SIR: I have the honor to transmit herewith certain resolutions adopted on the 4th instant, by the executive of the Union and Emancipation Society at Manchester, which I have been requested by the chairman to forward to the President of the United States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

*Resolutions unanimously adopted by the executive of the Union and Emancipation Society,
July 4, 1864.*

UNION AND EMANCIPATION SOCIETY OFFICES,
51 Piccadilly, Manchester.

Moved by Mr. Thomas H. Barker, seconded by Mr. J. C. Edwards, and resolved—

1. That the executive of the Union and Emancipation Society in meeting specially convened, on this 4th day of July, 1864, desire to record their profound gratitude to Almighty God for the vast progress and signal success attending the great struggle for freedom and nationality by the loyal citizens of the federal republic of America.

2. That they heartily rejoice in the just Nemesis that has recently overtaken the piratical rebel steamer Alabama, built for gain by an English ship-builder, in an English port, in evasion of statute law, in defiance of all the claims of political neutrality, international good faith, and commercial honor; that they also record their devout thankfulness that, through the persistent and successful interposition of the British government, the rebel steam-rams have been prevented from entering upon their intended career in aid of the slaveholders' confederacy.

3. That this executive are not unmindful of the horrors of warfare, even when conducted under those military rules and limitations adopted by civilized belligerents; but that they have been intensely shocked by the ruthless and barbarous massacres by the confederates at Fort Pillow and elsewhere, when the chances of war gave them unchecked power over their captives; and especially do they execrate the systematic and cold-blooded cruelty towards the federal prisoners at Richmond.

4. That they have received with profound satisfaction the glad tidings that the base and cruel fugitive slave law has been repealed by Congress, believing that this just though somewhat tardy act marks another step in the progress of legislation on the subject of slavery; and that it but anticipates and assures the speedy passage of that crowning act of justice, by which slavery shall be made forever impossible under the federal Constitution.

5. That they rejoice exceedingly in the great and significant fact of the unanimous and enthusiastic renomination by the National Union Convention of ABRAHAM LINCOLN for the Presidency of the United States, and his acceptance of the said nomination with its noble platform of advanced anti-slavery principles, including the amendment of the Constitution, so as utterly and forever to exclude and exterminate the system of human bondage from every foot of territory beneath the federal flag.

6. That they earnestly believe that the great bulk of the people of the United Kingdom, so far as their knowledge of the facts of the case enable them to form an intelligent opinion in respect to the merits of the struggle now going on in the United States, fully and deeply sympathize with the loyal citizens and soldiers in their patriotic efforts to suppress the most wicked and reckless rebellion of which history has any record.

7. That this Executive pray for the speedy establishment of the great American republic, on the firm and lasting foundation of justice and freedom, union and peace.

JOHN HART ESTCOURT, *Chairman.*

Mr. Seward to Mr. Adams.

No. 1025.]

DEPARTMENT OF STATE,
Washington, July 8, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 21st of June, No. 724, which relates to the destruction of the pirate ship *Alabama* by the *Kearsarge* in an engagement off Cherbourg on the 19th June last. This event has given great satisfaction to the government, and it appreciates and commends the bravery and skill displayed by Captain Winslow and the officers and crew under his command.

Several incidents of the transaction seem to demand immediate attention. The first is, that this government disapproves the proceeding of Captain Winslow in paroling and discharging the pirates who fell into his hands in that brilliant naval engagement, and in order to guard against injurious inferences which might result from that error if it were overlooked, you are instructed to make the fact of this disapprobation and censure known to her Majesty's government, and to state at the same time that this government, adhering to declarations heretofore made, does not recognize the *Alabama* as a ship-of-war of a lawful belligerent power.

Secondly, the presence and the proceedings of a British yacht, the *Deerhound*, at the battle, require explanation. On reading the statements which have reached this government, it seems impossible to doubt that the *Deerhound* went out to the place of conflict by concert and arrangement with the commander of the *Alabama*, and with at least a conditional purpose of rendering her aid and assistance. She did effectually render such aid by rescuing the commander of the *Alabama* and a portion of his crew from the pursuit of the *Kearsarge*, and by furtively and clandestinely conveying them to Southampton, within British jurisdiction. We learn from Paris that the intervention of the *Deerhound* occurred after the *Alabama* had actually surrendered. The proceeding of the *Deerhound*, therefore, seems to have been directly hostile to the United States. Statements of the owner of the *Deerhound* are reported here, to the effect that he was requested by Captain Winslow to rescue the drowning survivors of the battle, but no official confirmation of this statement is found in the reports of Captain Winslow. Even if he did make such a request, the owner of the *Deerhound* subsequently abused the right of interference by secreting the rescued pirates and carrying them away beyond the pursuit of the *Kearsarge*. Moreover, we are informed from Paris that the *Deerhound* before going out received from Semmes, and that she subsequently conveyed away to England, a deposit of money and other valuables of which Semmes in his long piratical career had despoiled numerous American merchantmen.

The *Deerhound* is understood to belong to the royal yacht association, with certain naval privileges conferred by law, and recognized as belonging to the

naval force of Great Britain. Her proceedings are therefore regarded with the more concern, since they have a semi-official character.

Again, it is observed that, so far as can be discovered, the crew of the pirate, excepting two traitorous officers from the United States, were chiefly British subjects, and all of them had been enlisted for the Alabama in British ports. All of them have been periodically paid their wages, nearly two years, by other British subjects, residing and keeping an office openly in the British port of Liverpool. It is further represented upon British authority, very manifestly hostile to the United States, that the surgeon of the Alabama who was lost in the vessel was a British subject. It is stated on like authority that Semmes, the pirate commander, has openly avowed at Southampton, as if it were to the honor and renown of the British nation, that the best gunners of the Alabama had been trained in a British governmental school of artillery. It is related on the like authority that the same Semmes has avowed, manifestly to the satisfaction of a considerable portion of the British public, that the pirate crew who escaped would continue to receive wages in England, and would remain there in his unlawful service until he should, in August next, take to the sea again in a new Alabama, understood to be forthcoming from a British port.

Once more, it is stated that the wounded pirates were received at once and cared for in a national British naval hospital, in or near to Southampton.

While these occurrences were happening in England, the escaped commander of the Alabama is said to have been the object of hospitalities and demonstrations from British subjects in Southampton, which could have been reasonably bestowed only upon the supposition that, in robbing or burning or sinking American merchantmen on the high seas, in all quarters of the globe, and finally in engaging the Kearsarge off the port of Cherbourg, he was acting with the implied consent and in the interest of Great Britain as an enemy of the United States. This government experiences much pain in reviewing these extraordinary incidents of the late naval engagement. The President earnestly desires, not only a continuance of peace, but also to preserve our long-existing friendship with Great Britain. He is therefore indisposed to complain of injuries on the part of British subjects whenever he can refrain consistently with the safety, honor, and dignity of the United States. In this spirit we are ready, as we are desirous, to learn that many of the statements to which I have referred are erroneous. But when we have made considerable allowances in that way, there yet remain very large grounds for representation on our part to her Majesty's government.

I desire, however, to be understood as speaking with sincerity and frankness when I say, that this government does not for a moment believe that any of the proceedings which I have related were adopted under any orders or directions, or with any knowledge, on the part of her Britannic Majesty's government. On the contrary, I have to declare, without reservation, my belief that the proceedings herein recited of the pirate Semmes and of the yacht Deerhound, and of the British subjects who have sympathized with and unlawfully aided and abetted the pirates, are the unauthorized acts of individuals, and that those proceedings will be regretted and disapproved by her Majesty's government.

The President will expect you to carefully gather information, to weigh it well, and then to make a proper representation to her Majesty's government upon the whole subject I have thus presented. The Secretary of the Navy will give special instructions to Captain Winslow to answer your inquiries.

Unless the cases shall be materially modified by the result of your inquiries, you will be expected to say, in the first place, that the incidents I have related, if unexplained, seem to confirm the soundness of the opinion heretofore held and insisted upon by this government, that the Alabama is justly to be regarded as a vessel fitted out by British subjects, engaged in making unlawful war against the United States.

Secondly, this government is of opinion that Semmes and his confederates having been rescued by unlawful intervention of the Deerhound, and conveyed within the jurisdiction of Great Britain, they ought to be delivered up to the United States.

Thirdly, it will be your duty to remonstrate against the conduct of any British authorities or subjects who may be engaged in furnishing supplies or paying wages to the escaped pirates of the Alabama, and to ask for their conviction and punishment.

Fourthly, the occasion will warrant you in asking her Majesty's government, with earnestness, to adopt such measures as shall be found necessary to prevent the preparation, equipment, and outfit of any further hostile naval expedition from British shores to make war against the United States. If, however, you find the facts established by your inquiries to differ materially from the statements thereof, herein assumed to be true, you will be at liberty to modify your representations accordingly; or if you prefer, you will report the result of your inquiries and apply to this government for further and specific instructions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. Seward to Mr. Adams.

No. 1027.]

DEPARTMENT OF STATE,

Washington, July 9, 1864.

SIR: It has become necessary to revise our customary form of exequatur for consuls, and it is desired that you make proper explanations on the subject to Earl Russell.

The only treaty stipulations concerning consular privileges between the United States and Great Britain are the following:

Article 16 of the treaty of November 19, 1794, which, however, is not now in force, having been abrogated by the war of 1812, stipulates that "It shall be free for the two contracting parties respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

"Either of the parties may except from the residence of consuls such particular places as such party shall judge proper to be so excepted."

These stipulations, with an immaterial change of phraseology, were reaffirmed in article 4 of the commercial convention of July 3, 1815, which expired by limitation in the year 1828, but was renewed by the convention of the 6th of August, 1827.

In the year 1790 the first appointment of a British consul was made within the United States, and his exequatur was issued by President Washington in the following words:

GEORGE WASHINGTON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern :

Thomas MacDonogh, esq., having produced to me his commission as consul from his Britannic Majesty within the States of Massachusetts Bay, Rhode Island, Connecticut, and New Hampshire, I do hereby recognize him as such, and declare him free to exercise within the said States of Massachusetts Bay, Rhode Island, Connecticut, and New Hampshire such functions and powers as may be given or permitted by the laws of the land to the consuls of nations between whom and the United States no treaty or convention exists for permitting specific powers and functions to be exercised by their consuls reciprocally.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Philadelphia, the 2d day of December, in the year of our Lord 1790, and of the independence of the United States of America the fifteenth.

GO. WASHINGTON.

By the President :

TH. JEFFERSON.

This form of exequatur continued to be used whenever application was made for the recognition of British consuls till 1816, when the following form was adopted :

JAMES MADISON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern :

Anthony St. John Baker, esq., having produced to me his commission as consul general of his Britannic Majesty within the United States, I do hereby recognize him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls general of such friendly powers between whom and the United States there is no particular agreement for the regulation of the consular functions.

In testimony whereof, &c., &c.

In 1819 a form of exequatur was adopted in the case of Mr. William Gray, consul of his Britannic Majesty for the State of Virginia, expressed as follows :

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern :

William Gray, esq., having produced to me his commission as consul of his Britannic Majesty for the State of Virginia, to reside at Norfolk, I do hereby recognize him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls of the most favored nations in the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the 6th day of May, in
 [L. s.] the year of our Lord 1819, and of the independence of the United
 States of America the forty-third.

JAMES MONROE.

By the President :

JOHN QUINCY ADAMS,
Secretary of State.

On the 3d of March, 1821, the form of 1816, before quoted, was restored, and continued to be used until December of the same year, when the form of 1819 was resumed, and has been retained ever since from the mere force of clerical habit or custom. The same form has been habitually used for exequaturs to consuls of all other nations. This form is without any authority of municipal law, and it has been used inadvertently without any reference to the stipulations contained in our conventions concerning consular privileges, which were not in fact negotiated till long after its first adoption.

In the mean while, though the treaty stipulations between the United States and Great Britain in regard to the exercise of consular functions have remained unchanged, conventions and treaties have been negotiated with several maritime powers, specially defining the rights and functions of consuls, and greatly extending their jurisdiction. Agreements have thus been made concerning salvage, the settlement of intestate estates, the inviolability of the consular offices and archives; the arrest, safe-keeping, and delivery up of deserters and mutineers, taxation, exemption from military billetings, &c.; while this has been done, British consuls, and consuls of other states with whom no such stipulations exist, have been led by our inadvertent use of the form of exequatur, adopted in 1819, to believe that they also could enjoy special and peculiar advantages, which were accorded under distinct stipulations, to the powers with which we have such special consular treaties, as I have above named.

At the same time, consuls of the United States, residing in countries with whom we have no special consular stipulations, of course, have neither had, nor claimed, nor could they claim, any such special advantages. Their jurisdiction and powers have received no enlargement.

Hereafter, in the case of new consular appointments, the form of exequatur will be such as is adapted to our treaty stipulations with each nation respectively. In the case of British consuls the form of 1816 will be adopted. All existing exequaturs will be continued, but will be continued with the same limitations, and if it is desired, the exequaturs which heretofore have been given may be returned and cancelled, whereupon new ones with accurate annotations will be issued.

Should Great Britain desire to negotiate for a reciprocity of special consular privileges, the United States will cheerfully accede.

I have further to remark, that in conveying to you the instructions of the President upon this subject, he is influenced by a desire to remove all possible occasion for embarrassment hereafter, which might arise from a want of clearness and precision in defining the limits of consular jurisdiction. Similar instructions will be given to all our ministers, residing near the governments of countries with which we have no treaties or conventions in regard to consular powers; and an opportunity will be afforded to each of them to enter into treaty stipulations with the United States upon this subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1028.]

DEPARTMENT OF STATE,

Washington, July 11, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of June, No. 721, which relates exclusively to the naval conflict which ended in the destruction of the pirate Alabama. I have given in a distinct paper the views the President takes of such incidents of that transaction as you have mentioned in your despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1029.]

DEPARTMENT OF STATE,

Washington, July 11, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of June, No. 725, in which you have informed me of the close of the European conference and of the uncertain aspect which political affairs in the United Kingdom assumed in consequence of that event. While I thank you for this interesting information, I think it proper to refrain from comment on the subject, in the expectation that the next steamer will bring definitive information of the policy which her Majesty's government before this time must have adopted in regard to the war between Germany and Denmark.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1032.]

DEPARTMENT OF STATE,

Washington, July 12, 1864.

SIR: The insurgent movement in the Shenandoah valley, which I mentioned in a late despatch, developed at the close of last week. A column, reported at 30,000 or 40,000, under Breckinridge, passed the Potomac fords above Harper's Ferry, crossed the South Mountain, and entered Frederick, in Maryland, Saturday, the 9th instant. Major General Wallace, with about 7,000 men, hastily drawn from Baltimore, met the whole or a considerable portion of the enemy's force at the bridge at Monocacy, which opens the way equally to Washington and Baltimore. A deadly conflict was maintained from nine in the morning to five in the afternoon. Our forces, overpowered by double their number, gave way and retreated to Ellicott's Mills.

Insurgent cavalry on Sunday spread themselves over a portion of Maryland, extending from the Gunpowder creek, on the north, to the border of this city on the south, and from the Potomac eastward, approaching the Washington branch of the Baltimore and Ohio railroad, threatened Baltimore and Washington. They captured and destroyed a train of cars on the railroad at Gunpowder creek, and broke the telegraph line at that point. The main column is believed to have been moving across the country from the bank of the Potomac near Rockville, towards Bladensburg, at a distance of perhaps eight miles north of this city

The enemy's cavalry approached and skirmished with our cavalry and pickets immediately in front of our north line of fortifications, which extends from the west branch of the Potomac to Bladensburg, on the east branch. The enemy's column is understood to be about 20,000. Arrangements have been made for the defence of Baltimore. But this morning it is reported that there is no considerable force in the vicinity of that place. Vigorous measures have been taken to improve the defences of Washington, and every hour increases our strength. It is supposed now that the force of the enemy has not yet effected a concentration. Last night passed off without an assault, and this morning telegraphic communication between Washington and the north is completely restored. Our communication with General Grant at Petersburg has not been interrupted. The railroad between Baltimore and Philadelphia will be speedily repaired. In the mean time communication is carried on between Baltimore and Philadelphia through the canal which connects with the Delaware. General Hunter is at Martinsburg, but not yet in communication by telegraph. General Grant still persists in his siege of Petersburg and Richmond. General Sherman has crossed the Chattahoochee, and there are indications that the enemy will retire from Atlanta.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 744.]

LEGATION OF THE UNITED STATES,

London, July 14, 1864.

SIR: Despatches have been received from the department, numbered from 1003 to 1014, including two numbered 1013. Also letters of the 24th and 27th of June, respecting Mr. Esdaile and James Smith. An acknowledgment of the reception of a telegram, in cipher, dated the 20th of June, which came by the steamer, was accidentally omitted last week.

By the steamer of last Saturday I forwarded a copy of the Times, containing a report of the conclusion of the debate in both houses of Parliament on the vote of censure proposed against the ministry. The extent of the majority in their favor was a little surprising even to themselves. The loss of a portion of the Catholic members from Ireland seems to have been attended by a more than compensating reaction in other quarters. The result is, that all thoughts of dissolving Parliament have been abandoned for at least another year. It is not clear that it may not be suffered to run to the end of its term in 1866. In other words, it is the perpetuation of a negative policy, at least during the public life of the present first minister.

This debate has developed one tendency in the public feeling of Great Britain not a little remarkable. This is, a distrust of the power of the country to act in the affairs of Europe, either in opposition to, or even without the concurrence of, France. The combination of the three great northern powers, brought on by a sense of common danger, from the tendency of the popular feeling all over Europe, renders the isolation of Britain the only alternative to a union with France. The objections to such a union, on account of the liability to be involved in the hazard of being made use of to carry out any ambitious project which the Emperor may take into his head to adopt, are regarded as very serious. It is a sense of these difficulties, on every side, that has swung the people so suddenly to the acceptance of the theory presented by Mr. Cobden. That gentleman's views were more or less adopted by many, and scarcely controverted by any one. As a consequence, the effect of the debate is to set up a general policy of abstention

from interference with the affairs of other countries, and to prompt a political insulation in a measure corresponding with the geographical position of the kingdom. This might indeed be possible, if the stakes held were entirely confined within the limits of these islands. As this is so obviously not the case, it necessarily follows that the state of opinion now prevailing can only be of the passing moment, and must give way, on the first emergency, to the positive necessities of their situation.

It is, however, in the midst of this existing delusion that Mr. Lindsay proposes once more to present to the consideration of the Commons his motion for the proposal of a mediation on the part of the combined powers of Europe, between the contending parties in America. It is now averred that he means seriously to bring it up to-morrow night. In anticipation of this movement, elaborate communications from the rebel emissaries or agents appeared simultaneously in the columns of the Times and the Post of yesterday. It is difficult to imagine any measure more entirely in conflict with the general tenor of the arguments of last week. The earnestness with which it appears, nevertheless, to be urged by the interested parties indicates only their sense of the pressing nature of their necessities. What will be the fate of the movement may be fairly gathered from the nature of the editorial comments made in both these papers, the substance of which may be comprised in the words "not yet." You will learn the result by the same steamer that carries this.

It is now tolerably certain that Parliament will be prorogued on the 28th instant. The customary ministerial dinner at Greenwich has been ordered for the 23d.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 745.]

LEGATION OF THE UNITED STATES,

London, July 14, 1864.

SIR: The note of Lord Russell of the 8th instant, a copy of which, and of its enclosure, is herewith transmitted, is supplementary to the correspondence already sent with my despatches 731 and 734 of the 28th and 30th of June. It does not seem to furnish much additional light to a solution of the questions raised by the conduct of Mr. Lancaster.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, July 8, 1864.
2. Mr. Clarke to Lord Russell, July 4, 1864.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *July 8, 1864.*

SIR: With reference to my letter of the 27th ultimo, in which I stated that I should transmit to the owner of the Deerhound a copy of your letter of the 25th

ultimo, I have the honor to enclose a copy of a letter from Mr. Edmund Clarke, who, in Mr. Lancaster's absence in Norway, has acknowledged the receipt of my communication.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Clarke to Earl Russell.

HINDLEY HALL, WIGAN, July 4, 1864.

MY LORD: On behalf of Mr. J. Lancaster, I beg to acknowledge the receipt of your lordship's favor, dated June 27, 1864, accompanied with certain documents relating to that gentleman's part in the rescue of the captain and a portion of the crew of the Alabama, on the 19th ultimo.

Mr. Lancaster left here on Monday last for Norway, whence he is expected to return about the latter end of next week. Immediately on his arrival at home, the above-mentioned documents shall be submitted to him, and I have no doubt they will receive his prompt attention.

I take the liberty of drawing your lordship's attention to a letter from Mr. Lancaster, inserted in the Daily News of the 29th ultimo, (page 5, col. 6.) a copy of which paper I enclose with this. The letter contains Mr. Lancaster's own narrative of his share in the proceedings to which it refers, and it will be seen that he therein emphatically denies many of the allegations advanced by Captain Winslow, and indorsed by Mr. Adams.

I have, &c., &c.,

EDMUND CLARKE.

EARL RUSSELL, K. G., &c., &c., &c.

[From the London Daily News of June 29, 1864.]

THE DEERHOUND, THE ALABAMA, AND THE KEARSARGE.

To the Editor of the Daily News:

SIR: As two correspondents of your journal, in giving their versions of the fight between the Alabama and the Kearsarge, have designated my share in the escape of Captain Semmes and a portion of the crew of the sunken ship as "dishonorable," and have moreover affirmed that my yacht, the Deerhound, was in the harbor of Cherbourg before the engagement, and proceeded thence on the morning of the engagement in order to assist the Alabama, I presume I may trespass upon your kindness so far as to ask for an opportunity to repudiate the imputation and deny the assertion. They admit that when the Alabama went down, the yacht, being near the Kearsarge, was hailed by Captain Winslow and requested to aid in picking up the men who were in the water; but they intimate that my services were expected to be merely ministerial, or in other words, that I was to put myself under the command of Captain Winslow, and place my yacht at his disposal for the capture of the poor fellows who were struggling in the water for their lives. The fact is, that when we passed the Kearsarge the captain cried out, "For God's sake, do what you can to save them!" and that was my warrant for interfering in any way for the aid and succor of his enemies. It may be a question with some, whether, without that warrant, I should have been justified in endeavoring to rescue any of the crew of the Alabama; but my own opinion is that a man drowning in the open

sea cannot be regarded as an enemy at the time to anybody, and is therefore entitled to the assistance of any passer-by. Be this as it may, I had the earnest request of Captain Winslow to rescue as many of the men who were in the water as I could lay hold of, but that request was not coupled with any stipulation to the effect that I should deliver up the rescued men to him as his prisoners. If it had been, I should have declined the task, because I should have deemed it dishonorable—that is, inconsistent with my notions of honor—to lend my yacht and crew for the purpose of rescuing those brave men from drowning only to hand them over to their enemies for imprisonment, ill-treatment, and perhaps execution. One of your correspondents opens his letter by expressing a desire to bring to the notice of the yacht clubs of England the conduct of the commander of the *Deerhound* which followed the engagement of the *Alabama* and *Kearsarge*. Now that my conduct has been impugned I am equally wishful that it should come under the notice of the yacht clubs of England, and I am quite willing to leave the point of “honor” to be decided by my brother yachtsmen, and, indeed, by any tribunal of gentlemen. As to my legal right to take away Captain Semmes and his friends, I have been educated in the belief that an English ship is English territory, and I am, therefore, unable even now to discover why I was more bound to surrender the people of the *Alabama* whom I had on board my yacht than the owner of a garden on the south coast of England would have been if they had swum to such a place and landed there, or than the mayor of Southampton was when they were lodging in that city, or than the British government is now that it is known that they are somewhere in England.

Your other correspondent says that Captain Winslow declares that “the reason he did not pursue the *Deerhound* or fire into her was that he could not believe at the time that any one carrying the flag of the royal yacht squadron could act so dishonorable a part as to carry off the prisoners whom he had requested him to save, from feelings of humanity.” I was not aware then, and I am not aware now, that the men whom I saved were, or ever had been, his prisoners. Whether any of the circumstances which had preceded the sinking of the *Alabama* constituted them prisoners was a question that never came under my consideration, and one which I am not disposed to discuss even now. I can only say that it is new doctrine to me, that when one ship sinks another in warfare the crew of the sunken ship are debarred from swimming for their lives and seeking refuge wherever they can find it, and it is a doctrine which I shall not accept, unless backed by better authority than that of the master of the *Kearsarge*. What Captain Winslow’s notion of humanity may be is a point beyond my knowledge, but I have good reason for believing that not many members of the royal yacht squadron would, from “motives of humanity,” have taken Captain Semmes from the water in order to give him up to the tender mercies of Captain Winslow and his compatriots. Another reason than that assigned by your correspondent for that hero’s forbearance may be imagined in the reflection that such a performance as that of Captain Wilkes, who dragged two “enemies” or “rebels” from an English ship, would not bear repetition. Your anonymous correspondent further says, that “Captain Winslow would now have all the officers and men of the *Alabama* as prisoners, had he not placed too much confidence in the honor of an Englishman who carried the flag of the royal yacht squadron.” This is a very questionable assertion; for why did Captain Winslow confide in that Englishman? Why did he implore his interference, calling out, “For God’s sake, do what you can to save them?” I presume it was because he could not or would not save them himself. The fact is, that if the captain and crew of the *Alabama* had depended for safety altogether upon Captain Winslow, not one half of them would have been saved. He got quite as many of them as he could lay hold of time enough to deliver them from drowning.

I come now to the more definite charges advanced by your correspondents, and these I will soon dispose of. They maintain that my yacht was in the harbor of Cherbourg for the purpose of assisting the Alabama, and that her movements before the action prove that she attended her for the same object. My impression is that the yacht was in Cherbourg to suit my convenience and pleasure, and I am quite sure that when there I neither did, nor intended to do, anything to serve the Alabama. We steamed out on Sunday morning to see the engagement, and the resolution to do so was the result of a family council whereat the question "to go out" or "not go out" was duly discussed, and the decision in the affirmative was carried by the juveniles rather against the wish of both myself and my wife. Had I contemplated taking any part in the movements of the Alabama, I do not think I should have been accompanied with my wife and several young children. One of your correspondents, however, says that he knows that the Deerhound did assist the Alabama, and if he does know this he knows more than I do. As to the movements of the Deerhound before the action, all the movements with which I was acquainted were for the objects of enjoying the summer morning, and getting a good and safe place from which to watch the engagement. Another of your correspondents declares that since the affair it has been discovered that the Deerhound was a consort of the Alabama, and on the night before had received many valuable articles for safe-keeping from that vessel. This is simply untrue. Before the engagement neither I nor any of my family had any knowledge of or communication with either Captain Semmes, any of his officers, or any of his crew. Since the fight I have inquired from my captain whether he or any of my crew had had any communication with the captain or crew of the Alabama prior to meeting them on the Deerhound after the engagement, and his answer, given in the most emphatic manner, has been "None whatever." As to the deposit of chronometers and other valuable articles, the whole story is a myth. Nothing was brought from the Alabama to the Deerhound, and I never heard of the tale until I saw it in an extract from your own columns. After the fight was over, the drowning men picked up, and the Deerhound steaming away to Southampton, some of the officers who had been saved began to express their acknowledgments for my services, and my reply to them, which was addressed also to all who stood around, was: "Gentlemen, you have no need to give me any special thanks. I should have done exactly the same for the other people, if they had needed it." This speech would have been a needless, and indeed an absurd piece of hypocrisy, if there had been any league or alliance between the Alabama and the Deerhound.

Both your correspondents agree in maintaining that Captain Semmes and such of his crew as were taken away by the Deerhound are bound in honor to consider themselves still as prisoners and to render themselves to their lawful captors as soon as practicable. This is a point which I have nothing to do with, and therefore I shall not discuss it. My object in this letter is merely to vindicate my conduct from misrepresentation; and I trust that in aiming at this I have not transgressed any of your rules of correspondence, and shall therefore be entitled to a place in your columns.

I am, &c.,

JOHN LANCASTER.

HINDLEY HALL, WIGAN, *June 27, 1864.*

Mr. Adams to Mr. Seward.

No. 747.]

LEGATION OF THE UNITED STATES,

London, July 14, 1864.

SIR: Mrs. Rose Greenhow is scarcely a person of sufficient consequence to call for any special report of her proceedings in this place. The object of a

visit which she made to me was to solicit my interposition to obtain the parole of a person by the name of Wilson, one of the officers of the Alabama taken prisoner and now on board of the Kearsarge. I replied to her request by saying that I had already understood from one of the officers of the Kearsarge that Mr. Wilson, who had been paroled to come to London, was intending to visit me himself. It was only by personal conference that I could judge of the nature of his application. Mrs. Greenhow left me to infer that she had taken the step without consultation with him, as she did not appear to know where he was to be found. She, however, said that she would write to him on board the ship to let him know that I would see him, and then took her leave. There was no other conversation.

The young man came accordingly a day or two since to ask me to write a line to Captain Winslow in favor of his object. His health has become much impaired, and he was very anxious to return to America. He should rigidly observe his engagement not to serve in any way against the United States, unless he was regularly exchanged.

The officer of the Kearsarge, to whom I have already referred as mentioning this case to me, spoke well of him, as having scrupulously adhered to his notion of his obligation to surrender when so many other officers evaded it; and told me, also, that Captain Winslow was inclined to grant the request, if I should authorize him to do so.

Under these circumstances I wrote a note to Captain Winslow declining to assume any authority in the matter, as out of my province. At the same time I added, that if, in his judgment, the case was one which merited discrimination from all others, by reason of ill health or other good cause, I should be ready to concur in his opinion in case he should decide to grant the request, under suitable conditions.

I report this proceeding in order to avoid all possibility of misunderstanding the extent of my agency in the matter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 748.]

LEGATION OF THE UNITED STATES,
London, July 15, 1864.

SIR: John Seymour, the London shipping agent, referred to in my No. 737 of the 7th instant as having been indicted for a violation of the foreign enlistment act in engaging men to serve on board armed vessels belonging to the insurgents in the United States, plead guilty yesterday to the charge. I herewith forward a copy of the Times containing a report of the proceedings in the case.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the London Times of July 15, 1864.]

CENTRAL CRIMINAL COURT, *July 14.*—OLD COURT.

(*Before Lord Chief Justice Earle.*)

John Seymour, a shipping agent living in Wellclose square, pleaded "guilty" to an indictment charging him with a misdemeanor under the foreign-enlistment act.

The solicitor general and Mr. Giffard, instructed by the solicitor to the treasury, were counsel for the crown; and Mr. Metcalfe, with whom was Mr. F. H. Lewis, had been retained for the prisoner.

Mr. Metcalfe, with the view to a mitigation of punishment, stated that up to the present time the prisoner had borne a good character, and had lived in one place for many years, carrying on the business of a shipping agent. It might be that he had acted illegally, but he was not aware that he was doing wrong, and the men he hired were simply hired as firemen, and not for any naval or military service.

The solicitor general said the object of this prosecution, on the part of the crown, was rather prevention than punishment. It was deemed absolutely necessary to prevent a system which had been carried on for some time of enlisting persons in the service of foreign states. He was willing to believe that the prisoner had hitherto borne a respectable character, and he was bound to say he had been rather a subordinate agent in the transaction than a principal. Under those circumstances, as far as the crown was concerned, he should be satisfied if the prisoner were discharged on his own recognizances to appear and receive judgment if called upon; but it must be on the distinct understanding that in the event of the slightest repetition of the offence he would be called upon to surrender himself and receive sentence.

Chief Justice Erle said he was disposed to accede to the suggestion. It could hardly be too well known in these times that the law prohibited the enlistment of persons for any military or naval purpose, and also the procuring, or endeavoring to procure, persons so to enlist in the service of a foreign belligerent state at peace with us. The law was, therefore, violated in this case by sending out firemen to serve on board a vessel-of-war of a foreign state. The prisoner had pleaded "guilty," but as the counsel for the crown would be satisfied if he were discharged on his own recognizances to appear and receive judgment if called upon, he was discharged accordingly. If the offence was repeated the judgment would be a severe one, but if the prisoner abstained from the repetition of it he would hear no more of the matter.

Mr. Seward to Mr. Adams.

No. 1035.]

DEPARTMENT OF STATE,

Washington, July 15, 1864.

SIR: Your despatch of the 28th of June, No. 731, has been received. It relates to the proceedings which you have taken in regard to the interference of the royal yacht association steamer *Deerhound* in the battle between the *Kearsarge* and the pirate *Alabama*, and is accompanied by a copy of notes which passed between Earl Russell and yourself on that subject. These papers have been submitted to the President.

The representation which you have made to Earl Russell accords, so far as it goes, with the instructions conveyed in my No. 1025 of the 8th instant, and is approved.

I regret to find in Earl Russell's answer what seems to me an apparent misapprehension of the case, which was very well presented by you on the part of this government. Your complaint was not, as he seems to suppose, that the *Deerhound* rescued the drowning pirates. Your complaint was, that the *Deerhound*, being a British (therefore ostensibly a neutral) vessel, interfered with a view to aid in effecting the escape of a number of persons belonging to the *Alabama*, who had already surrendered themselves as prisoners of war; and that the pirates rescued by that intervention were brought into the kingdom of Great Britain, and that they now are within that kingdom, in readiness to enter the same unlawful and hostile service on the first opportunity.

In making that complaint, you distinctly informed Earl Russell that the Alabama had been surrendered, and was sinking, and that a portion of the crew was struggling in the waves; that Captain Winslow, who was then engaged in rescuing these drowning persons, saw the Deerhound approach, and solicited the commander of that vessel to assist in that humane duty; that he, acceding to that request, did rescue from the sea more than forty of these enemies of the United States, and then he conveyed them beyond the reach of the Kearsarge, and placed them under the protection of the neutral British flag. In fact, the Deerhound intervened to perform an office of humanity, at the request of the Kearsarge. She abused the confidence reposed in her, and directly restored to the attitude of combatants the enemies of the United States whom she had rescued. Earl Russell intimates an opinion that it was only an act of humanity on the part of the Deerhound to lift up and take Semmes and his men from the waves. The earl argues, that if those persons had not been so taken from the sea, they would in all probability have been drowned, and thus would never have been in the situation of prisoners of war. Earl Russell further observes, in that connexion, that it does not appear to him to be any part of the duty of a neutral to assist in making prisoners of men for one of the belligerents.

I have to observe, upon these remarks of Earl Russell, that it was the right of the Kearsarge that the pirates should drown, unless saved by humane exertions of the officers and crew of that vessel, or by their own efforts, without the aid of the Deerhound. The men were either already actually prisoners, or they were desperately pursued by the Kearsarge. If they had perished, the Kearsarge would have had the advantage of a lawful destruction of so many enemies; if they had been recovered by the Kearsarge, with or without the aid of the Deerhound, then the voluntary surrender of those persons would have been perfected, and they would have been prisoners. In neither case would they have remained hostile confederates.

The Deerhound, by taking the men from the waves, and conveying them within a foreign jurisdiction, deprived the United States of the lawful benefits of a long and costly pursuit and successful battle.

I freely admit that it is no part of a neutral's duty to assist in making captives for a belligerent; but I maintain it to be equally clear, that, so far from being neutrality, it is direct hostility for a stranger to intervene and rescue men who had been cast into the ocean in battle, and then convey them away from under the conqueror's guns.

Earl Russell seems to have expressed the opinions which I have thus controverted without having previously investigated the case with his customary deliberation. He promises you that he will address the owner of the Deerhound on the subject. We may, therefore, yet expect, if not a more favorable, at least a more considerate answer than that which is now before me.

In the mean time, my previous instructions and the remarks which I have now made will apprise you of the views of the case which this government has adopted, so far as it has now been developed. I perceive, with regret, that Earl Russell takes no notice of the fact that the Alabama was not a vessel built, armed, manned, equipped, and fitted out by the insurgents in the waters of our own country; but that, on the contrary, she was built, manned, armed, and equipped by British subjects in a British port, and that her crew were enlisted and organized, and have until this time been constantly paid, within the jurisdiction of Great Britain. No matter how valid were the excuses of the British government for failing to prevent the original departure of the Alabama from her ports to wage war against the United States, it seems to me that now, when the commander and a portion of her crew have been rescued by the intervention of British subjects, in violation of the national neutrality, and conveyed within British jurisdiction, the retaining, harboring, and protecting them by the British government would be, not merely wrongful and injurious of itself, but an aggra-

vation of the wrong against the United States which was perpetrated in the original construction and despatch of the hostile vessel.

I perceive that, in a letter which purports to have been written by the owner of the *Deerhound*, he denies that he held communication with the *Alabama* before the battle, and denies also that he accepted a deposit of valuables from Semmes, the commander of the pirates. I shall be happy if these denials shall be confirmed. The questions which have arisen out of the transaction are sufficiently embarrassing, even when that aggravation of the case is removed.

The President is not seeking for offences on the part of Great Britain; but he is charged with the duty of maintaining the belligerent rights of the United States on the high seas, as they are recognized by the law of nations, against all unlawful combinations and resistance.

I sincerely trust that her Majesty's government will consider our representation in a just and candid spirit; for I feel well assured that we are asking from Great Britain, in this case, just what, if the situation of the parties were reversed, she would have promptly asked, and we should have freely conceded to herself.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1039.]

DEPARTMENT OF STATE,

Washington, July 16, 1864.

SIR: Your despatch of the 30th of June, No. 734, has been received. The letter of Lancaster, the owner of the *Deerhound*, does not effectively relieve his position in the affair of the *Alabama*. The telegraphic article is none the less significant, because it is exceptional, and it may, I think, be regarded as furnishing some proof that, under existing circumstances, the conscience of the British people is not so certain to approve of lenity on the part of the ministry in answering our request for explanations concerning the intervention of the *Deerhound*, as was at first expected.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1041.]

DEPARTMENT OF STATE,

Washington, July 11, 1864.

SIR: My despatches were delayed last week by reason of the interruption of the postal and telegraphic lines between this city and Philadelphia. An insurgent force, of unascertained strength, was then in front of this capital, but it had not excited serious alarm. The enemy withdrew by night, on the 12th instant, and has since retired into Virginia. Not only the actual number of the intruding force, but also its expectations and purposes, yet remain a subject of earnest speculation. I express on these points conclusions which I have drawn chiefly from my own inquiries and observations.

General Hunter, in May last, leaving a considerable portion of his command at Harper's Ferry and its vicinity, proceeded up the valley of Virginia to operate

upon the western and southwestern military communications of Richmond. He effected his object. Before that time, however, Lee had organized a column and sent it out to resist and chastise Hunter. This column is understood to have been twenty-two thousand men, besides cavalry. It largely exceeded Hunter's forces. Hunter retired before it, and proceeded safely to the Ohio river. There he gathered transport, and put his weary column in motion upon the river, designing to disembark at Parkersburg, and return thence by railroad to Harper's Ferry. A season of unusual drought intervened, and the waters of the Ohio fell, rendering the moving of the transports slow and difficult. The residuary force at Harper's Ferry was not formidable, and so, practically, the valley was left open for the insurgent columns which Hunter had left behind him at Lynchburg. That column remounted the dismounted cavalry, with horses taken in its progress, and was probably re-enforced by recruits also, and thus strengthened came down the valley. General Sigel retired before the intruders, first from Martinsburg to Harper's Ferry, and then across the Potomac to Maryland heights, on the opposite bank. The enemy once more broke the Baltimore and Ohio railroad, and unopposed made their way over the upper fords of the Potomac, crossed the South Mountain, and arrived at Frederick. In the mean time Hunter's forces, arriving at Parkersburg, were making their way, although too late, yet with good success, towards Harper's Ferry, and General Grant, at Petersburg, sent up the 6th army corps to insure the safety of Baltimore and Washington. The 19th army corps, from Red river, then at sea, were under orders to join the army of the Potomac on the James river. Orders were now given that this 19th corps, on coming in at Fortress Monroe, should, without disembarkation, proceed to Washington. While the enemy approached Frederick, General Wallace, combining a few troops that could be spared from the garrison at Baltimore with Ricketts's division, the only portion of the 6th corps that had yet arrived, then proceeded to Frederick, expecting there to effect a junction with Hunter; but he had not yet reached Harper's Ferry. General Wallace, with his very scanty forces, on the 9th instant, took a position in front of the bridge at Monocacy, which is a key equally to Washington and Baltimore. The enemy, with a force double that of Wallace, and also a great advantage of position, after a bloody battle, which lasted eight hours, carried the bridge, and Wallace fell back along the line of the railroad to Ellicott's Mills. The loss of the enemy was at least equal to our own in that protracted and heroic conflict. The enemy, however, encountered no opposing force in Maryland. They scattered their cavalry northward, eastward, and southward, and struck the Pennsylvania Central railroad, and then the Philadelphia and Baltimore railroad, at Gunpowder creek, the suburbs of Baltimore, the suburbs of Washington, and the Washington branch of the Baltimore and Ohio railroad, near Bladensburg. Their infantry and artillery forces were under command of Early, who was supported by Breckinridge and McCausland. They deployed in a south-easterly direction from Rockville to Leesburg, which is on the continuation of what is known in this city as 7th street. From this line they threw forward a considerable force for observation, and thus menaced Fort Stevens.

This observing force remained in that position from Monday morning until Tuesday evening, and the space between them and the fortifications was a scene of uninterrupted skirmishes between the cavalry and sharpshooters of the respective parties. While the enemy were making these demonstrations, the fortifications which were threatened were duly manned by the troops belonging to the garrison, by newly raised levies, and by portions of the 6th corps and of the 19th corps, which had by this time begun to debark at the wharves. A force of 2,000 men sent out from Fort Stevens on Tuesday evening assaulted the enemy with spirit and decision. They retired to their main line. In this engagement each party lost about 300 killed and wounded. That night the enemy's sharpshooters were replaced by cavalry pickets, and on Wednesday

morning, the 13th, their cavalry disappeared. At the same time, the insurgents withdrew from the vicinity of Baltimore, and a column of considerable strength was despatched on the afternoon of the 13th from this city to pursue the enemy across the Potomac. Telegraphic connexion was promptly restored, and the railroads in all directions, although not altogether repaired, are carrying their freights and passengers to and from Philadelphia with almost their customary punctuality.

Doubtlessly the enemy thought, when he found the valley open to him, that a raid into Maryland would yield him supplies of provisions and horses to compensate the risk and cost. Doubtlessly he thought it possible that he might surprise the government in a defenceless condition at Baltimore and Washington. Doubtlessly, also, he reckoned upon some political effect to result from a panic to be excited by even the menace of Washington. Finally, it is well established that he expected through that panic to oblige the general government to raise the siege of Petersburg.

General Grant is still persevering in the siege. The news that General Sherman has at last pursued the enemy from all his mountain fastnesses, and is now between the Chattoohoochee and Atlanta, is confirmed. His communications still remain unbroken, and the forces which protect them have suffered no discomfiture. He is now advancing upon Atlanta.

We are preparing to call out additional forces, in the hope of closing the war with the present campaign.

Insurgent emissaries have appeared on the Canada frontier. They are ostentatiously making it known to the timid and the treacherous that they have come with offers of peace. Credulous persons believe them. But thus far, although there are channels enough for any overtures, none have been made to the government. It is not unlikely that the real object of the pretended commissioners is an intrigue, with a view to effect upon the annual election. The Florida, making Bermuda her base, has been committing depredations off the capes of the Chesapeake. A proper force has been sent out to find her.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 751.]

LEGATION OF THE UNITED STATES,

London, July 21, 1864.

SIR: During the last year a very elaborate effort has been made to organize and concentrate public opinion in this country in favor of some form of intervention in the struggle in America. The shape which it finally took was the circulation by a self-constituted association of petitions to Parliament in favor of a movement to bring about a cessation of bloodshed.

The motion proposed by Mr. Lindsay in the House of Commons, of which I have made mention heretofore, was the object on which the results of these combined operations upon the people were to be brought to bear.

I now transmit to you a copy of the Observer of Sunday, the 17th instant, containing a report of the interview between a deputation of this society and the prime minister, Lord Palmerston, which took place on the day before. I also send a copy of the London Times of Monday, the 18th instant, which contains a leader on the subject, evidently prompted.

The sum of the matter is, that the whole movement has come to nothing. Circumstances had not been so favorable as had been hoped. I am not sure that the advance of the rebels, of which we are just getting the intelligence, was not partly designed to support it. If so, it has come a little too late. The

whole drift of the great debate which secured the continuance of the ministry in their places was to confirm their action in the only part of their foreign policy which has not been attacked.

Thus ends the fourth session of Parliament since the commencement of hostilities in America. Considering the notorious and now undisguised desire of the great majority to see effected the disruption of the United States, sustained and encouraged as it has been by the partial success, in resistance, of the rebels, I cannot but feel that this issue is one upon which we may congratulate ourselves. In all essential particulars the rebel position in Europe has gained no strength from time. Its audacious attempts to organize a navy in this kingdom, which, at one moment, received the flattering applause of Mr. Gladstone as an accomplished fact, have utterly failed. Its intrigues ramified all over the continent of Europe through agents and presses suborned to circulate the most unscrupulous misrepresentations of the truth, have availed them little. Even the jealousy and fear of the growth of the United States, which is the true foundation of all the sympathy with them that is to be found among the influential classes of Europe, have been effective only in blunting to a partial extent the moral sensibilities, that would otherwise have been deeply shocked at the announcement of an attempt, in the nineteenth century, by a portion of one race, to found a new government upon the absolute permanent subjection, so far as human power may avail, of another portion of their fellow-men.

Such being the actual condition of things on this side of the water, the field seems to remain open in America for the completion of the work we have in hand. The original scheme of a slaveholding oligarchy over the entire region in which slavery was recognized by law in America has proved visionary. In its present impaired and mutilated condition, it can now be entertained only in connexion with the comparatively limited region within four or five States remaining under military subjection. It is most earnestly to be wished that the ensuing year, in putting an end to all further hopes of its practicability, even in that remnant, will at the same time close all further motive for continuing the deplorable struggle.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 752.]

LEGATION OF THE UNITED STATES,

London, July 21, 1864.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Russell, on the 19th instant, and certain printed notices enclosed, restricting the approach to this city of vessels loaded with combustibles. I send likewise a copy of my reply of the 20th. I have sent a note to Mr. Morse, the consul at this place, on the subject, together with some of the notices, in order that our war steamers may be promptly apprised of it. I have no idea, however, that any of them think of coming up here.

The Kearsarge has been at Dover, but has now left, and the Sacramento has taken her place. The twenty-four hours' rule compels these vessels to keep at a distance, if they remain. I think the effect of their presence is to put a check on the operations of the rebel agents and their sympathizers here and in France. They appear to confine themselves to fitting out such steamers as the Hawk and Alexandra, now called the Mary, nominally to run the blockade, but possibly to be used hereafter, in other ways, if opportunity should offer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July 19, 1864.*

SIR: I have the honor to transmit to you the accompanying copies of a notice which has been issued by command of the lords commissioners of the admiralty, prohibiting vessels from coming up the Thames above Galleons with powder, live shells, or combustible stores on board, without special permission from the admiralty; and I have the honor to request that you will communicate the same to your government, with a view to this regulation being observed by the vessels of the United States.

I have the honor to be, with the highest consideration, sir, &c., &c., &c.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, July 20, 1864.

MY LORD: I have had the honor to receive your note of the 19th instant, transmitting to me some printed copies of a notice issued by the proper authorities, prohibiting vessels coming up above a certain point of the Thames with powder or combustibles, without special permission from the admiralty.

I shall take pleasure in complying with your request that I should communicate the same to my government, and I shall likewise transmit a copy at once to the consul of the United States at this port.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

NOTICE.

ADMIRALTY, *July 6, 1864.*

No vessel whatever is allowed to come up the river Thames above Galleons, with powder, live shells, or combustible stores on board, without special permission from the admiralty.

Application should be made by foreign vessels to the respective consuls as to the arrangements for landing and safe custody of the powder, &c.

By command of the lords commissioners of the admiralty.

C. PAGET.

Mr. Seward to Mr. Adams.

No. 1042.]

DEPARTMENT OF STATE,

Washington, July 26, 1864.

SIR: During the past week public attention has been concentrated upon Atlanta. When General Sherman had fully crossed the Chattahoochee, the insurgent General Johnson was replaced by Hood. On the 22d instant General Sherman was disposing of his columns with a view to an advance. On the

other hand, the enemy, after manœuvring with skill, fell upon the column of McPherson with great vehemence. That able and magnanimous commander fell by the ball of a sharpshooter before the battle began. His command was assumed by General Logan. The battle became general, and was fought with great tenacity. The enemy was repulsed at every point and our forces held the battle-field. Our whole loss was about two thousand. We found one thousand of the enemy's dead on the field, and their aggregate loss was seven thousand.

A large part of the city of Atlanta, although now defended by Hood's army, lies within the range of our guns. The city has four railroad military communications. The road to Chattanooga is held by our forces. The road to Augusta has been destroyed by General Sherman, throughout a distance of fifty miles. The road to Montgomery, in Alabama, has been effectually broken at Opelika. The road leading to Macon alone remains. It is probable that it will not escape the attention of General Sherman.

I have just returned from a visit to General Grant in front of Petersburg. His army is in excellent condition. While he has no fear that the enemy will attempt to assail him, he is at the same time neither idle nor embarrassed concerning a plan of operations. The insurgent raiding force which lately visited Maryland retired up the valley before General Wright. He returned to his camp near Georgetown. The enemy then retraced their steps, and are now again advancing towards Harper's Ferry. Our military authorities are on the alert.

The insurgent political agents, Clay and Holcomb, who, as I wrote you last week, had appeared in Canada, attempting to practice upon the American people by protestations of a readiness on the part of the insurgents at Richmond to make peace on compatible terms, were last week brought directly to an explanation, which resulted in showing to the whole world, what was already well understood here, that the rebel military cabal indulges no thought of peace, except through the dissolution of the Union. How could it be otherwise? Propositions for peace must come, not through the conspirators' council chamber, but behind it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD..

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1043.]

DEPARTMENT OF STATE.

Washington, July 27, 1864.

SIR: I have received and have laid before the President the resolutions which were adopted by the executive of the Union and Emancipation Society at Manchester, on the late anniversary of American independence.

In these resolutions, that respected association acknowledge, with becoming gratitude, that vast progress and signal success have been vouchsafed by the beneficent Ruler of the universe to the loyal citizens of the United States in their struggle for freedom and national unity. They condemn, in terms of fit and just severity, the organization, equipment, and despatch of piratical vessels from British ports, by British subjects, in violation of the law of nations; and they congratulate the President upon the naval victory which resulted in the destruction of the Alabama. The association denounce the massacres which have been committed at Fort Pillow and other places, of negro soldiers of the United States who fell into the hands of the insurgents, as acts of barbarous

inhumanity. They express a humane satisfaction with the repeal of the laws for the recapture and restoration of fugitives from bondage. They declare an earnest desire for the speedy establishment of this republic on the firm and lasting foundations of justice and freedom, union and peace; and they expect that these sentiments are the sentiments of the mass of the British people.

These expressions of respect, good will, and affection towards the United States have been received by the President with the most grateful satisfaction. If there were need, the sympathy thus manifested, in a quarter so evidently disinterested and just, would inspire the government and the people of this country with new resolution to rescue their institutions from the dangerous abyss which American slaveholders, conspiring with foreign enemies, have opened before us. You will communicate these acknowledgments to the Union and Emancipation Society in such terms as shall not be discourteous or disrespectful to her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1045.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: I have received your despatch of the 15th of July, No. 748, which informs me that John Seymour, a shipping agent for the piratical service, organized in Great Britain, has pleaded guilty and been convicted of violating the neutrality laws of that kingdom. It appears from the newspaper report of the trial which accompanies your despatch that the court, with the consent of the prosecution for the government, discharged the offender without punishment, on condition that he refrain from repeating his crime. The President fears that this clemency is ill-judged. Nevertheless, appreciating the good faith and energy which her Majesty's government have exhibited in securing a judicial decision concerning a crime against the United States which has too long been practiced with impunity, the President will patiently wait to see whether that decision has the salutary effect which is expected by the authorities of Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1046.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: Your despatch of the 14th of July, No. 747, has been received. This government and the whole American people are justly so full of admiration and gratitude to Captain Winslow, that they will excuse almost any error of judgment on his part that proceeds from magnanimity. Nevertheless, I hope that he has not released the pirates you have named, or any other of the pirates he has captured.

The insurgents refuse to recognize negro soldiers, when captured, as entitled to the customary privileges of prisoners of war; hence has resulted an absolute obstruction of all exchanges. Thousands of our citizens are languishing in the

prisons of the traitors. Certainly, this is no time for the indulgence of charity towards our enemies; while guerillas of the seas are least of all entitled to discriminating humanity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1049.]

DEPARTMENT OF STATE,

Washington, July 28, 1864.

SIR: I have received and have read with deep interest your despatch of the 14th of July, No. 744, which relates to the closing debate on the resolution of censure of the ministry, and the new movement of Mr. Lindsay for recognition of the insurgents, and the announcement that the session of Parliament will come to an end to-day.

Popular sympathies with Denmark, and what I willingly believe are partisan prejudices against the United States, seem to have been the chief supports of the resolution, while prudential regard to the ultimate attitude of the United States and other countries, the future of which is manifest to all observers, seem to have saved the government. No public interest requires, and propriety forbids, an examination on my part of the purely European questions which entered into the debate. I wish it could be as well understood in Great Britain as it is here, that there is no more any necessity for disturbance, or fear of disturbance of the peace between Great Britain and the United States than there is any advantage to accrue to Great Britain from an uncertainty upon that point. The United States are unhappily engaged in a civil war, which, on the side of the government, is an involuntary, yet an inevitable and eminently moral contest. Though this is an unusual occurrence in our experience, yet civil war is not exceptional in the general experience of nations. This civil war is exclusively our own affair; and if the government and people of Great Britain had treated it as such from the first, as rigorously as they habitually treat civil war in the case of other nations, no ill feeling would have been engendered. During the latter part of the year 1863, the government of Great Britain manifested a decided determination not only to avoid intervention, but also to prevent unlawful naval intervention by British subjects. This manifestation produced a very happy effect in the United States. Congress assembled on the 7th of December, and did not adjourn until the 4th of July. The Senate confirmed a treaty which I had negotiated with Lord Lyons, and during all that long session not one expression of anger or discontent towards Great Britain was uttered at the Capitol. On the other hand, Parliament assembled in February, and the civil war was habitually brought up for debate in terms which indicated, or seemed to indicate, a pretension and a disposition on the part of Great Britain to intervene, if not forcibly, yet by diplomacy, in our civil war, if not unaided, at least with the support of one or more European allies. Questions arising in the course of the war, and affecting the rights of Great Britain or British subjects, have been invariably brought before Parliament and the British people in combination with denunciations of the war itself, and propositions of intervention in favor of the insurgents. While the ministry have not concurred in this course of proceeding, they have often seemed to leave it doubtful whether they could successfully resist what was generally considered to be a natural proclivity to intervention. Impossible as it seems to be for the British public to comprehend the real character and the actual progress of the war, there is one fact on which they are never left in uncertainty, namely, that

all foreign pretensions of intervention, or even of mediation, are deemed in the United States not only officious, but alarming. Consequently our means adopted for suppressing the insurrection take on at every stage another and special character—preparations on the largest possible scale to resist foreign aggression. We should not be either true Americans or true republicans if we were not even more unanimous in this policy than we are in overcoming insurgents, who, though now enemies, nevertheless are, and always must be, our countrymen and fellow-citizens. It is thus that it has happened that though, when the British Parliament assembled, it found amicable dispositions prevailing between the governments of the two countries, yet when that body adjourned a necessity seemed to have arisen for guarding against a possible change of these relations. We read that British subjects, whose ecclesiastical and political rank and position are supposed, to lend importance to their proceedings, and who have notoriously and officiously aided and abetted the insurrection, formally appealed to the prime minister, at the close of the parliamentary struggle, to commit the British government to some form of joint or several intervention in the United States, and that this application was promptly refused. In that refusal her Majesty's government have done, in regard to this country, only what this government, ever since the war began, has done in regard to Great Britain. She has had her domestic discontents, less grave indeed than our own, in the British islands, and in British American provinces, in India, and in New Zealand. She has had controversies of a serious nature in China, and especially in Japan, and diplomatic conflicts with the European powers. The government of the United States has not sought to increase these discontents, and exasperate these conflicts; on the contrary, whenever it could not lawfully or properly favor British interests, this government has been silent; and whenever it could lawfully and properly favor them, it has given them generous and cheerful support. There is now ground for believing that the traitorous, insurgents have abandoned their hopes of obtaining a naval force in European ports adequate to raise our blockade, and are, therefore, leaving the British coast and the British shores. If this fact shall prove to be true, the ministry will be sensibly relieved of an embarrassment which unnecessary and precipitate toleration at the beginning of the war rendered unavoidable. If the government shall now find themselves able, as we have no doubt they are well disposed, to induce the British nation to leave the struggle in the United States to the exclusive care of the people of the United States, the peace between the two countries may be regarded as perpetual, and out of such a peace feelings of amity and friendship must come, which will be unquestionably more useful than any merely political convention that could be contracted between the parties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 753.]

LEGATION OF THE UNITED STATES,
London, July 28, 1864.

SIR: No despatches have been received from the department this week. This is probably to be attributed to the temporary suspension of railway communication with New York at the date of the steamer's departure.

There is but little to note in the events of the past week. Parliament will be prorogued on Saturday. Meanwhile the attendance is small, and the busi-

ness transacted merely winding up. Mr. Lindsay's movement degenerates, at last, into a bare inquiry addressed to Lord Palmerston. I transmit a copy of the London Times of the 26th instant, containing a report of his lordship's rather curt answer. Thus has terminated an operation which has cost much labor and money to somebody or other.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[From the London Times of July 26, 1864.]

THE CIVIL WAR IN AMERICA.

MR. LINDSAY, before putting the question of which he had given notice, said he had desired to have made a statement, containing some important facts bearing upon the American war, and tending to show how futile was the attempt to restore the Union and to coerce the south; but as he had no opportunity now of doing so, he begged simply to ask the first lord of the treasury if, considering the great sacrifice of life and property occasioned by the war still raging between the United States of America and the Confederate States, and considering the loss the people of this country have suffered by the war, it was the intention of her Majesty's government, in concert with the other powers of Europe, to use their endeavors to bring about a suspension of hostilities.

LORD PALMERSTON. I can assure my honorable friend that her Majesty's government deeply lament the great sacrifice of life and property in America and the distress which that war has produced in this country. But we have not thought that in the present state of things there was any advantage to be gained by entering into concert with any other powers for the purpose of proposing or offering mediation, or of negotiating with the government of the United States or of the Confederate States to bring about a termination of this unhappy war. [Hear, hear.]

Mr. Adams to Mr. Seward.

No. 755.]

LEGATION OF THE UNITED STATES.

London, July 29, 1864.

SIR: Since my despatch of yesterday, No. 753, I have received from the steamer which sailed from New York on the 16th despatches numbered from 1023 to 1033 inclusive.

The most important of these is No. 1025, of the 8th of July, relating to the questions that have grown out of the conflict with the No. 290, and giving instructions how to proceed. On examination of the grounds upon which these are based, it immediately becomes evident to me that many of the positions, resting as they do upon erroneous impressions of the facts, cannot be maintained. Moreover, you could not, at the time of writing, have received my despatch No. 731, of the 28th of June, communicating to you information of the use that I had made of the official representation of Captain Winslow, in a note I had written to Lord Russell. As it must probably have reached you very shortly after the date of your last, I may perhaps receive your later impressions after perusing it, in a despatch by the steamer due to-morrow or next day. Meanwhile I think it more prudent not to proceed with any partial or imperfect representation here.

In connexion with this topic I may mention that I have received a further note from Lord Russell, in reply to my letter of the 25th June, covering a letter from Mr. Lancaster in defence of his course. Copies of these papers are herewith transmitted. On some points I am inclined to think his action to have been misrepresented. But on others, and especially those to which I called Lord Russell's particular attention, he evades reply. The fact, that the officer commanding the rebel boat, who had actually been to the Kearsarge for the purpose of surrender, and who obtained authority to rescue the drowning, did afterwards take the persons thus saved to the Deerhound, without regard to his implied obligation, is not denied. It was this boat that picked out the rebel officers so carefully from among the number floating on the surface.

I transmit, also, a number of copies of a pamphlet prepared here by Mr. Edge, which appears to be a tolerably correct account of the facts attending the battle, so far as they could be gathered at Cherbourg, from the best sources of information. So far as they relate to the proceedings of Mr. Lancaster, the truth may, perhaps, be best gathered from a comparison with the narrative of the latter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, July 21, 1864.
2. Mr. Lancaster to Lord Russell, July 16, 1864.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, July 26, 1864.

SIR: With reference to my letter of the 8th instant, I have the honor to transmit to you a copy of a letter which I have received from Mr. Lancaster, containing his answer to the representations contained in your letter of the 25th ultimo, with regard to the course pursued by him in rescuing Captain Semmes and others, on the occasion of the sinking of the *Alabama*; and I have the honor to inform you that I do not think it necessary to take any further steps in the matter.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Lancaster to Earl Russell.

HINDLEY HALL, WIGAN, July 16, 1864.

MY LORD: On my return here on Wednesday last, after a visit to Norway, I received your lordship's note of the 27th ultimo, together with copies of a note, and its enclosures, from the United States minister at this court of her Majesty, complaining of the course pursued by me in aiding the escape of a portion of the crew of the *Alabama*, who, it is alleged, had surrendered themselves as prisoners of war to the United States ship *Kearsarge*.

In dealing with this complaint, I shall not trouble your lordship with any

remarks on the questions of maritime or international law which have arisen out of the circumstances connected with the sinking of the confederate ship the *Alabama*, but I shall confine myself to a succinct but complete narrative of those proceedings in which I was personally concerned.

I am, as your lordship has been informed, the owner of the yacht *Deerhound*, and a member of the royal yacht squadron. On the 7th of June last, my family—that is to say, my wife, my four children—and my niece, embarked on board the yacht, and sailed from Southampton, with the view of cruising for about a fortnight around some of the channel islands, and beside the coast of France. Business engagements prevented me accompanying them, but I joined them at Gurnsey on Saturday, June 11th. On the same day we sailed for Jersey, in the neighborhood of which island we remained until the following Thursday, June 16th.

On the morning of that day we left St. Helens for St. Malo, arriving there at 8 a. m. We detained the yacht in the harbor of St. Malo, and in the night slept therein. On the following morning (Friday) we left the yacht, ordering it to proceed to Cherbourg, while we had a run into the interior. Early in the day we started by rail to Lemans, and there stopped all night. Next morning (Saturday) we pushed on for Caen, and after refreshment and sight-seeing there, we proceeded to Cherbourg, at which place we arrived about 10 o'clock at night. Prior to this time I had never seen Captain Semmes, nor had I had any communication, direct or indirect, with any person connected with the *Alabama*; and it will, I think, be admitted, that at 10 o'clock on Saturday night it was too late to settle the terms of an alliance between my yacht and the confederate vessel for operations on Sunday morning. It is true the *Deerhound* lay in Cherbourg during Friday night and Saturday; but my captain assures me that there was no intercourse between him and Captain Semmes, or anybody acting on behalf of that confederate officer. So far from the *Deerhound* being, as has been alleged, the consort of the *Alabama*, there was no connexion whatever between the two vessels, and the officers and the crew of the one were strangers to the officers and crew of the other.

Soon after we arrived on board the yacht on Saturday night, we heard the rumor that there was to be an engagement between the *Alabama* and the *Kearsarge* on the following morning, and the question came up for discussion, in our family circle, whether the *Deerhound* should put out to sea and take up a position where we could with safety witness something of the engagement between the two hostile ships; and as the juveniles were nearly all one way, the question was decided in the affirmative, rather against the wish of both myself and my wife. Accordingly, at 9 o'clock in the morning we steamed out of Cherbourg harbor to enjoy the summer breeze, and if possible to see the great fight. That I did not propose to succor the *Alabama* in any way is manifest from the fact that I took my wife and family with me to participate in my movements and share my perils, should I be exposed to any. At half-past 10 o'clock we saw the *Alabama* steaming out of the harbor towards the federal vessel *Kearsarge*, and twenty minutes afterwards the action commenced.

At half-past 12 o'clock we observed the *Alabama* to be disabled and in a sinking condition, and as I saw that no boats were being lowered from the *Kearsarge* to save the crew of the sinking ship, it occurred to me that the *Kearsarge* also must be disabled, and that her crew must be unable to help the people of the *Alabama*.

Under this impression I felt it my duty to make towards the *Kearsarge* in order to offer assistance, and when within hail of that vessel I called out and asked whether I could afford them any help, and the answer was, "No; but do what you can, for God's sake, to save them."

We immediately pushed towards the *Alabama*, and when within a distance of two hundred yards she sunk. This occurred at 12.50. We then lowered

our two boats, and with the assistance of the Alabama's whale-boat and dingy, succeeded in saving about fifty men, including Captain Semmes and thirteen officers. At 1 p. m. we steered for Southampton.

I acknowledge, my lord, that in leaving the scene of action so quickly, I was animated with a wish to save from captivity Captain Semmes and the others whom we had rescued from drowning, but I should have done the same for the people of the Kearsarge if they had been placed in similar jeopardy. I am charged with having aided in the escape of men who "had surrendered themselves prisoners of war," but I did not know at the time that they had so surrendered.

Whether under the circumstances they could be justly considered "prisoners of war" is a question which I will not presume now to discuss, inasmuch as it is not necessary for my justification. At the time I rescued Captain Semmes and others from the water, I had the warrant for so doing in the request from the captain of the Kearsarge that I would render them assistance. That request was not accompanied with any request or stipulation, and therefore, having got as many of the drowning men on board as I could reach, I was not conscious of being under any obligation to consult the captain of the Kearsarge as to their disposal, and I took them as soon as possible to Southampton, in compliance with their own earnest entreaties.

I trust, my lord, that this simple narrative will be sufficient to disprove the allegation of complicity or alliance between the confederate ship the Alabama and my yacht the Deerhound, and to show that in rescuing Captain Semmes and others from drowning I had the warrant of the captain of the Kearsarge, and that in taking them to Southampton I was actuated only by motives of humanity.

JOHN LANCASTER.

THE ALABAMA AND THE KEARSARGE.

An account of the naval engagement in the British Channel on Sunday, June 19, 1864, from information furnished to the writer by the wounded and parolled prisoners of the confederate privateer Alabama, the officers of the United States sloop-of-war Kearsarge, and citizens of Cherbourg. By FREDERICK MILNES EDGE.

The importance of the engagement between the United States sloop-of-war Kearsarge and the confederate privateer Alabama cannot be estimated by the size of the two vessels. The conflict off Cherbourg on Sunday, the 19th of June, was the first decisive engagement between shipping propelled by steam, and the first test of the merits of modern naval artillery. It was, moreover, a contest for superiority between the ordnance of Europe and America, whilst the result furnishes us with data wherefrom to estimate the relative advantages of rifled and smooth-bore cannon at short range.

Perhaps no greater or more numerous misrepresentations were ever made in regard to an engagement than in reference to the one in question. The first news of the conflict came to us enveloped in a mass of statements the greater part of which, not to use an unparliamentary expression, was diametrically opposed to the truth; and although several weeks have now elapsed since the Alabama followed her many defenceless victims to their watery grave, these misrepresentations obtain as much credence as ever. The victory of the Kearsarge was accounted for, and the defeat of the Alabama excused or palliated, upon the following principal reasons:

1. The superior size and speed of the Kearsarge.
2. The superiority of her armament.

3. The chain-plating of her sides.
4. The greater number of her crew.
5. The unpreparedness of the Alabama.
6. The assumed necessity of Captain Semmes's accepting the challenge sent him (as represented) by the commander of the Kearsarge.

Besides these misstatements there have been others put forth, either in ignorance of the real facts of the case, or with a purposed intention of diminishing the merit of the victory by casting odium upon the federals on the score of inhumanity. In the former category must be placed the remarks of the Times (June 21;) but it is just to state that the observations in question were made on receipt of the first news, and from information furnished probably by parties unconnected with the paper, and desirous of palliating the Alabama's defeat by any means in their power. We are informed in the article above referred to that the guns of the latter vessel "had been pointed for 2,000 yards, and the second shot went right through the Kearsarge," whereas no shot whatever went through as stated. Again, "the Kearsarge fired about 100 shot, chiefly 11-inch shell," the fact being that not one-third of her projectiles were of that calibre. Further on we find, "the men (of the Alabama) were all true to the last; they only ceased firing when the water came to the muzzles of their guns." Such a declaration as this is laughable in the extreme; the Alabama's guns were all on the spar-deck, like those of the Kearsarge; and, to achieve what the Times represents, her men must have fought on until the hull of their vessel was two feet under water. The truth is—if the evidence of the prisoners saved by the Kearsarge may be taken—Captain Semmes hauled down his flag immediately after being informed by his chief engineer that the water was putting out the fires; and, within a few minutes, the water gained so rapidly on the vessel that her bow rose slowly in the air, and half her guns obtained a greater elevation than they had ever known previously. It is unfortunate to find such cheap novel style of writing in a paper which at some future period may be referred to as an authoritative chronicler of events now transpiring.

It would be too long a task to notice all the numerous misstatements of private individuals, and of the English and French press, in reference to this action; the best mode is to give the facts as they occurred, leaving the public to judge by internal evidence on which side the truth exists.

Within a few days of the fight, the writer of these pages crossed from London to Cherbourg for the purpose of obtaining by personal examination full and precise information in reference to the engagement. It would seem as though misrepresentation, if not positive falsehood, were inseparable from everything connected with the Alabama, for on reaching the French naval station he was positively assured by the people on shore that nobody was permitted to board the Kearsarge. Preferring, however, to substantiate the truth of these allegations from the officers of the vessel themselves, he hired a boat and sailed out to the sloop, receiving on his arrival an immediate and polite reception from Captain Winslow and his gallant subordinates. During the six days he remained at Cherbourg, he found the Kearsarge open to the inspection, above and below, of any and everybody who chose to visit her; and he frequently heard surprise expressed by English and French visitors alike that representations on shore were so inconsonant with the truth of the case.

I found the Kearsarge lying under the guns of the French ship-of-the-line Napoleon, two cables' length from that vessel, and about a mile and a half from the harbor; she had not moved from that anchorage since entering the port of Cherbourg, and no repairs whatever had been effected in her hull since the fight. I had thus full opportunity to examine the extent of her damage, and she certainly did not look at all like a vessel which had just been engaged in one of the hottest conflicts of modern times.

SIZE OF THE TWO VESSELS.

The Kearsarge, in size, is by no means the terrible craft represented by those who, for some reason or other, seek to detract from the honor of her victory; she appeared to me a mere yacht in comparison with the shipping around her, and disappointed many of the visitors who came to see her. The relative proportions of the two antagonists were as follows :

	Alabama.	Kearsarge.
Length over all.....	220 feet.	232 feet.
Length of keel.....	210 "	198½ "
Beam.....	32 "	33 "
Depth.....	17 "	16½ "
Horse-power, two engines of.....	300 each.	400 h. p.
Tonnage.....	1,040	1,031*

The Alabama was a bark-rigged screw propeller, and the heaviness of her rig, and, above all, the greater size and height of her masts, would give her the appearance of a much larger vessel than her antagonist. The masts of the latter are disproportionately low and small; she has never carried more than topsail yards, and depends for her speed upon her machinery alone. It is to be questioned whether the Alabama, with all her reputation for velocity, could, in her best trim, outsteam her rival. The log-book of the Kearsarge, which I was courteously permitted to examine, frequently shows a speed of upwards of fourteen knots to the hour, and her engineers state that her machinery was never in better working order than at the present time. I have not seen engines more compact in form, nor, apparently, in finer condition; looking in every part as though they were fresh from the workshop, instead of being, as they are, half through the third year of the cruise.

Ships-of-war, however, whatever may be their tonnage, are nothing more than platforms for carrying artillery. The only mode by which to judge of the strength of the two vessels is in comparing their armaments; and herein we find the equality of the antagonists as fully exemplified as in the respective proportions of their hulls and steam-power. The armaments of the Alabama and Kearsarge were as follows :

Alabama.	Kearsarge.
One 7-inch Blakely rifle.	Two 11-inch smooth-bore guns.
One 8-inch smooth-bore (68-pounder.)	One 30-pounder rifle.
Six 32-pounders.	Four 32-pounders.

It will therefore be seen that the Alabama had the advantage of the Kearsarge at all events in the number of her guns; whilst the weight of the latter's broadside was only some twenty per cent. greater than her own. This disparity, however, was more than made up by the greater rapidity of the Alabama's firing, and, above all, by the superiority of her artillerymen. The Times informs us that Captains Semmes asserts, "he owes his best men to the training they received on board the Excellent;" and trained gunners must naturally be superior to the volunteer gunners on board the Kearsarge. Each vessel fought all her guns, with the exception in either case of one 32-pounder, on the starboard side; but the struggle was really decided by the two 11-inch Dahlgren smooth-bores of the Kearsarge against the 7-inch Blakely rifle and the heavy 68-pounder pivot of the Alabama. The Kearsarge certainly carried a small 30-pounder rifled Dahlgren in pivot on her fore-castle, and this gun was fired several times before the rest were brought into play; but the gun in question was never regarded as aught than a failure, and the ordnance department of the United States navy has given up its manufacture.

* The Kearsarge has a four-bladed screw diameter 12 feet 9 inches, with a pitch of 20 feet.

THE CHAIN-PLATING OF THE KEARSARGE.

Great stress has been laid upon the chain plating of the Kearsarge, and it is assumed by interested parties that but for this armor the contest would have resulted differently. A pamphlet lately published in this city, entitled "The Career of the Alabama,"* makes the following statements:

"The federal government had fitted out the Kearsarge, a new vessel of great speed, "*iron-coated*," &c. (p. 23.)

"She," the Kearsarge, "appeared to be *temporarily* plated with iron chains." (p. 38.) (In the previous quotation, it would appear she had so been plated by the federal government: both statements are absolutely incorrect, as will shortly be seen.)

"It was frequently observed that shot and shell struck against the Kearsarge's side, and harmlessly rebounded, bursting outside, and doing no damage to the federal crew."

"Another advantage accruing from this was, that it sank her very low in the water, so low in fact that the heads of the men who were in the boats were on the level of the Kearsarge's deck." (p. 39.)

"As before observed, the sides of the Kearsarge *were trailed all over with chain cables*." (p. 41.)

The author of the pamphlet in question has judiciously refrained from giving his name. A greater number of more unblushing misrepresentations never were contained in an equal space.

In his official report to the confederate envoy, Mr. Mason, Captain Semmes makes the following statements:

"At the end of the engagement it was discovered by those of our officers who went alongside the enemy's ship with the wounded that her midship section on both sides was thoroughly iron-coated, *this having been done with chain constructed for the purpose*, (!) placed perpendicularly from the rail to the water's edge, the whole covered over by a thin outer planking, which gave no indication of the armor beneath. This planking had been ripped off in every direction (!) by our shot and shell, the chain broken and indented in many places, and forced partly into the ship's side. She was most effectually guarded, however, in this section from penetration."

"The enemy was heavier than myself, both in ship, battery, and crew, (!) *but I did not know until the action was over that she was also iron-clad*."

"Those of our officers who went alongside the enemy's ship with our wounded." As soon as Captain Semmes reached the Deerhound, the yacht steamed off at full speed towards Southampton, and Semmes wrote his report of the fight either in England or on board the English vessel. Probably the former, for he dates his communication to Mr. Mason, "Southampton, June 21, 1864." How did he obtain intelligence from those of his officers "who went alongside the enemy's ship," and who would naturally be detained as prisoners of war? It was impossible for anybody to reach Southampton in the time specified; nevertheless he did obtain such information. One of his officers—George T. Fullam, an Englishman unfortunately—came to the Kearsarge in a boat at the close of the action, representing the Alabama to be sinking, and that if the Kearsarge did not hasten to get out boats to save life, the crew must go down with her. Not a moment was to be lost, and he offered to go back to his own vessel to bring off prisoners, pledging his honor to return when the object was accomplished. After picking up several men struggling in the water, he steered directly for the Deerhound, and on reaching her actually cast his boat adrift. It

* The Career of the Alabama, "No 290," from July 29, 1862, to June 19, 1864. London: Dorrell & Son.

was subsequently picked up by the Kearsarge. Fullam's name appears amongst the list of "saved" by the Deerhound; and he, with others of the Alabama's officers who had received a similar permission from their captors, and had similarly broken their troth, of course gave the above information to their veracious captain.

The chain-plating of the Kearsarge was decided upon in this wise. The vessel lay off Fayal towards the latter part of April, 1863, on the lookout for a notorious blockade-runner, named the Juno. The Kearsarge being short of coal, and fearing some attempts at opposition on the part of her prey, the first officer of the sloop, Lieutenant Commander James S. Thornton, suggested to Captain Winslow the advisability of hanging her spare anchor-cable over her sides, so as to protect her midship section. Mr. Thornton had served on board the flag-ship of Admiral Farragut, the Hartford, when she and the rest of the federal fleet ran the forts of the Mississippi to reach New Orleans; and he made the suggestion at Fayal through having seen the advantage gained by it on that occasion. I now copy the following extract from the log-book of the Kearsarge:

"HORTA BAY, FAYAL, May 1, 1863.

"From 8 to meridian.—Wind E.NE, (F 2.) Weather b. c. Strapped, loaded, and fuzed (5 sec. fuze) 13 XI-inch shell. Commenced armor-plating ship, using sheet chain. Weighed kedge anchor.

"E. M. STODDARD, *Acting Master.*"

This operation of chain-arming took three days, and was effected without assistance from the shore and at an expense of material of seventy-five dollars (£15). In order to make the addition less unsightly, the chains were boxed over with inch-deal boards, forming a case, or box, which stood out at right angles from the vessel's sides. This box would naturally excite curiosity in every port where the Kearsarge touched, and no mystery was made as to what the boarding covered. Captain Semmes was perfectly cognizant of the entire affair, notwithstanding his shameless assertion of ignorance; for he spoke about it to his officers and crew several days prior to the 19th of June, declaring that the chains were only attached together with rope-yarns, and would drop into the water when struck with the first shot. I was so informed by his own wounded men lying in the naval hospital at Cherbourg. Whatever might be the value for defence of this chain-plating, it was only struck once during the engagement, so far as I could discover by a long and close inspection. Some of the officers of the Kearsarge asserted to me that it was struck twice, whilst others deny that declaration: in one spot, however, a 32-pounder shot broke in the deal covering and smashed a single link, two-thirds of which fell into the water. The remainder is in my possession, and proves to be of the ordinary 5½-inch chain. Had the cable been struck by the rifled 120-pounder instead of by a 32, the result might have been different; but in any case the damage would have amounted to nothing serious, for the vessel's side was hit five feet above the water-line and nowhere in the vicinity of the boilers or machinery. Captain Semmes evidently regarded this protection of the chains as little worth, for he might have adopted the same plan before engaging the Kearsarge; but he confined himself to taking on board 150 tons of coal as a *protection to his boilers*, which, in addition to the 200 tons already in his bunkers, would bring him pretty low in the water. The Kearsarge, on the contrary, was deficient in her coal, and she took what was necessary on board during my stay at Cherbourg.

The quantity of chain used on each side of the vessel in this much-talked-of armoring is only 120 fathoms, and it covers a space amidships of 49 feet 6 inches in length, by 6 feet 2 inches in depth. The chain, which is single, not

double, was and is stopped to eye-bolts with rope-yarn and by iron dogs.* Is it reasonable to suppose that this plating of $1\frac{7}{10}$ -inch iron (the thickness of the links of the chain) could offer any serious resistance to the heavy 68-pounder and the 7-inch Blakely rifle of the Alabama, at the comparatively close range of 700 yards? What, then, becomes of the mistaken remark of the Times that the Kearsarge was "provided, as it turned out, with some special contrivances for protection," or Semmes's declaration that she was "iron-clad"? "The Career of the Alabama," in referring to this chain-plating, says, "Another advantage accruing from this was that it sank her very low in the water—so low, in fact, that the heads of the men who were in the boats were on the level of the Kearsarge's deck." It is simply ridiculous to suppose that the weight of 240 fathoms of chain could have any such effect upon a vessel of one thousand tons burden; whilst, in addition, the cable itself was part of the ordinary gear of the ship. Further, the Kearsarge was deficient in seventy tons of coal of her proper supply at the time of action, while the Alabama had three hundred and fifty tons on board.

The objection that the Alabama was short-handed does not appear to be borne out by the facts of the case; while, on the other hand, a greater number of men than were necessary to work the guns and ship would be more of a detriment than a benefit to the Kearsarge. The latter vessel had 22 officers on board, and 140 men; the Alabama is represented to have had only 120 in her crew, (Mr. Mason's statement,) but if her officers be included in this number, the assertion is obviously incorrect, for the Kearsarge saved 67,† the Deerhound 41, and the French pilot-boats 12, and this, without mentioning the 13 accounted for as killed and wounded, and others who went down with the ship. If Captain Semmes's representations were correct in regard to his being short-handed, he certainly ought not to be trusted with the command of a vessel again, however much he may be esteemed by some parties for his Quixotism in challenging an antagonist—to use his own words—"heavier than myself both in ship, battery, and crew."

The asserted unpreparedness of the Alabama is about as truthful as the other representations, if we may take Captain Semmes's report, and certain facts, in rebutting evidence. The captain writes to Mr. Mason, "I cannot deny myself the pleasure of saying that Mr. Kell, my first lieutenant, deserves great credit for the fine condition the ship went into action in;" but if Captain Semmes were right in the alleged want of preparation, he himself is alone to blame. He had ample time for protecting his vessel and crew in all possible manners; he, not the Kearsarge, was the aggressor; and but for his forcing the fight the Alabama might still be riding inside Cherbourg breakwater. Notwithstanding the horrible cause for which he is struggling, and the atrocious depredations he has committed upon helpless merchantmen, we can still admire the daring he evinced in sallying forth from a secure haven and gallantly attacking his opponent; but when he professes ignorance of the character of his antagonist, and unworthily attempts to disparage the victory of his foe, we forget all our first sympathies, and condemn the moral nature of the man as he has forced us to do his judgment.

Nor must it be forgotten that the Kearsarge has had fewer opportunities for repairs than the Alabama, and that she has been cruising around in all seas *for a much longer period than her antagonist.*‡ The Alabama, on the con-

* There was nothing whatever between the chain and the ship's sides.

† Including three dead.

‡ The Kearsarge started on her present cruise the 4th of February, 1862; the Alabama left the Mersey at the end of July following.

trary, had lain for many days in Cherbourg, and she only steamed forth when her captain supposed her to be in, at all events, as good a condition as the enemy.

THE CHALLENGE.

Finally, the challenge to fight was given by the Alabama to the Kearsarge, not by the Kearsarge to the Alabama. "The Career of the Alabama," above referred to, makes the following romantic statement:

"When he (Semmes) was challenged by the commander of the Kearsarge, everybody in Cherbourg, it appears, said it would be disgraceful if he refused the challenge, and this, coupled with his belief that the Kearsarge was not so strong as she really proved to be, made him agree to fight." (p. 41.)

On the Tuesday after the battle, and before leaving London for Cherbourg, I was shown a telegram by a member of the House of Commons, forwarded to him that morning. The telegram was addressed to one of the gentleman's constituents by his son, a sailor on board the Alabama, and was dated "C. S. S. Alabama, Cherbourg, June 14;" the sender stating that they were about to engage the Kearsarge on the morrow, or next day. I have not a copy of this telegram, but "The Career of the Alabama" gives a letter to the like effect from the surgeon of the privateer, addressed to a gentleman in this city. The letter reads as follows:

"CHERBOURG, June 14, 1864.

"DEAR TRAVERS: Here we are. I send this by a gentleman coming to London. An enemy is outside. *If she only stays long enough, we go out and fight her.* If I live, expect to see me in London shortly. If I die, give my best love to all who know me. If Monsieur A. de Caillet should call on you, please show him every attention.

"I remain, dear Travers, ever yours,

"D. H. LLEWELLYN."

There were two brave gentlemen on board the Alabama—poor Llewellyn, who nobly refused to save his own life by leaving his wounded, and a young lieutenant, Mr. Joseph Wilson, who honorably delivered up his sword on the deck of the Kearsarge, when the other officers threw theirs into the water.

The most unanswerable proof of Captain Semmes having challenged the commander of the Kearsarge is to be found in the following letter addressed by him to the confederate consul, or agent, at Cherbourg. After the publication of this document, it is to be hoped we shall hear no more of Captain Winslow's having committed such a breach of discipline and etiquette as that of challenging a rebel against his government:

CAPTAIN SEMMES'S CHALLENGE TO THE KEARSARGE.

"CONFEDERATE STATES STEAMER ALABAMA,

"Cherbourg, June 14, 1864.

"SIR: I hear that you were informed by the United States consul that the Kearsarge was to come to this port solely for the prisoners landed by me,* and that she was to depart in twenty-four hours. I desire you to say to the United States consul, that my intention is to fight the Kearsarge as soon as I can make

* This information was incorrect. No such statement was ever made by the consul of the United States at Cherbourg.

the necessary arrangements. I hope these will not detain me more than until to-morrow evening, or after the morrow morning at furthest. I beg she will not depart before I am ready to go out.

"I have the honor to be, very respectfully, your obedient servant,
"R. SEMMES, *Captain.*"

"Ad. BONFILS, Esq., *Cherbourg.*"

Numerous facts serve to prove that Captain Semmes had made every preparation to engage the Kearsarge, and that wide-spread publicity had been given to his intention. As soon as the arrival of the federal vessel was known at Paris, an American gentleman of high position came down to Cherbourg, with instructions for Captain Winslow; but so desirous were the French authorities to preserve a really honest neutrality, that permission was only granted to him to sail to her after his promising to return to shore immediately on the delivery of his message. Once back in Cherbourg, and about to return to Paris, he was advised to remain over night, as the *Alabama* intended to fight the Kearsarge next day (Sunday.) On Sunday morning an excursion train arrived from the capital, and the visitors were received at the terminus of the railway by the boatmen of the port, who offered them boats for the purpose of seeing a genuine naval battle which was to take place during the day. Turning such a memorable occurrence to practical uses, Monsieur Rondin, a celebrated photographic artist on the *Place d'Armes* at Cherbourg, prepared the necessary chemicals, plates, and camera, and placed himself on the summit of the old church tower, which the whilome denizens of Cherbourg had very properly built in happy juxtaposition with his establishment. I was only able to see the negative, but that was quite sufficient to show that the artist had obtained a very fine view indeed of the exciting contest. Five days, however, had elapsed since Captain Semmes sent his challenge to Captain Winslow through the confederate agent, Monsieur Bonfils; surely time sufficient for him to make all the preparations which he considered necessary. Meanwhile, the Kearsarge was cruising to and fro at sea, outside the breakwater.

The Kearsarge reached Cherbourg on the 14th, and her captain only heard of Captain Semmes's intention to fight him on the following day. Five days, however, elapsed before the *Alabama* put in an appearance, and her exit from the harbor was heralded by the English yacht *Deerhound*. The officer on watch aboard the Kearsarge made out a three-masted vessel steaming from the harbor, the movements of which were somewhat mysterious; after remaining a short time only, this steamer, which subsequently proved to be the *Deerhound*, went back into port; only returning to sea a few minutes in advance of the *Alabama*, and the French iron-clad *La Couronne*. Mr. Lancaster, her owner, sends a copy of his log to the *Times*, the first two entries being as follows:

"*Sunday, June 19, 9 a. m.*—Got up steam and proceeded out of Cherbourg harbor.

"10.30—Observed the *Alabama* steaming out of the harbor towards the federal steamer *Kearsarge*."*

* The following is the copy of the log of the Kearsarge on the day in question:

JUNE 19, 1864, from 8 to merid.

Moderate breeze from the westward, weather b. c. At 10, inspected crew at quarters. At 10.20, discovered the *Alabama* steaming out from the port of Cherbourg, accompanied by a French iron-clad steamer, and a fore-and-aft rigged steamer showing the white English ensign and a yacht flag. Bent to general quarters, and cleared the ship for action. Steamed ahead standing off shore. At 10.50, being distant from the land about two leagues, altered our course, and approached the *Alabama*. At 10.57, the *Alabama* commenced the action with her starboard broadside at 1,000 yards range. At 11, we returned her fire, and came

Mr. Lancaster does not inform us why an English gentleman should choose a Sunday morning, of all days in the week, to cruise about at an early hour with ladies on board, nor does he supply the public with information as to the movements of the *Deerhound* during the hour and a half which elapsed between his exit from the harbor and the appearance of the *Alabama*. The preceding paragraph, however, supplies the omission.

THE ENGAGEMENT.

At length the *Alabama* made her appearance in company with the *Couronne*, the latter vessel convoying her outside the limit of French waters. Here let me pay a tribute to the careful neutrality of the French authorities. No sooner was the limit of jurisdiction reached, than the *Couronne* put down her helm, and without any delay steamed back into port, not even lingering outside the breakwater to witness the fight. Curiosity, if not worse, anchored the English vessel in handy vicinity to the combatants. Her presence proved to be of much utility, for she picked up no less than fourteen of the *Alabama's* officers, and among them the redoubtable Semmes himself.

So soon as the *Alabama* was made out, the *Kearsarge* immediately headed seaward and steamed off the coast, the object being to get a sufficient distance from the land so as to obviate any possible infringement of French jurisdiction; and, secondly, that in case of the battle going against the *Alabama*, the latter could not retreat into port. When this was accomplished, the *Kearsarge* was turned shortly round and steered immediately for the *Alabama*, Captain Winslow desiring to get within close range, as his guns were shotted with five-seconds shell. The interval between the two vessels being reduced to a mile, or thereabouts, the *Alabama* sheered and discharged a broadside, nearly a raking fire, at the *Kearsarge*. More speed was given to the latter to shorten the distance, and a slight sheer to prevent raking. The *Alabama* fired a second broadside and part of a third while her antagonist was closing; and at the expiration of ten or twelve minutes from the *Alabama's* opening shot the *Kearsarge* discharged her first broadside. The action henceforward continued in a circle, the distance between the two vessels being about seven hundred yards; this, at all events, is the opinion of the federal commander and his officers, for their guns were sighted at that range and their shell burst in and over the privateer. The speed of the two vessels during the engagement did not exceed eight knots the hour.

At the expiration of one hour and two minutes from the first gun, the *Alabama* hauled down her colors and fired a lee gun, (according to the statements of her officers,) in token of surrender. Captain Winslow could not, however, believe that the enemy had struck, as his own vessel had received so little damage, and he could not regard his antagonist as much more injured than himself; and it was only when a boat came off from the *Alabama* that her true

fairly into action, which we continued until merid., when observing signs of distress in the enemy, together with a cessation of her fire, *our fire was withheld*. At 12 10, a boat with an officer from the *Alabama* came alongside and surrendered his vessel, with the information that she was rapidly sinking, and a request for assistance. Sent the launch and second cutter, the other boats being disabled by the fire of the enemy. The English yacht before mentioned, coming within hail, was requested by the captain (W.) to render assistance in saving the lives of the officers and crew of the surrendered vessel. At 2.24, the *Alabama* went down in forty fathoms of water, leaving most of the crew struggling in the water. Seventy persons were rescued by the boats; two pilot-boats and the yacht also assisted. One pilot-boat came alongside us, but the other returned to the port. The yacht steamed rapidly away to the northward, without reporting the number of our prisoners she had picked up.

JAMES S. WHEELER,
Acting Master.

condition was known. The 11-inch shell from the Kearsarge, thrown with fifteen pounds of powder at seven hundred yards range, had gone clean through the starboard side of the privateer, bursting in the port side and tearing great gaps in her timber and planking. This was plainly obvious when the Alabama settled by the stern and raised the fore part of her hull high out of water.

The Kearsarge was struck twenty-seven times during the conflict, and fired in all one hundred and seventy-three (173) shots. These were as follows:

Shots fired by the Kearsarge.

Two XI-inch guns.....	55 shots.
Rifle in forecastle.....	48 "
Broadside, 32-pounders.....	60 "
12-pounder, boat howitzer.....	10 "
	<hr/>
	Total, 173 shots.
	<hr/> <hr/>

The last named gun performed no part whatever in sinking the Alabama, and was only used in the action to create laughter among the sailors. Two old quartermasters, the two Dromios of the Kearsarge, were put in charge of this gun, with instructions to fire when they received the order. But the two old salts, little relishing the idea of having nothing to do while their messmates were so actively engaged, commenced peppering away with their pea-shooter of a piece, alternating their discharges with vituperation of each other. This low comedy by-play amused the ship's company, and the officers good humoredly allowed the farce to continue until the single box of ammunition was exhausted.

DAMAGE TO THE KEARSARGE.

The Kearsarge was struck as follows: One shot through starboard quarter, taking a slanting direction aft, and lodging in the rudder post. This shot was from the Blakely rifle. One shot, carrying away starboard life-buoy; three 32-pounder shots through port bulwarks, forward of mizzen-mast; a shell, exploding, after end of pivot port; a shell, exploding, after end of chain plating; a 68-pounder shell, passing through starboard bulwarks below main rigging, wounding three men—the only casualties among the crew during the engagement; a Blakely-rifle shell, passing through the engine-room sky-light, and dropping harmlessly in the water beyond the vessel; two shots below plank-sheer, abreast of boiler hatch; one forward pivot port plank-sheer; one forward foremast rigging; a shot striking launch's topping-lift; a rifle-shell passing through funnel, bursting without damage inside; one starboard forward main shroud; one, starboard after-shroud main-topmast rigging; one, main-topsail tye; one, main-topsail outhaul; one, main-topsail runner; two, through port quarter boat; one, through spanker (furled); one, starboard forward shroud, mizzen rigging; one, starboard mizzen-topmast backstay; one through mizzen peak signal-halliards, which cut the stops when the battle was nearly over, and for the first time let loose the flag to the breeze.

This list of damages received by the Kearsarge proves the exceedingly bad fire of the Alabama, notwithstanding the numbers of men on board the latter belonging to our "naval reserve," and the trained hands from the gunnery ship Excellent. I was informed by some of the paroled prisoners on shore at Cherbourg that Captain Semmes fired rapidly at the commencement of the action, "in order to frighten the Yankees," nearly all the officers and crew being, as he was well aware, merely volunteers from the merchant service. At the expiration of twenty minutes after the Kearsarge discharged the first broadside, con-

tinuing the battle in a leisurely, cool manner, Semmes remarked: "Confound them! they have been fighting twenty minutes, and they are as cool as posts." The probabilities are that the crew of the federal vessel had learned not to regard as dangerous the rapid and hap-hazard practice of the Alabama.

From the time of her first reaching Cherbourg until she finally quitted the port, the Kearsarge never received the slightest assistance from shore, with the exception of that rendered by a boiler-maker in patching up her funnel. Every other repair was completed by her own hands, and she might have crossed the Atlantic immediately after the action without difficulty. So much for Mr. Lancaster's statement that "the Kearsarge was apparently much disabled."

SEMME'S DESIGN TO BOARD THE KEARSARGE.

The first accounts received of the action led us to suppose that Captain Semmes's intention was to lay his vessel alongside the enemy, and to carry her by boarding. Whether this information came from the captain himself, or was made out of "whole cloth" by some of his admirers, the idea of boarding a vessel under steam, unless her engines, or screw, or rudder be disabled, is manifestly ridiculous. The days of boarding are gone by, except under the contingencies above stated, and any such attempt on the part of the Alabama would have been attended with disastrous results to herself and crew. To have boarded the Kearsarge, Semmes must have possessed greater speed to enable him to run alongside her; and the moment the pursuer came near her victim, the latter would shut off steam, drop astern in a second of time, sheer off, discharge her whole broadside of grape and canister, and rake her antagonist from stern to stem. Our pro-southern sympathizers really ought not to make their *protégé* appear ridiculous by ascribing to him such an egregious intention.

NATIONALITY OF THE CREW OF THE KEARSARGE.

It has frequently been asserted that the major portion of the northern armies is composed of foreigners, and the same statement is made in reference to the crews of the American navy. The report got abroad in Cherbourg that the victory of the Kearsarge was due to her having taken on board a number of French gunners at Brest; and an admiral of the French navy asked me, in perfectly good faith, whether it were not the fact. It will not, therefore, be out of place to give the names and nationalities of the officers and crew on board the Kearsarge during her action with the Alabama.

Officers of the United States Steamer Kearsarge, June 19, 1864.

Names.	Rank or rate.	Native of—
John A. Winslow	Captain	North Carolina.*
James S. Thornton	Lieutenant commander	New Hampshire.
John M. Brown	Surgeon	Do.
J. Adams Smith	Paymaster	Maine.
Wm. H. Cushman	Chief engineer	Pennsylvania.
James R. Wheeler	Acting master	Massachusetts.
Eben. M. Stoddard	do	Connecticut.
David H. Sumner	do	Maine.
Wm. H. Badlam	2d Assistant engineer	Massachusetts.
Fred. L. Miller	3d Assistant engineer	Do.
Sidney L. Smith	do	Do.
Henry McConnell	do	Pennsylvania.
Edward E. Preble	Midshipman	Maine.
Daniel B. Sargent	Paymaster's clerk	Do.
S. E. Hartwell	Captain's clerk	Massachusetts.
Franklin A. Graham	Gunner	Pennsylvania.
James C. Walton	Boatswain	Do.
Wm. H. Yeaton	Acting master's mate	United States.
Chas. H. Danforth	do do	Massachusetts.
Ezra Bartlett	do do	New Hampshire.
George A. Tittle	Surgeon's steward	United States.
Carsten B. De Witt	Yeoman	Do.
Jason N. Watrus	Master-at-arms	Do.
Charles Jones	Seaman	Do.
Daniel Charter	Landsman	Do.
Edward Williams	Officers' steward	Do.
George Williams	Landsman	Do.
Charles Butts	Quartermaster	Do.
Charles Redding	Landsman	Do.
James Wilson	Cockswain	Do.
William Gowen, (died)	Ordinary seaman	Do.
James Saunders	Quartermaster	Do.
John W. Dempsey	Quarter-gunner	Do.
Wm. D. Chapel	Landsman	Do.
Thomas Perry	Boatswain's mate	Do.
John Barrow	Ordinary seaman	Do.
William Bond	Boatswain's mate	Do.
James Haley	Captain of forecastle	(?)
Robert Strahn	Captain of top	Do.
Jas. O. Stone	1st class boy	Do.
Jacob Barth	Landsman	Do.
Jno. H. McCarthey	do	Do.
Jas. F. Hayes	do	Do.
John Hayes	Cockswain	Do.
James Devine	Landsman	Do.
George H. Russell	Armorer	Do.
Patrick McKeever	Landsman	Do.
Nathan Ives	do	Do.
Dennis McCarty	do	Do.
John Boyle	Ordinary seaman	Do.
John C. Woodberry	do do	Do.
George E. Read	Seaman	Do.
James Morey	Ordinary seaman	Do.
Benedict Drury	Seaman	Do.
William Giles	do	Do.
Timothy Hurley	Ship's cook	Do.
Michael Conroy	Ordinary seaman	Do.
Levi W. Nye	Seaman	Do.
James H. Lee	do	Do.
John E. Brady	Ordinary seaman	Do.
Andrew J. Rowley	Quarter-gunner	Do.

* Captain Winslow has long been a citizen of Massachusetts.

Officers of the United States steamer Kearsarge—Continued.

Names.	Rate.	Native of—
James Bradley	Seaman	United States.
William Ellis	Captain of hold	Do.
Henry Cook	Captain of after-guard	Do.
Charles A. Read	Seaman	Do.
Wm. S. Morgan	do	Do.
Joshua E. Carey	Sailmaker's mate	Do.
James Magee	Ordinary seaman	Do.
Benjamin S. Davis	Officer's cook	Do.
John F. Bickford	Cockswain	Do.
William Gurney	Seaman	Do.
William Smith	Quartermaster	Do.
Lawrence T. Crowley	Ordinary seaman	Do.
Hugh McPherson	Gunner's mate	Do.
Taran Phillips	Ordinary seaman	Do.
Joachim Pease	Seaman	Do.
Benj. H. Blaisdell	1st class fireman	Do.
Joel B. Blaisdell	do do	Do.
Charles Fisher	Officers' cook	Do.
James Henson	Landsman	Do.
Wm. M. Smith	do	Do.
William Fisher	do do	Do.
George Bailey	do	Do.
Martin Hoyt	do	Do.
Mark G. Ham	Carpenter's mate	Do.
William H. Bastine	Landsman	Do.
Leyman P. Spinney	Coal-heaver	Do.
George E. Smart	2d class fireman	Do.
Charles A. Poole	Coal-heaver	Do.
Timothy Lynch	do do	Do.
William H. Donnally	1st class fireman	Do.
Sylvanus P. Brackett	Coal-heaver	Do.
John W. Sanborn	do	Do.
Adoniram Littlefield	do	Do.
John W. Young	do	Do.
William Wainwright	do	Do.
Jno. E. Orchon	2d class fireman	Do.
Geo. W. Remick	1st class fireman	Do.
Joel L. Sanborn	do do	Do.
Jere Young	do do	Do.
William Smith	do do	Do.
Stephen Smith	2d class fireman	Do.
John F. Stackpole	do do	Do.
William Stanley	do do	Do.
Lyman H. Hartford	do do	Do.
True W. Priest	1st class fireman	Do.
Joseph Dugan	do do	Do.
John F. Dugan	Coal-heaver	Do.
Jas. W. Sheffield	2d class fireman	Do.
Chas. T. Young	Orderly sergeant	Do.
Austin Quimley	Corporal of marines	Do.
Roscoe G. Dolley	Private of marines	Do.
Patrick Flood	do do	Do.
Henry Hobson	Corporal of marines	Do.
James Kerrigan	Private of marines	Do.
John McAleen	do do	Do.
Geo. A. Raymond	do do	Do.
James Tucker	do do	Do.
Isaac Thornton	do do	Do.
Wm. Y. Evans	Nurse	Do.
Wm. B. Poole	Quartermaster	Do.
F. J. Veannoh	Captain of after-guard	Do.
Charles Hill	Landsman	Do.

Officers of the United States steamer Kearsarge—Continued.

Names.	Rate.	Native of—
Henry Jameson.....	1st class fireman.....	United States.
Jno. G. Batchelder.....	Private of marines.....	Do.
Jno. Dwyer.....	1st class fireman.....	Do.
Thomas Salmon.....	2d class fireman.....	Do.
Patrick O. Conner.....	do.....do.....	Do.
Geo. H. Harrison.....	Ordinary seaman.....	Do.
Geo. Andrew.....	do.....do.....	Do.
Charles Moore.....	Seaman.....	Do.
Geo. A. Whipple.....	Ordinary seaman.....	Do.
Edward Wallace.....	Seaman.....	Do.
Thomas Marsh.....	Coal-heaver.....	Do.
Thomas Buckley.....	Ordinary seaman.....	Do.
Edward Wilt.....	Captain of top.....	Do.
George H. Kinne.....	Ordinary seaman.....	Do.
Augustus Johnson.....	Seaman.....	Do.
Jeremiah Horrigan.....	do.....	Do.
Wm. O'Halloran.....	do.....	Do.
Wm. Turner.....	do.....	Do.
Joshua Collins.....	Ordinary seaman.....	Do.
James McBeath.....	do.....do.....	Do.
John Pope.....	Coal-heaver.....	Do.
Charles Mattison.....	Ordinary seaman.....	Do.
George Baker.....	Seaman.....	Do.
Timothy G. Cauty.....	do.....	Do.
John Shields.....	do.....	Do.
Thomas Alloway.....	do.....	Do.
Philip Weeks.....	do.....	Do.
William Barnes.....	Landsman.....	Do.
Wm. Alsdorf.....	do.....	Holland.
Clement Antoine.....	Coal-heaver.....	Western Islands.
José Dabney.....	Landsman.....	Do.
Benj. Button.....	Coal-heaver.....	Malay.
Jean Briset.....	do.....	France.
Vanburn Francois.....	Landsman.....	Holland.
Peter Ludy.....	Seaman.....	Do.
George English.....	do.....	England.
Jonathan Brien.....	Landsman.....	Do.
Mannel J. Gallardo.....	2d class boy.....	Spain.
John M. Sonius.....	1st class boy.....	Holland.

It thus appears that out of one hundred and sixty-three (163) officers and crew of the sloop-of-war *Kearsarge* there are only eleven (11) persons foreign-born.

The following is the surgeon's report of casualties among the crew of the *Kearsarge* during the action:

“U. S. STEAMSHIP KEARSARGE, CHERBOURG, FRANCE,

“*Afternoon, June 19, 1864.*

“SIR: I report the following casualties resulting from the engagement this morning with the steamer *Alabama*:

“John W. Dempsey, quarter-gunner. Compound comminuted fracture of right arm, lower third, and fore-arm. Arm amputated.

“William Gowen, ordinary seaman. Compound fracture of left thigh and leg. Seriously wounded.

“James McBeath, ordinary seaman. Compound fracture of left leg. Severely wounded.

“I am, very respectfully, your obedient servant,

“JOHN M. BROWNE,
Surgeon U. S. Navy.”

“Captain JOHN A. WINSLOW,
Commanding U. S. Steamship Kearsarge, Cherbourg.”

All these men were wounded by the same shot, a 68-pounder, which passed through the starboard bulwarks below main rigging, narrowly escaping the after 11-inch pivot gun. The fuzes employed by the Alabama were villanously bad, several shell having lodged in the Kearsarge without taking effect. Had the 7-inch rifle shot exploded which entered the vessel at the starboard quarter, raising the deck by its concussion several inches, and lodging in the rudder-post, the action might have lasted some time longer. It would not, however, have altered the result, for the casualty occurred towards the close of the conflict. During my visit I witnessed the operation of cutting out a 32-pounder shell (time fuze) from the rail close forward of the fore pivot 11-inch port; the officer in charge of the piece informed me that the concussion actually raised the gun and carriage, and, had it exploded, many of the crew would have been injured by the fragments and splinters.

Among the incidents of the fight some of our papers relate that an 11-inch shell from the Kearsarge fell upon the deck of the Alabama and was immediately taken up and thrown overboard. Probably no fight ever occurred in modern times in which somebody didn't pick up a live shell and throw it out of harm's way, but we may be permitted to doubt in this case; 5-second fuzes take effect somewhat rapidly. The shot weighs considerably more than a hundred weight, and is uncomfortably difficult to lay hold of. Worse than all for the probabilities of the story, fifteen pounds of powder—never more nor less—were used to every shot fired from the 11-inch pivots, the Kearsarge only opening fire from them when within eight hundred yards of the Alabama. With fifteen pounds of powder and fifteen degrees of elevation I have myself seen these 11-inch Dahlgrens throw three miles and a half; and yet we are asked to credit that, with the same charge at less than half a mile, one of the shells fell upon the deck of the privateer. There are eleven marines in the crew of the Kearsarge; probably the story was made for them.

THE REPORTED FIRING UPON THE ALABAMA AFTER HER SURRENDER.

Captain Semmes makes the following statement in his official report:

“Although we were now but four hundred yards from each other, the enemy fired upon me five times after my colors had been struck. It is charitable to suppose that a ship-of-war of a Christian nation could not have done this intentionally.”

A very nice appeal after the massacre of Fort Pillow, especially when coming from a man who has spent the previous two years of his life in destroying unresisting merchantmen.

The captain of the Kearsarge was never aware of the Alabama having struck until a boat put off from her to his own vessel. Prisoners subsequently stated that she had fired a lee-gun; but the fact was not known on board the federal ship, nor that the colors were hauled down in token of surrender. A single fact will prove the humanity with which Captain Winslow conducted the fight. At

the close of the action his deck was found to be literally covered with grape and canister, ready for close quarters; but he had never used a single charge of all this during the contest, although within capital range for employing it.

THE FEELING AFTER THE BATTLE.

The wounded of the two vessels were transferred shortly after the action to the naval hospital at Cherbourg. I paid a visit to that establishment on the Sunday following the engagement, and found the sufferers lying in comfortable beds alongside each other in a long and admirably ventilated ward on the first floor. Poor Gowan, who died the following Tuesday, was in great pain, and already had the seal of death upon his face. James McBeath, a young fellow of apparently twenty years, with a compound fracture of the leg, chatted with much animation; while Dempsey, the stump of his right arm laid on the pillow, was comfortably smoking a cigar, and laughing and talking with one of the Alabama crew, in the bed alongside him. The wounded men of the sunken privateer were unmistakably English in physiognomy, and I failed to discover any who were not countrymen of ours. I conversed with all of them, stating at the outset that I was an Englishman like themselves, and the information seemed to open their hearts to me. They represented themselves as very comfortable at the hospital; that everything they asked for was given to them, and that they were surprised at the kindness of the Kearsarge men who came to visit the establishment, when they were assured by their own officers before the action that foul treatment would only be shown them in the event of their capture. Condoling with one poor fellow who had his leg carried away by a shell, he remarked to me, "Ah! it serves me right; they won't catch me fighting again without knowing what I'm fighting for." "That's me, too," said another poor Englishman alongside him.

The paroled prisoners (four officers) on shore at Cherbourg evinced no hostility whatever to their captors, but were always on the friendliest of terms with them. All alike frequented the same hotel in the town, (curiously enough, "The Eagle,") played billiards at the same café, and bought their pipes, cigars, and tobacco from the same pretty little *brunette* on the *Quai du Port*.

The following are the names of the officers and crew of the Alabama saved by the Kearsarge:

Francis L. Galt, of Virginia, assistant surgeon; Joseph Wilson, 3d lieutenant; Miles J. Freeman, engineer, Englishman; John W. Pundt, 3d assistant engineer; Benjamin L. McCaskey, boatswain; William Forrestall, quartermaster, Englishman; Thomas Potter, fireman, Englishman; Samuel Williams, fireman, Welshman; Patrick Bradley, fireman, Englishman; John Orrigin, fireman, Irishman; George Freemantle, Edgar Tripp, and John Neil, seamen, Englishmen; Thomas Winter, fireman, Englishman; Martin King, seaman; Joseph Pearson, seaman, James Hicks, captain hold, R. Parkinson, wardroom steward, John Emory, seaman, Thomas L. Parker, boy, and Peter Hughes, captain top, Englishmen.

(All the above belonged to the Alabama when she first sailed from the Mersey, and John Neil, John Emory, and Peter Hughes belong to the "Royal Naval Reserve.")

William Clark, David Leggett, Samuel Henry, John Russell, John Smith, Henry McCoy, Edward Bussell, James Ochure, John Casen, Henry Higgin, Frank Hammond, Michael Shields, David Thurston, George Peasey, and Henry Yates, seamen; Henry Godsen, David Williams, Henry Hestlake, Thomas Watson, John Johnson, Match Maddock, Richard Evans, William Miller, George Cousey, and Thomas Brandon, ordinary seamen; William McKensie, James Broderick, and William Wilson, cockswains; Edward Rawes,

master-at-arms; Henry Tucker, officers' cook; William Barnes, quarter-gunner; Jacob Verbor, seaman; Robert Wright, captain main-top; William McGuire, captain fore-top, and William McGinley, cockswain, wounded; John Benson and James McGuire, coal-heavers; Frank Currian, Peter Laperty, and John Riley, firemen; Nicolas Adams, landsman; James Clemens, yeoman; James Wilson, boy.

These men, almost without exception, are subjects of her Majesty the Queen. There were also three others, who died in the boats, names not known.

The following are those reported to have been killed or drowned:

David Herbert Llewellyn, surgeon, Welshman; William Robinson, carpenter; James King, master-at-arms, Savannah pilot; Peter Duncan, fireman, Englishman; Andrew Shillings, Scotchman; Charles Puist, coal-passer, German; Frederick Johns, purser's steward, Englishman; Samuel Henry, seaman, Englishman; John Roberts, seaman, Welshman; Peter Henry, seaman, Irishman; George Appleby, yeoman, Englishman; A. G. Bartelli, seaman, Portuguese; Henry Fisher, seaman, Englishman.

The above all belonged to the original crew of the Alabama.

The Deerhound carried off, according to her own account, forty-one; the names of the following are known:

Raphael Semmes, captain; John M. Kell, 1st lieutenant; Arthur Sinclair, jr., 2d lieutenant; R. K. Howell, lieutenant of marines; (this person is brother-in-law of Mr. Jefferson Davis); W. H. Sinclair, midshipman; J. S. Bullock, acting master; E. A. Maffit and E. M. Anderson, midshipmen; M. O'Brien, 3d assistant surgeon; George T. Fullam, master's mate, Englishman; James Evans, Max Meulnier, and J. Schrader, master's mates; W. B. Smith, captain's clerk; J. O. Cuddy, gunner; J. G. Dent, quartermaster; James McFadgen, fireman, Englishman; Orran Duffy, fireman, Irishman; W. Crawford, Brent Johnson, 2d boat-swain's mate, William Nevins, and William Hearn, seamen, Englishmen.

The last four belong to the "Royal Naval Reserve."

MOVEMENTS OF THE ENGLISH YACHT DEERHOUND.

That an English yacht, one belonging to the royal yacht squadron, and flying the white ensign, too, during the conflict, should have assisted the confederate prisoners to escape after they had formally surrendered themselves, according to their own statement, by firing a lee-gun, striking their colors, hoisting a white flag, and sending a boat to the Kearsarge—some of which signals must have been witnessed from the deck of the Deerhound—is most humiliating to the national honor. The movements of the yacht early on Sunday morning were, as before shown, most suspicious; and had Captain Winslow followed the advice and reiterated requests of his officers when she steamed off, the Deerhound might now have been lying not far distant from the Alabama. Captain Winslow, however, could not believe that a gentleman who was asked by himself "to save life" would use the opportunity to decamp with the officers and men who, according to their own act, were prisoners-of-war. There is high presumptive evidence that the Deerhound was at Cherbourg for the express purpose of rendering every assistance possible to the corsair; and we may be permitted to doubt whether Mr. Lancaster, the friend of Mr. Laird, and a member of the Mersey Yacht Club, would have carried Captain Winslow and his officers to Southampton if the result of the struggle had been reversed, and the Alabama had sent the Kearsarge to the bottom.

The Deerhound reached Cherbourg on the 17th of June, and between that time and the night of the 18th boats were observed from the shore passing frequently between her and the Alabama. It is reported that English gunners came over from England purposely to assist the privateer in the fight; this I heard before leaving London, and the assertion was repeated to me again at

Havre, Honfleur, Cherbourg, and Paris. If this be the fact, how did the men reach Cherbourg? On the 14th of June, Captain Semmes sends his challenge to the Kearsarge through Monsieur Bonfils, stating it to be his intention to fight her "as soon as I can make the necessary arrangements." Two full days elapse, during which he takes on board 150 tons additional of coal, and places for security in the custom-house the following valuables:

38 kilo. 700 gr. of gold coin.

6 gr. of jewelry and set diamonds.

2 gold watches.

What, then, became of the pillage of a hundred merchantmen, the chronometers, &c., which the Times describes as the "*spolia opima* of a whole mercantile fleet?" Those could not be landed on French soil, and were not; did they go to the bottom with the ship herself, or are they saved?

Captain Semmes's preparations are apparently completed on the 16th, but still he lingers behind the famous breakwater, much to the surprise of his men. The Deerhound arrives at length, and the preparations are rapidly completed. How unfortunate that Mr. Lancaster did not favor the Times with a copy of his log-book from the 12th to the 19th June, inclusive!

The record of the Deerhound is suggestive on the morning of that memorable Sunday. She steams out from behind the Cherbourg breakwater at an early hour—scouts hither and thither, apparently purposeless—runs back to her anchorage—precedes the Alabama to sea—is the solitary and close spectator of the fight whilst the Couronne has the delicacy to return to port, and finally—having picked up Semmes, thirteen of his officers and a few of his men—steams off at fullest speed to Southampton, leaving the "*apparently much disabled*" Kearsarge (Mr. Lancaster's own words) to save two-thirds of the Alabama's drowning crew struggling in the water.

An English gentleman's yacht playing tender to a corsair! No one will ever believe that Deerhound to be thoroughbred.

CONCLUSION.

Such are the facts relating to the memorable action off Cherbourg on the 19th of June, 1864. The Alabama went down riddled through and through with shot; and, as she sank beneath the green waves of the channel, not a single cheer arose from the victors. The order was given, "Silence, boys," and in perfect silence this terror of American commerce plunged to her last resting-place.

There is but one key to the victory. The two vessels were, as nearly as possible, equals in size, speed, armament, and crew, and the contest was decided by the superiority of the XI-inch Dahlgren gun of the Kearsarge over the Blakely rifle and the vaunted 68-pounder of the Alabama, in conjunction with the greater coolness and surer aim of the former's crew. The Kearsarge was not, as represented, specially armed and manned for destroying her foe, but is in every respect similar to all the vessels of her class (third-rate) in the United States navy. Moreover, the large majority of her officers are from the merchant service.

The French at Cherbourg were by no means dilatory in recognizing the value of these Dahlgren guns. Officers of all grades, naval and military alike, crowded the vessel during her stay at their port; and they were all eyes for the massive pivots, and for nothing else. Guns, carriages, even rammers and sponges, were carefully measured; and, if the pieces can be made in France, many months will not elapse before their muzzles will be grinning through the port-holes of French ships-of-war.

We have no such gun in Europe as this XI-inch Dahlgren, but it is considered behind the age in America. The 68-pounder is regarded by us as a

heavy piece; in the United States it is the minimum for large vessels; whilst some ships, the New Ironsides, Niagara, Vanderbilt, &c., carry the XI-inch *in broadside*. It is considered far too light, however, for the sea-going iron-clads, although throwing a solid shot of 160 pounds; yet it has made a wonderful stir on both sides of the channel. What, then, will be thought of the XV-inch gun throwing a shot of 480 pounds, or of the 200 lb. Parrott, with its range of five miles?

We are arming our iron-clads with 9-inch smooth-bores and 100-pounder rifles, whilst the Americans are constructing their armor-ships to resist the impact of XI and XV-inch shot. By next June the United States will have in commission the following iron-clads:

	Tons.	Guns.
Dunderburg	5,090	10
Dictator	3,033	2
Kalamazoo	3,200	4
Passaconaway,	3,200	4
Puritan	3,265	4
Quinsigamond	3,200	4
Roanoke	3,435	6
Shakamaxon	3,200	4

These, too, without counting six others of second class, all alike armed with the tremendous XV-inch, and built to cross the Atlantic in any season. But it is not in iron-clads alone that America is proving her energy; first, second, and third-rates, wooded-built, are issuing constantly from trans-Atlantic yards, and the navy of the United States now numbers no less than six hundred vessels and upwards, seventy-three of which are iron-clads.

This is indeed an immense fleet for one nation, but we may at all events rejoice that it will be used to defend—in the words of the wisest and noblest of English statesmen—"the democratic principle; or, if that term is offensive, popular sovereignty."

Mr. Adams to Mr. Seward.

No. 756.]

LEGATION OF THE UNITED STATES,

London, July 29, 1864.

SIR: I transmit herewith a copy of the London Times of this morning, containing a report of a debate that took place last evening in the House of Commons on the subject of enlistments.

The universal disposition to emigrate to the United States which prevails among the poorer classes in all parts of this kingdom is exciting not a little uneasiness. Coming as it does upon the general desire of the higher classes that the rebellion should effect the disruption of the Union, no difficulty remains in accounting for the peculiar tone of the speakers in the debate.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times of July 29, 1864.]

HOUSE OF COMMONS—THURSDAY, JULY 28.

EMIGRATION TO AMERICA.

Lord E. HOWARD rose to call attention to the subject of emigration to the United States of America in reference to the prolongation of the war now raging in that country, and to move an address for papers. He certainly should not have attempted to intrude on their attention at that late period of the session had it not been that a case had presented itself which it appeared to him necessary he should bring before the house. In the course of his duty as a member of the distress relief committee at Glossop, one of the towns most affected by the cotton distress, it became necessary to have a census made of the population of the district, and one of the elements of that census was the character of the emigration which prevailed. There had been a very large emigration, and in the increase which supervened he found it was also large from the cotton districts in general. In 22 towns, taken promiscuously from the cotton districts, there had been within a few months, setting aside single men, no less than 1,460 married men who had left the country for the United States of America, of whom no fewer than 780 had deserted their wives and families, leaving 2,160 chargeable on the rates. He had also the names of 14 persons who had emigrated within three months from one spot near Manchester, and of these no fewer than 12 had deserted their wives and children. These men in all probability were young and strong men, not long married, and their emigration was attended with such calamitous results as must show that there were deep causes at work for the present state of things, which was to be lamented, not only for its anti-social results, but for the country generally. It would not do to say that these men had emigrated with a view afterwards to send for their families, because when Americans sent for manufacturing hands from England, and paid their passage, great caution was exercised by the agents employed, and written agreements were not given to the emigrants till they were on board ship. In order to present the case in the most condensed form he should mainly confine himself to printed or written statements. Here was a well-authenticated case :

“A young man in a company of volunteers was decoyed over to New York as follows: A companion of his had seen an advertisement in some newspaper requiring first-rate mechanics for a workshop in Canada. He searched out and found the advertiser, who assured him that work was plentiful in Canada, and that he would have permanent employment at 35s. a week. At the next interview with the advertiser (which took place on the steps of the Manchester Exchange) the man went with his friend, and they agreed to go. They were only told to provide for their voyage, because on their arrival in Canada they would obtain employment immediately, and could get cash on account of their wages. Six men were thus induced to go. When they arrived at Liverpool there was a conveyance waiting for them, and they were driven down to the pier-head. On getting on board the steamer (called the Virginia,) however, they found she was bound for New York, and in reply to their inquiries were told that they would be reshipped at New York for Canada. However, when they arrived at New York, the advertiser sent them to a place to get some refreshments, paid for it, and also intimated that he had paid their passage to Long Island. He then disappeared, and they never saw him afterwards. The poor fellows knew nothing about Long Island, and went. They were penniless and friendless. Two enlisted at once. Four escaped to New York, and then enlisted. One man concealed himself in the hold of a Cunard steamer and returned to England, sadly ashamed of himself, and a miserable victim of Yankee rascality.”

Long Island, mentioned in this letter, was a place where recruits bound themselves for service in the federal army. He could quote a case even more startling than that, but he did not wish to trespass too long on the time of the house. It was not a solitary case. He held in his hand the statement of a man named Macartney, whose case was before the foreign office, who had been drugged, and while in a state of stupefaction enlisted in the federal army. Another case had been told to him by an honorable and gallant member of that house. A man sailed from London in a ship for America. He did not like the provisions, but a very civil and kind person who was on board produced a quantity of potted meats, and induced the emigrant to partake of them. When about to land, this person asked the emigrant to come to his house in New York; the emigrant consented, was drugged with whiskey, and found himself a federal soldier. Here was another case: A letter had been received by Mr. Whinnam, of Hull, from his nephew, who stated that he left Liverpool in an American ship. On the voyage he was very much ill used by the captain and crew, and he stated that immediately on being landed he was seized by soldiers and taken by force to an island near New York, the name of which he did not give. Here he met with several other Englishmen, all of whom had been impressed into the federal service. This letter, which was dated June 23, stated that the recruits were being drilled daily, and that the writer almost hourly expected to receive orders to join the army. He complained loudly that the British government did not interfere to prevent these scandalous outrages upon Englishmen, apparently forgetting that by going to America and on board an American ship he forfeited all reasonable claim upon the country he deserted. Similar cases were referred to by Justice Fitzgerald in Ireland. There was also a proclamation of the lord-lieutenant on the subject, and the numerous cases cropping up everywhere showed that they ought to be inquired into. He was aware that some manufacturers were of opinion that when their mills were reopened many of the persons who had gone to America would return to this country. He could not indulge in such a hope. In the first place many of these men would never turn up again, being under the ground, having been food for powder. Others would have succeeded in obtaining better wages than they obtained at home; while others would have found new friends and connexions which would disincline them for returning. He therefore thought it was a great mistake for the manufacturers to look with equanimity upon the large emigration, and he was informed that in some parts of the country labor was getting so scarce and dear that when happier times should arrive, and the mills be again employed, the manufacturing interest would be seriously embarrassed. He hoped that the manufacturers would set their mills to work if even only to a limited extent, as it would be nothing but an act of wisdom and prudence to do so. It was known that all the passages on board the steamers to America were engaged for months in advance, and he learnt from the newspapers that there were 10,000 men from Switzerland waiting for passages to join the federal army. What was the condition of emigrants when they got to America? He had a letter from a young man who wrote from Lawrence, Massachusetts, in which he said:

“I am very much surprised that people keep coming to this country, knowing that paper money is at such a discount and provisions so very high—clothing the same. Tell cousin — from me that 15s. per week in England is better than \$8 per week, which is as much as he would get. For board he would have to pay \$4 per week; that would leave \$4, which would be of the value of 6s. in English money. I am getting \$9 50 per week, which is worth no more than 16s. per week; so you see that I am doing worse than I was in England. The war is ruining the country: flour, that used to sell for \$7, is now \$15 per barrel; sugar is 35 cents that was 12 cents per pound; coals are \$14 per ton that sold for \$7; wood is \$11 per cord that was \$6; tea, that was 60 cents per

pound when we were here before, is now \$1 40 per pound. Things are still advancing, and likely to do so. Prints and calicoes are selling at a monstrous price; clothing of every description is enormous. We are trying to make the best of a bad job. Caution any one that thinks of taking on with —. He is misleading scores; telling them what good wages they get here, but not telling them what they have got to pay for everything; 30 cents in England will bring more than \$1 here, take things together. Things are very uncertain here. I should not be very much surprised if all the places of business are stopped up in three months from now. My wages are not worth half as much as when we came here first."

[Hear.] That was not a very encouraging prospect for those persons who left this country in the hope of improving their position in the United States. Within the last few days some papers had been presented to the other house, and had also been issued to the House of Commons, which were well worthy of the consideration of honorable members, and he thought that few would rise from their perusal without deep feelings of sorrow. The scene opened, as it were, upon a melodrama, only in this case, unhappily, the more jocose portions of a melodrama were wanting. The melodrama opened with two rascals—the one pretending to have the means of giving employment upon railways in America, and sending forth the other rascal, whom, he hoped, he was not uncharitable nor indecorous in styling an imp of the devil. [A laugh.] The other man went to Ireland. There he plotted and made his bargain so well that, upon the plea of railway employment, he induced many persons, even some who were receiving good wages, to take up with him and to accompany him to America. He got 120 men to go with him in a steamer. It seemed as if one of these men was a match for him, for, that man wearing his hat in a peculiar manner over his eyes, it was not until they arrived in the middle of the Atlantic that it was discovered that he had only one eye. [Laughter.] The man was, therefore, not fit for a soldier, although he would have been qualified as a navigator or railway laboref. The agent, Feeny, however, complained that he had been deceived; thus showing that he wanted the men for soldiers, and not for railway works. He need not enter into the sad history of that transaction, which honorable members might have read in the newspapers. He would only briefly state, that when they arrived in America these men were supplied with abundance of whiskey, even before landing. When they did land they were again dosed with whiskey, made drunk, and got into the police cells, when, through the collusion, it was said, of the police with the recruiting agents, many of them were induced to become soldiers in the federal army. It appeared that they did not like their position, for they applied to the British minister and consuls, the result of which was the correspondence which had been laid before Parliament, from which he would read one or two extracts. Consul Lousada, at Boston, on March 15, 1864, wrote:

"The bounties, both of the United States and of the several States, added to local premiums, amount to \$700, and even \$820, besides \$15 to \$25 to the bringer in of a recruit; and as the poor Irish are generally made drunk, and given at the outside \$25, the sharks who prey on them collect the balance, and thus a cargo of 120, as in this instance, would net a very large profit to the speculators. There are some features in these transactions which involuntarily recall to my mind my experiences in Cuba; I trust, however, that the publication of what those who hire themselves as laboreis may expect on this side will check the traffic."

It was also stated that the recruiting agents cleared \$500 by each man. It must also be stated, in order to show how plausibly these things were carried on, that this man Feeny, who took out a cargo of what might be called slaves, had been arrested in Ireland upon a charge of inducing men to enlist in the United States army; but he was released, because it was thought he showed

sufficient proof that his enterprise was legitimate, and that his object was simply to obtain men to work upon railways. With regard to many of the men who were thus taken out, they could not help enlisting. As soon as they arrived in America they were surrounded by enlistment brokers, were threatened with sixty days' imprisonment for being drunk and disorderly, and, by the collusion to which he had referred between the police and the recruiting agents, they finally became soldiers in the United States army. Consul Murray, in a letter to Lord Lyons, dated April 7, 1864, wrote :

"There can be no doubt that there was a systematic attempt made to get these immigrants drunk, for the purpose of enlistment. Policeman Berrick's evidence on this subject is most important. He states: 'While in Mr. Bradley's (liquor store) there were two or three well-dressed men—I do not know their names, but have seen them in this city—who appeared to be liberal with their money; these men were not drinking themselves, but the immigrants were. I saw a man, who said he was from Augusta, who appeared to be talking with the men out on the railroad track. This man said to me he was a recruiting officer, and wanted some of my help to get some of the men. I told him the police had nothing to do with business of that kind. He insinuated to me, that if the men wanted liquor, to aid them in getting it. I told him no; that I did not drink myself, and would not assist in procuring any for the men.'"

Consul Murray further said: "The evidence given by the police officers and recruiting officers proves that there was a very good understanding between these functionaries, and that the latter were even called and admitted to the cells with the object of inducing the men to enlist."

That showed that persons might, without secondary or improper views, be taken out to America, and there, finding themselves in difficulties, might be compelled to enlist. There was the case of a man named Ainsworth, who left Blackburn for Canada, with the praiseworthy motive of finding the means of employment for his distressed fellow-townsmen. Two bodies of thirty each went out; but the enterprise appeared not to have been successful, and Ainsworth was last heard of at Portland, while it was unknown what had become of his companions. He did not desire to raise any charge against the American government; but he only wished to warn his fellow-countrymen of the dangers they might incur. He had brought the case before the House of Commons, because he believed that the circulation of these facts throughout the country might, at all events, enable some, who might otherwise be deluded and inveigled, to steer clear of the dangers which lay in their path. [Hear, hear.] He would now read an extract from a despatch of Lord Lyons, dated Washington, May 3, 1864, and in doing so he would state that all his information had been obtained from this side of the water, and that he had had no correspondence at all upon the subject with any person in America. Lord Lyons, writing to Earl Russell, said:

"WASHINGTON, *May 3, 1864.*

"MY LORD: The number of British subjects who are serving in the United States army and navy is very considerable; and complaints are constantly made to me of the practices by which the enlistment of many of them has been effected. I may say, indeed, that the most laborious and most painful and unsatisfactory part of the duties which have devolved upon this legation since the breaking out of the civil war is connected with these complaints. No pains have been spared by her Majesty's consuls and myself in investigating them, and every effort has been made by us to obtain redress for those which have appeared to be well founded. In few cases, however, have our efforts produced any satisfactory results."

Lord Lyons then went on to give the following extracts from a report by Major General Dix, the military commandant of New York, to the Secretary of War:

"Almost every imaginable form of outrage and deception has been developed in the cases in which Mr. Clapp was agent for the payment of bounties. * * * In some cases boys have been seduced from their homes to secure their enlistment. In others men have been drugged, and enlisted while unconscious. * * * In short, there is no artifice or fraud which has not been resorted to in carrying out this system of pillage. * * * Old men and boys, and persons laboring under incurable diseases, were in numerous instances thrust into the service under this system of public plunder, alike fraudulent to the recruits and the government. * * * The enormous sum of \$400,000 has been plundered by the brokers. * * * The outrages practiced on recruits are too unjust to be borne, and, in some cases, too loathsome to be detailed. Boys have been seduced from their families, drugged, and then enlisted. Two were so sadly drugged that they died—one on his arrival at Riker's island, and the other on the following day."

He would not attempt to deny that this system was discountenanced by many honorable men not only in the United States, but also in the ranks of the army. General Dix, in writing to General Wistar, said :

"There seems to be little doubt that many—in fact, I think I am justified in saying the most—of these unfortunate men were either deceived or kidnapped, or both, in the most scandalous and inhuman manner in New York city, where they were drugged and carried off to New Hampshire and Connecticut, mustered in, and uniformed before their consciousness was fully restored. * * * Nearly all are foreigners, mostly sailors, both ignorant of and indifferent to the objects of the war in which they thus suddenly find themselves involved. * * * Two men were shot here this morning for desertion, and over thirty more are now awaiting trial or execution."

He would particularly call the attention of intending emigrants to the concluding sentence of the extract which he had just read. [Hear, hear.] He saw that General Dix had expressed his determination to do his best to prevent the recurrence of those outrages ; but when they remembered the enormous profit which accrued to the kidnappers of those poor wretches, they would at once perceive the difficulty, if not the impossibility, of putting an end to the system. The system itself was contrary to the express regulations issued by the government to recruiting officers :

"They will not allow any man to be deceived or inveigled into the service by false representations, but will in person explain the nature of the service, the length of the term, the pay, clothing, rations, and other allowances to which a soldier is entitled by law, to every man before he signs the enlistment."

It was, however, evident that people, after being drugged, had been admitted into the army even before their return to consciousness. He did not wish to be unfair to the United States government, but he must say that he feared that evasions were oftentimes practiced, and justice impeded. Lord Lyons had asked the government to keep seven or eight men from going into battle until their cases had been decided, but the result of his efforts was recorded in the following despatch :

"WASHINGTON, *May 23, 1864.*

"MY LORD: Since I first became acquainted, two months ago, with the circumstances under which some of the Irish passengers on board the Nova Scotian had been enlisted in the United States army at Portland, I have never ceased to urge the United States government to take measures to prevent their being brought into collision with the enemy pending the investigation of the lawfulness of their enlistment. The copies of notes to Mr. Seward which have been enclosed in my despatches to your lordship will have shown your lordship how often I have insisted upon this in writing. I have pressed it still oftener and still more urgently in verbal communications. My endeavors have, however,

been of no avail. One of the men called at the legation the day before yesterday. He had been badly wounded in the head, and sent back from the army to the hospital here. Another of the men had, he said, been wounded; a third was reported to be killed; three others, when he last saw them, were advancing against the enemy under a heavy musketry fire."

From another statement elsewhere it appeared that two of these men were killed, and possibly the third might have met with the same fate. For his own part, he must say that he deplored the fate of the poor wretches who met with such treatment. It appeared to him that a war of defence might be justly urged, and that in such a war it was the duty of men to join for the defence of their country. He believed also that a war of aggression was undoubtedly very wicked, but when persons who had nothing to do with the dispute took part in the warfare, such conduct was in reality nothing better than murder. It was true that there was a class of filibusters and buccaneers whose conduct was frequently viewed with a certain amount of approbation by some portions of mankind. They knew what an evil effect the adventurous deeds of such highwaymen as Dick Turpin and Claude Duval had had upon the minds of large numbers of youths, and even older people; and the same feeling of approbation would, to a certain extent, be accorded by many to those who distinguish themselves by bravery, although they might have been engaged in a quarrel in which international law and justice were alike against them. He did not, however, believe that such a feeling would be entertained when hordes of people went from this country and mingled in the distressing conflict now going on in the United States; and when their participation in that warfare was the result of treachery and deceit everybody would exclaim against it, and demand that every exertion should be made to put an end to such a system. [Hear, hear.] He had no desire to say anything against either the government or the army of the United States. He cared not what form of government regulated the affairs of a country, so it protected industry and international right, so it took means fairly to administer justice and find employment for the energies of mankind, and so that it were a government under which the people could live and enjoy a fair amount of happiness; and as long as that was the case, he cared not whether the government were monarchical, constitutional, or republican. Still less did he desire to say anything against the brave army of the United States, which, as well as its opponents, had exhibited powers of endurance and fighting rarely paralleled in history. The character of the United States army for bravery would never in future be disputed, but he thought it would be but justice to those brave soldiers that the slaughter, if it could not cease, should not at all events be upheld by supplies from other countries. [Hear, hear.] Their bravery entitled them to something better than being reduced to dust and being made food for gunpowder, and it was high time that we should cease to contribute such a result, by sending forth such hosts of emigrants from this country. The widows, orphans, and mourning relatives of these brave men were entitled to some consideration. He believed that many on both sides were now praying most fervently, though, from motives of fear, the prayer might not be readily expressed, for the cessation of this conflict. It was due to them as well that we should do all we could to prevent any fuel being supplied to this devouring flame. What was the opinion of the man in this country who, from his position, was competent to decide upon this question, who held his hand the various webs of negotiation within the last few years, and who, he hoped, when the proper time came, would have the discretion to exercise his power in the interests of peace? The wishes of the government must, of course, be to give peace to an afflicted continent, and to take away so great a stain from the human race. Meanwhile, Earl Russell had expressed the following opinion in a despatch to Lord Lyons, dated May 27, 1864:

"Her Majesty's government have considered, in communication with the law

advisers of the crown, your lordship's despatches of the 14th of March and 19th of April, relative to the case of the Irishmen recently enlisted at Portland and Boston for service in the United States army; and I have to state to you that it appears to her Majesty's government to be clear from these papers, and from the reports on the same subject which have been received from her Majesty's consuls at those ports, that no doubt can be entertained that the enlistment of these Irishmen was the result of a fraudulent scheme, contrived and executed in disregard of the laws and neutral rights of Great Britain. Her Majesty's government consider that the men enlisted at Portland were induced, in evident bad faith and under false pretences, to leave their own country for the purpose of obtaining employment, which was not really ready for them on their arrival in the United States; that on landing at Portland they were designedly plied with drink, and that they were then dealt with in a manner which (although it might be the legal consequence of their disordered condition) made it natural and almost inevitable that they should easily yield to the persuasions of the recruiting officers, who were on the look-out for them, and obtained access to them while in confinement, by the aid of the police authorities."

Two or three weeks ago, feeling it to be his duty to bring the case before the house, he had placed a notice on the paper upon this subject, in order to warn those who might otherwise be exposed to these calamities. He had communicated with the secretary for the colonies, thinking that he might, through the emigration agent at Liverpool, give to intending emigrants information which might have the same effect. The right honorable gentleman had since shown him a ticket which was delivered to emigrants, advising them to take care of persons whom they met, and giving them other suggestions which were, no doubt, of value. All he objected to in the ticket was this statement: "Remember the American dollar is equal to 4s. 2d. English money, and the cent is equal to a half-penny." [Laughter.] Now, he had shown that the dollar was worth nothing like that, and he hoped that, upon this point, some further information would be supplied to emigrants. [Hear.] He had made this plain statement in the interests of humanity, and hoped that it might do some little good by keeping, if possible, some few of these poor wretches away from the war, and by thus contributing to put a stop to a struggle which was a disgrace to humanity. [Hear, hear.] He did not wish to embarrass the foreign office or the government, or to give rise to any bad feeling, but he appealed to the honorable gentleman (Mr. Layard) and the House of Commons for some expression of feeling on this subject, if it were possible. No doubt the foreign office would do all it could to get redress for these poor wretches, who, though they might be foolish and misguided enough to "seek the bubble reputation in the cannon's mouth," were still, so long as they remained British subjects, entitled to the protection of the British government, and should be looked on as the erring children of this country. He wished to use no threats towards any other nation. But the house had lately been told that our ships of five guns were now as efficient as our ships of 130 guns used to be; our resources were ample; our wealth never was greater; we were in a position to be the arbiters of the world; and at all events our voice should have the weight which had always attached to the voice of England. He trusted that the government, conscious of the national strength, conscious of the goodness of the cause, and conscious, moreover, of the truth of what he had stated, (for he had not stated one hundredth part of the evil,) would lose no opportunity of remedying and relieving the sufferings of these poor people, and of distributing information so that other persons might not be led astray. He trusted also that they would take every means in their power, if the opportunity presented itself, by a kind and charitable mediation, of bringing to a close this disastrous internecine war, so that peace might once more resume her sway over the American con-

minent. [Cheers.] He begged to move an address for papers on the subject of emigration to the United States.

Mr. LAYARD thought his noble friend had done good service by the speech he had just delivered. [Hear, hear.] This was a most difficult question to deal with, and he knew not how the undoubted grievances which existed were to be remedied, except by giving the public caution which his noble friend had addressed to the house. He hoped that what his noble friend had said would go throughout the length and breadth of the land, and that those individuals who were being induced to cross the Atlantic might be placed on their guard, and warned of the dangers to which they would be exposed on arriving in America. It was impossible for the government to deal with this question in any other way than by reiterating the warnings of his noble friend, and by doing all that lay in their power to instruct those who went to the United States as to the dangers which awaited them there. For this purpose the caution on the cards, read by his noble friend, had been addressed to emigrants. But although a great many of these persons were seduced on their arrival in the United States and were treated in the way described, being forced against their will to become soldiers of the United States, a large number of them were not exposed to this risk. They were induced to go to America upon the representations (many very just representations) that on their arrival they would receive immediate employment and much higher wages than they would receive in this country. It was, therefore, not wonderful that large numbers of persons, especially in Ireland, should wish to cross the water. As to the persons who had been guilty of seducing these unfortunate victims, they so carried on their business in this country that it was impossible for the government to touch them. It was exceedingly difficult to bring home the offence to these persons, because they took care, while under the laws of this country, not to infringe them openly. The description which his noble friend had given as to what awaited these unfortunate persons on the other side of the ocean was too true. Almost daily communications on the subject were received at the foreign office. In fact, he was constantly receiving letters from honorable members on the subject. It was only the other day that an honorable and gallant friend gave him a letter which disclosed a most melancholy case. A man went to the States in search of employment, intending as soon as he obtained it to send for his wife and family. He fell in with an agent on board the ship, who gained his confidence and invited him to his house on their arrival at New York. There the poor man was made drunk, and found himself next day engaged, without his knowledge or consent, as a soldier in the federal army. In a fit of desperation he deserted; and his wife had lately received from him the last letter probably he would ever write, announcing that he had been arrested, convicted by a court-martial, and sentenced to be shot. The government had done all in their power to prevent these unhappy proceedings. Lord Lyons had been quite indefatigable in his efforts for the protection of British interests in the States. A return was moved for in the other house of the number of cases in which representations had been made as to the lives and property of British subjects in America. It took a gentleman in the foreign office three months to prepare that return, and in doing so he had to consult many thousand documents. In fact, an incredible amount of work had been undertaken by the mission in regard to these matters. [Hear, hear.] He did not say that the American government had not, in most cases, expressed themselves willing to do justice; but, as his noble friend stated, the references from one office to another, and the evasions of officers in command of regiments, who were unwilling to surrender any of their men, defeated the ends of justice. It sometimes happened that when they had traced a man he was killed or removed out of reach before measures could be taken for his release. Every endeavor would be made to give protection to these unfortunate emigrants; but nothing would

be of greater practical utility than the able speech of his noble friend. [Hear.] He trusted that that speech would go throughout the country and serve as a warning to intending emigrants of the tricks and seductions to which they would be exposed on the other side of the Atlantic. [Hear, hear.] It was the duty of all persons connected in any way with emigration, as, for instance, residing in districts from which emigration was taking place, to circulate the warning as much as possible. His noble friend's remark as to the change in the value of the dollar and the cent was perfectly true, and he would take care to bring the matter under the notice of the colonial office in order that the circular might be corrected. [Hear, hear.] Having been under the impression, until he arrived in the house, that the motion of his noble friend would be answered by his right honorable friend the colonial secretary, he was not prepared, as he would otherwise have been, to supply any further information on the subject. All the facts stated by his noble friend were, he believed, strictly true, and had been brought forward, not in any spirit of hostility to the American government, which all must deprecate, but in a way that could give offence to none. [Hear, hear.] He could not but hope that the American government would do what they could to prevent these great abuses from taking place in the seaport towns. If the authorities desired, they might do a good deal in that direction, [hear, hear,] and he hoped the speech of his noble friend would produce an impression on the other as well as on this side of the ocean. If such a state of things existed in this country, he was sure every honorable man would desire to put a stop to it, and no government would hesitate to punish those who attempted to infringe the laws. His noble friend was right in saying that the laws of the United States were opposed to any such proceedings. Of course nothing could be done to check emigration, but emigrants might be put on their guard as to the reception they had to expect in New York. [Hear, hear.] A despatch had been received within a few days from Lord Lyons stating that five or six men had recently been released from the army, and that Mr. Seward had promised to institute a stringent inquiry, and to set free any others who had been improperly enlisted. [Hear, hear.] He would endeavor, during the recess, to collect the information which his noble friend desired. [Hear, hear.]

Mr. FERRAND said the working classes were greatly indebted to the noble lord for the speech he had made, and asked whether the government could not undertake to get it circulated throughout the country. [Mr. M. Gibson shook his head.] A part of the secret service money could not be more usefully expended.

Mr. HENNESSY wished to learn from the chief secretary for Ireland whether, since the debate on Irish emigration, he had received information that the departure of men, evidently for the American army, was still going on. He was informed that the number of vessels and emigrants leaving Cork was as great now as at any time during the early part of last year. In his opinion the noble lord had performed an important public service in directing attention to this subject, and his speech contrasted favorably with that of another noble lord on a former occasion, who had a great deal to say about the law of level. They were then told that as employment and high wages were to be found in America emigrants must go there. The government would not consent at that time even to the resolution he moved that the decline of population in Ireland was to be regretted. So far from his poor countrymen being well off in America, the papers laid on the table disclosed a very different picture. One writer said:

"The condition of the men the morning after their arrival in Charlestown was anything but gratifying. Their number had already been diminished by those left behind at Portland, and of these the recruiting agents had snapped up eight. Without money, without friends, with scanty clothing, with no means to procure sustenance, they would have suffered greatly had not kind-hearted countrywomen supplied their wants. Recruiting agents hovered round them, and in

the course of the day gobbled up several. On the evening of Thursday they had another interview with Mr. Kidder, when they were told the hall must be cleared, and they would not have had a place to lay their heads had not Captain John Warren, who keeps an establishment in that street, near by, bestirred himself and procured billets for them upon the neighbors round. Yesterday morning they were still in Bunker Hill street, subsisting upon charity, and still pestered with recruiting agents."

Again, this was the sort of food they got :

"Their supper, when they arrived in Bunker Hill street, after fasting all day, consisted of a barrel of crackers and a cheese, with a knife on it, and the question was, 'Who shall?' and there was a scramble, some getting enough for five, others getting nothing. For breakfast they had buckets of whiskey. That night, without beds, or even straw, enlisting agents were among them all the time."

Such was the condition of the unfortunate Irish emigrants, who were tempted to leave their country by representations of the high bounties to be obtained in America, which were made, not merely by American agents, but by members of her Majesty's government. [Hear, hear.] He trusted that the government would in future look to the real facts of the case as stated in authentic papers, and not to theoretical doctrines of the law of level. He hoped, also, that they would afford to the suffering people of Ireland the same assistance, in the shape of advances for public works, which had been furnished to Lancashire. [Hear, hear.]

Mr. LINDSAY also hoped that the very able and excellent speech of the noble lord would obtain wide publicity, although he hardly knew how its circulation could be undertaken by the house. These poor Irish emigrants might not be aware of the fact that the American dollar at the present rate of exchange was worth only about 1s. 6d. of English money. The report of the chairman of the military committee of the Senate showed that, between the 30th of May, 1863, and the 30th of May, 1864, no less than 700,000 men were drafted into the federal service, were on the pay-roll of the United States, and he believed were marched into the field. Altogether, from the first outbreak of that dreadful and vain war, down to the 30th of June last, there had been drafted into the federal service and placed upon its pay-roll no less than 2,300,000 men, he presumed that there were now close upon 1,000,000 men upon the pay-roll of the federal government, although there could hardly be more than 500,000 of them in active service. But even supposing the whole million to be available, what had become of the other 1,300,000? That was a matter which the young men of Ireland and Germany who thought of emigrating to the United States would do well to ponder over. Half a million and more of those men were either in their graves or disabled for life. We had subscribed and voted in that house about £3,000,000 for the relief of the distress in Lancashire caused by that lamentable war. Again, the cost of manufactured cotton goods to the people of this country in 1860, before the outbreak of the war, was about £25,000,000 per annum, and the value of those same goods now was close upon £60,000,000, so that the actual direct loss upon cotton goods alone to the people of this country was about £35,000,000, besides the money voted and subscribed. [Hear, hear.] If the people of this country thought the war would result in the restoration of the Union, or in the accomplishment of the objects of the federal government, perhaps they would be willing to bear these evils; but their general feeling was that it was a vain war, in which the north could never attain its end of subjugating the south. He was glad to hear the answer given that day by the under-secretary of foreign affairs. There was an impression abroad that if her Majesty's government had used the same diligence to find out these enlistments for the federal service as they had used to find out whether certain vessels were being built for the confederates, these enlistments would have been stopped. But the matter was no doubt attended with difficulty; and he believed

that the foreign office had more than once said, "Only give us proof that a man has been enlisted in this country, only give us something to go upon, and we will act with promptitude."

Sir R. PEEL said he should have come prepared with details which he thought would have refuted the honorable and learned members' assertion that emigration and enlistment were still going on in Ireland in the same degree as was the case some time ago, if he had expected that the question would have been discussed again that day. The lord lieutenant of Ireland had issued a proclamation on the subject, which had been circulated throughout the country; and he hoped, and indeed believed, that it had had a salutary effect in checking emigration for the purpose of enlistment. The government could not stop the emigration, but they warned the people as much as possible against the traps and snares that were laid for them. He had listened with attention to the interesting speech of the noble lord, and thought it was a most admirable demonstration of humane and charitable feeling, which would certainly be productive of great good. It was only by such kindly and temperate expressions of opinion as the noble lord had uttered that these poor people who were contemplating emigration could be induced to open their eyes and give ear to the advice which had already been given to them by the government. He could only say that the executive in Ireland had taken all the steps in their power to place before the people the gross fraud which was practiced on them, as shown in the documents which had been quoted. The individual who had been referred to had not been lost sight of as long as he was in Ireland. In fact, one of their detectives had slept in the same bed with him, [laughter,] and he could assure the house that the most vigilant eye was fixed upon the movement. The measures ordered by the lord lieutenant would, he felt confident, tend to diminish the evil which had hitherto been complained of.

Mr. P. TAYLOR thought it unfortunate for the noble lord's object that his motion had been supported by the honorable member for Sunderland, because that honorable gentleman was well known as a warm partisan of the southern confederacy. The aim and objects of the war raging in America had not been quite fairly dealt with in that discussion. The people of this country not only desired peace, but that the war should end in the sweeping away of the accursed institution of slavery, which had given rise to it. He was aware that his views on that subject were unpopular in that house [hear, hear,] and among the upper ten thousand; but the mass of the people of England were favorable to the cause of the northern States, as was shown by the result of numerous public meetings. When the interference of British subjects in the American struggle was so much condemned, it should not be forgotten that that was exactly what our countrymen were doing in China and Japan, and that many persons also held that we were degraded because we did not interfere in the contest between Denmark and Germany. The noble lord said he hoped that England would use no threats towards America, and yet, he added, that she was in a condition to use threats if she pleased, because her strength might enable her to become the arbitress of the peace of nations. He thought it rather injudicious to hold out such a threat; that if we were disposed we had the means of enforcing it. Even with the known sympathies of the honorable member for Sunderland, he did not expect from him such an astounding and enormous assertion that 2,300,000 men had been drafted into the federal army, of whom 1,300,000 had been disposed of. The honorable member for Sunderland seemed to have taken his facts from Mr. Spens, and his principles from "Manhattan." ["Oh, oh!" and laughter.] This was simply a question of the determined and continuous will of the north to conquer and put down slavery, ["Oh, oh!"] and in his opinion they could and would succeed. Mediation meant giving power to one of the belligerents, and that the north never would tolerate on the part of this country. Why, there was hardly a State in the south that was not more or

less occupied by federal troops. Their capital, if not taken, was closely beleaguered. [Laughter.] It was Richmond, not Washington, that was in danger. [Laughter.] He trusted the speech of the noble lord would have its effect in warning those who emigrated of the dangers they would run of being seduced into a war into which they had no desire to enter; but, he repeated, that these dangers were not simply effects of Yankee rascality, but the inevitable evils that accompanied war.

Lord J. MANNERS thought the honorable gentleman, the member for Leicester, must have intended to deliver the speech he had just made in answer to the motion he had expected from the honorable member for Sunderland in favor of mediation. [A laugh.] At all events, the very excited appeal of the honorable member was entirely uncalled for by the most temperate observations that had fallen from that honorable member. [Hear, hear.] He thanked his noble friend for the very excellent speech he had made on this most important subject, and he hoped that means would be taken through the emigration commissioners to warn those who were about to emigrate, whether for warlike purposes or not, against the distress, misfortunes, and destruction that might await them on the other side; and that until this dreadful war was terminated it was not safe that any of the humble classes of that kingdom should go out to America as their future home. He did not think any principle would be violated by the issue of such a declaration. The honorable member for Leicester stated that the great masses of the people of this country were in favor of the north; but he appeared to forget the great meeting which took place not long ago in the town he represented. The honorable member did not, upon this subject, represent the feelings of the great mass of that thriving and important town. He hoped the result of this discussion would be the issue by those who were charged with the great emigration department of a solemn warning to those who desired to emigrate against the tremendous perils they might have to encounter, and none would regret, not even the honorable member for Leicester, if the result should be largely to diminish those armies which were now devastating the American States. [Hear, hear.]

Lord E. HOWARD, in reply, said that if he were to consult his own feelings only, he could not but be deeply gratified by the kind approval of his speech that had been expressed by honorable members on both sides of the house, but he could not avoid knowing that that approval was due to the goodness of his cause and the aptness of the materials he had employed. He hoped that some means would be found of putting the public upon their guard against unconsciously venturing upon a step which might involve them in disaster and ruin. While thanking the honorable member for Leicester for his approval of part of his speech, he must say that he thought the honorable member had been mistaken in those remarks of his which he supposed to militate against his impartiality. Had he desired to embitter the discussion by setting up the south against the north, he could have mentioned a case in which the great power of this country had been used and with immediate effect. He referred to the case of the Trent. He had, however, rather appealed to the propriety of international law and to the justice of international feeling, with a view that the present state of things might cease. The honorable member for Leicester seemed to think that he had overstated the enhancement of prices in America; but he had quoted the letter of one who was on the spot, and there could be no doubt that since that letter was written prices had still further advanced in consequence with the increase in the price of gold. He thanked the under-secretary of state for his offer to grant any information in his power to give, and he trusted that some means of making public that information would be found. It was, after all, by the usual means of public information that the greatest amount of good might be done in this matter, as, if the information was published, not only in the London newspapers, but also in the local and Irish newspapers, it would be

brought within the reach of all classes. He should be grateful to think he had a share in any good result which this discussion might produce. [Hear, hear.]

The motion was then agreed to.

The house then suspended its sitting for a time.

Mr. Seward to Mr. Adams.

No. 1050.]

DEPARTMENT OF STATE,

Washington, July 29, 1864.

SIR: I transmit a copy of a letter of the 26th instant, addressed to this department by the Secretary of the Navy, and of the despatch of Mr. Allen, United States consul at Bermuda, to which it refers, relative to the insurgent steamer Florida making the Bermuda islands a base for depredations on our commerce, and to alleged partiality shown to rebel cruisers in British colonial ports. The facts seem to warrant the remonstrance which Mr. Welsh suggests should be addressed to Earl Russell, which course you will adopt, but in a form that, while it leaves no doubt of our sense of injury, will, nevertheless, give no just cause of offence to the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

NAVY DEPARTMENT, *July 26, 1864.*

SIR: I have the honor to invite your attention to an extract from a despatch of Mr. Allen, our consul at Bermuda, under date of the 30th of June ultimo, addressed to you, and referred to this department, in regard to the steamer Florida. The renewed depredations of this semi-piratical craft render it imperative, in my opinion, that the attention of the British government should be called to the fact that Bermuda is made the base of operations for war upon our commerce. During the whole period of the rebellion the British islands in the West Indies, and especially those nearest our coast, have been the resort and nurseries of the blockade runners, who have made it a business to traffic with and furnish supplies to the rebels that are making war on the government. Our countrymen have submitted to this abuse, in which so large an amount of British capital and British enterprise is embarked, with a forbearance that would scarcely have been true by any other people. But it will not be endured that the rebel corsairs, which are engaged in plundering our commerce and destroying our shipping, shall find refuge, protection, and encouragement in the British islands that are near our coast, and make them the base of predatory operations in violation of good faith, international law, and neutral obligations.

Mr. Allen writes as follows:

"The Florida, after remaining in port nine days, went to sea last Monday evening, but has not been far from land; she is in sight to-day from the hills, about six miles off. She boards all vessels approaching these islands; she received all the coal and supplies they wanted. The coal was taken from the ship Storm King, C. I. Hobson, of Richmond, agent."

Heretofore exceptions have been taken by her Majesty's representative against our ships-of-war remaining in the vicinity of a neutral port to prevent violations of blockade, and our ships are permitted to remain but twenty-four hours in a British port; but here a predatory rover, without acknowledged nationality, permitted to remain in British port nine days, and then to coal and receive

her supplies in order to go forth and plunder our merchantmen engaged in peaceful commerce. Without this encouragement and assistance in the British islands the Florida would not perpetrate these outrages. It appears to me imperative that the attention of her Majesty's government should be called to this subject, and that the abuse should be discontinued.

Consul Allen reports that the Florida, after leaving port, remained off the harbor, within about six miles, and boarded all vessels approaching the island.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1054.]

DEPARTMENT OF STATE,
Washington, August 1 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 7th of July, (No. 736,) and to thank you for the remarks which it contains concerning the debate then pending in Parliament. I agree with your inference that the spirit manifested by the opposition in regard to the United States was evidently more belligerent than the spirit which they indulged towards the European powers which have recently given umbrage to Great Britain. Nevertheless, I cannot resist the conviction that this difference was due in some degree to the fact that the possible European collision was deemed imminent, while the apprehension of collision with the United States was regarded as more distant and uncertain. Notwithstanding all the conciliatory proceedings of this government, it cannot be doubted that the American people, even in their present disturbed condition, would accept a war forced upon them by Great Britain less reluctantly than they would have done at any previous period since 1815. I find it hard to believe that an opposition ministry could succeed if it was understood that they would force or provoke a war with the United States. Certainly, in the event of such a war, the alliance of Great Britain with the south would reunite this country and impart new vigor to this government. Let us hope, however, that the course of events, as well here as in Europe, will relieve us of the necessity for providing against European intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1056.]

DEPARTMENT OF STATE,
Washington, August 1, 1864.

SIR: Vigorous activity has been displayed in the campaign, but no great change in the military situation has occurred since my last notice thereof. The insurgent expeditionary force which visited Maryland a short time ago, then retired before our pursuit into the valley, and again assumed the aggressive when the chase was relinquished, have, during the last week been operating on the south side of the Upper Potomac, west of Harper's Ferry. On the 29th a cavalry detachment of that force, 400 or 500 strong, marched into Chambersburg,

burned a considerable portion of the town, and then made their escape before a government force, under command of General Averill. Measures have been taken to repel any further incursions without weakening our army on the James river.

On the morning of the 28th ultimo Lieutenant General Grant, by way of diverting the enemy, sent a column, under Major General Hancock, across the James, and took possession of Malvern Hill; an engagement ensued, in which he drove three insurgent brigades from an intrenched position, captured four guns and many prisoners, without any serious loss. On the night of the 29th this column returned to their accustomed position unobserved by the enemy. On the morning of the 30th the mine which had been prepared under the portion of the enemy's fortifications, in the centre of the circumvallation of Petersburg, was exploded, and thereupon an assault was made over the breach produced by the explosion. The breach and a considerable length of parapet on the right, together with a fort in front, were taken and held by our forces. Some 300 prisoners were captured, and a large portion of a South Carolina regiment were buried under the debris of the explosion; but the assault upon the main line failed with considerable, though not very great, loss.

No important event has occurred at Atlanta since the battle of the 22d, in which it now appears that our army, although surprised, as I have before reported, was completely triumphant, yet the enemy, nevertheless, for a brief space, claimed a victory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 758.]

LEGATION OF THE UNITED STATES,
London, August 4, 1864.

SIR: In consequence of a representation made to me by Mr. Wilding, the vice-consul at Liverpool, as to the outfit of the Georgia, I felt it my duty on the 27th of July to address a note to Lord Russell on the subject. A copy of that note, as well as of the enclosure, is herewith transmitted. Also Lord Russell's acknowledgment of the 28th.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 27, 1864.

MY LORD: I have the honor to submit to your consideration a copy of a letter just received by me from the vice-consul of the United States at Liverpool.

It would seem, if the statements therein have any foundation in truth, that further attempts are in contemplation, under the shelter of the names of British subjects, to carry on from British ports war with the people of the United States.

Deeply regretting the continued manifestation of this inimical temper, I feel it again my duty to call your lordship's attention to the abuse thus made by the insurgents of the neutrality of her Majesty's harbors by sham transfers of their war vessels to British subjects, the better to cover their hostile operations.

I pray permission to observe that the complaint thus made is not against the vessel, for I have already been compelled to apprise your lordship of the fact that my government declines to recognize her as possessing any other character than that which she had assumed, and in which she was received when she came into Liverpool. The material point to which I beg your lordship's attention is the intervention of one or more British subjects in the war by taking all the necessary measures in British ports to send out in their name this vessel in a shape fitted for further hostile operations.

I pray your lordship, &c., &c., &c.

CHARLES FRANCIS ADAMS.

The Hon. EARL RUSSELL, &c., &c., &c.

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 26, 1864.

SIR: In accordance with an order left by Mr. Dudley, I beg to transmit a certified copy of the register of the Georgia, the certificate dated yesterday.

I deem it my duty to state to you my fear that the recorded sale of this vessel is all a sham, and that there is no intention of converting her into a merchant vessel.

She has left the Graving dock at Birkenhead, where she has had her bottom cleaned and painted, some trifling repairs made, and her engines overhauled, and is now in the Queen's dock at Liverpool.

Nothing has been done to her to change her character beyond unshipping her guns, and taking up the tracks or rails on which they worked on deck; but the guns are in a warehouse at Birkenhead, easily attainable, and the rails still on board the ship.

She has also attached to her three of the men (non-commissioned officers, an engineer, quartermaster, and another) who were in her before, and one (the boatswain, I believe) from the Alabama. They are also going to fit up the nettings for the hammocks as they were before.

The chief foreman of the yard or Graving dock, where she was repaired, stated while she was there that Mr. Bates was going to send her out on her old trade.

I know also that Mr. Curtis, who advertises that claims for wages of deceased seamen of the Alabama are to be addressed to him, and is a confederate agent, is in communication with Mr. Bates.

And you will recollect also that Mr. Bates, some time since, in contradiction to the statements of the ship-owners of Liverpool in their memorial to the House of Commons, published a letter avowing himself a dissident from the memorial, and, by inference, in favor of fitting out vessels for belligerents.

Of the facts of the rails being on board, and of the persons mentioned as being attached to the vessel, I can send you the deposition of the person who has seen them; I can also send you the deposition of the person to whom the foreman of the Graving dock made the statement referred to, if you think they will be of any use.

Very respectfully, I am, sir, your obedient servant,

H. WILDING, *Vice-Consul.*

His Excellency CHARLES FRANCIS ADAMS, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July 28, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's

date, and its enclosure, respecting the vessel Georgia, and I have to state to you that the matter will not fail to receive the immediate attention of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1063.]

DEPARTMENT OF STATE,

Washington, August 8, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 21st of July, No. 751, in which you have detailed the history of the efforts of the insurgent emigrants to procure from her Majesty's government a recognition of their impracticable confederacy, and their signal failure. I thank you very sincerely for this paper. It goes far to confirm the expectation I have always entertained, that if our foreign affairs could be conducted with a reasonable show of justice, firmness, and prudence, we should be allowed the exclusive responsibility of maintaining through its sanguinary trial our inestimable institution of civil government.

On the other hand, I cannot but fear that our representatives abroad will sensibly feel at the present moment the want of reassurance that the course of domestic affairs here is safe and satisfactory. But this subject is, of all others, the one upon which it is impossible to write freely, and, therefore, to write satisfactorily. Partisan interests and passions enter largely into the discussions of all domestic questions; and while they sometimes undoubtedly affect measures, they always disturb and confuse the public judgment concerning the policy which is adopted.

The military campaign has, as a whole, been very successful; but it has also been attended by disappointments, accidents, and reverses. It has not yet ended, and it either is, or to the public mind seems to be, alarmingly protracted. Judging from the language of the press and of those who engage in debates, one might well believe that the people are deeply despondent, that their resolution is failing, and that new and menacing distractions are imminent. I am not altogether able to dispel this popular gloom from the region of my own mind. Nevertheless, I think it wise to remember that the country is in that peculiar state of agitation which is *inseparable* from the canvass preliminary to a presidential election—that all the faculties of the public mind are necessarily wrought up to a high pitch of excitement, and, owing to the gravity of affairs, a higher pitch than they ever attained before. Misconception and exaggeration color every opinion on every subject, and individuals and masses are thrown into that political condition wherein faction is so often allowed to begin the work of anarchy. I hear alarms on all sides, but as yet I hear of no formidable movements of disorganization. In such a case I should despair for the safety of free government among any other people. The American people are peculiarly intelligent, thoughtful, and virtuous, and the conditions of their life are especially favorable. We may surely place much reliance on the force of habit among such a people. They have resisted violent revolutionary tendencies and stringent reactionary interests for three years with so much prudence and sagacity, that I think it reasonable to expect that they will preserve their proper temper when they provide, in a constitutional manner, for the continuance of the government, which it is absolutely certain that in their thoughtful seasons they hold at its inesti-

mable worth. If they can do this, there is no reason to apprehend that they will be unable to carry this painful civil war to a safe conclusion. The advantages of resources and means, as well as the logic of reason and morals, are in their favor. The course of events is liable to be much affected by vicissitudes, and these are not to be expected to be divided between the parties disproportionately to their relative advantages and merits.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1064.]

DEPARTMENT OF STATE,

Washington, August 9, 1864.

SIR: The failure of our assault upon the fortifications at Petersburg, which I mentioned in my last military summary, proved to be more complete and more disastrous than I had then learned. We retained none of the ground gained, and our loss was 3,500 men, which greatly exceeded that of the enemy. The result protracts the siege, but is not otherwise discouraging. The enemy recently sprang a mine in front of our works, but absolutely without effect.

You will find in the public papers very full reports of the operations of General Sherman. They have been eminently successful and very injurious to the enemy. It seems reasonable to expect a consummation of the siege of Atlanta in a few days. Our cavalry have met with severe losses in cutting off the military communications of the insurgents, but it is understood that these losses are counterbalanced by the strategic advantages gained.

The public mind has been kept highly excited by the recent movements of the insurgent column which lately visited Maryland. It is understood, however, that their operations have been chiefly cavalry movements, and that the damage they have done is confined to the destruction of a considerable portion of Chambersburg. What is believed an adequate force is now advancing against the enemy in the valley of Virginia, under command of General Sheridan. There is at least a significant cessation of the aggressive operations of the insurgents in that quarter, and at the moment I am writing we have official information that the force which destroyed Chambersburg has already been, in effect, destroyed.

We have information, through the insurrectionary press, that Admiral Farragut, after a successful naval battle in the bay of Mobile, has passed the two lower insurgent forts and gone up to that city. We expect decisive news from that quarter without delay.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1068.]

DEPARTMENT OF STATE,

Washington, August 15, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 29th of July, No. 756, which is accompanied by a report of a debate that occurred in the House of Commons, on the 28th ultimo, upon the subject of the existing emigration from Great Britain to the United States.

I observe with some satisfaction that the tone of that discussion was less inimical and less disrespectful to the United States than that which marked a late debate upon the same subject in the House of Lords. Nevertheless, portions of the debate were very unjust to this government, and the subject seems to have been examined through a thick mist of exaggeration. One hundred and fifteen thousand persons have, within the last six months, thrown off their allegiance to European states and incorporated themselves with society in the United States. Of these persons a very large proportion came from the British islands. Out of the whole number first mentioned a few, perhaps one hundred, after arriving in the United States, and after having enlisted in the military service, and accepted the advance paid to all soldiers alike, have regretted that proceeding, and represented to the British consuls and ministers residing here, not that they had been forced into the army, but that they had been circumvented, not by agents of the government, or with its knowledge, but by corrupt and fraudulent individuals, often their own countrymen, acting from mercenary motives, and in fraud and in violation of the laws of the United States. These representations invariably involved a confession that those who made them were drunkards, and rested upon their own unsupported oaths, which in almost every case were found to be false in material or collateral points. Every representation thus submitted was received with respect, and immediately made the subject of investigation through the War Department, under orders reaching to the camps scattered throughout the continent. These investigations have been unweariedly pursued, and careful reports thereon have been made while the armies were in the field, on the march, or lying in siege. In the few instances where complaints proved to be well founded all the redress that was possible has been given. In all the others the result has been respectfully and courteously made known to the governments by whom the complaints were presented. On the other hand, the mass of European emigrants, not sensibly diminished by the abstraction of the few recruits to whom I have alluded, dispersed as soon as they arrived on our shores, and may now be found prosperously and happily employed in our commercial marts, wheat fields, manufactories, forests, and mines, or, if they have preferred it, in the army and navy, which are maintaining the integrity and freedom of the country which they have adopted as their own. Every enterprise in which men engage is attended by some disappointments, losses, and sufferings. The world has never before seen an emigration attended by so few and so unimportant casualties as the one now under consideration. Nevertheless, the misfortunes which have overtaken the few recruits, always through their own imprudence or vices, were made by the parliamentary orators to stain the whole face of a movement which is alike honest and beneficent. It is as if one should declare that the sun has lost its whole effulgence, because, on looking through the telescope, he has discovered a few small, dark spots on its surface.

This emigration is erroneously treated in the British Parliament as if it were new and anomalous. On the contrary, it is only a continuation of a process begun in the sixteenth century, by which society in Europe is relieved, and civilization in America is instituted. If the emigration has been increased during our present civil war to the inconvenience of Europe, the maritime states of that continent are responsible for the increase. They unnecessarily adopted a policy of recognition of the insurgents as a belligerent, which was expected to produce a dissolution of the Union, whereby they have caused the insurrection to be continued with more vigor and effect than under other circumstances would have been witnessed. If the insurgents could compass the end which the European maritime powers are thus favoring, the principle of property in slaves, hitherto confined to the slaveholding States, would be re-established sooner or later by law throughout the whole of the continent of North America and its islands. With that reactionary change must come the restoration

of the African slave trade. This government, well aware that the struggle in which it is engaged involves nothing less than the question whether freedom or slavery shall prevail in America, hails every free European emigrant as increasing the moral as well as the material force of true civilization. If the statesmen of Great Britain could consent to take an enlarged view of the question, they would see that that country is hardly less interested than our own in the success of the emigration which, under mistaken views, they are so apt to condemn.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1069.]

DEPARTMENT OF STATE,

Washington, August 15, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 29th of July, No. 755, which treats of the conduct of the *Deerhound* in the engagement between the *Kearsarge* and the *Alabama*.

A copy of your note which Earl Russell addressed to you on this subject, on the 26th ultimo, accompanies your despatch, and also a copy of a letter from the owner of the *Deerhound* to Earl Russell.

The owner of the *Deerhound* evades the allegation of a concert or understanding established between himself and the pirate Semmes on the night before the battle.

The owner of the *Deerhound* confesses that on his quick departure from the scene of action to the British shores, after having received Semmes and his confederates on board, the owner of the *Deerhound* was actuated by a desire to save them from capture. This statement of the owner of the *Deerhound* is communicated to you by Earl Russell with the simple declaration that he does not think it necessary to take any further steps in the matter.

Leaving all the other circumstances of that strange transaction out of view, as being debatable in point of fact, there is ground in the case, as it is thus presented, for grave remonstrance with her Majesty's government.

The *Alabama*, or 290, was built, manned, and armed by British subjects to commit piracies against the United States. She has been pursuing this course of piracy two years. Her Majesty's government condemning the enterprise, allege their exemption from responsibility on the ground that they exerted themselves, in good faith, but ineffectually, to prevent it. The *Kearsarge* finds the *Alabama* on the high seas—engages and sends her to the bottom. The *Deerhound*, belonging to the royal yacht association, and by authority of law carrying the British naval ensign, intervenes to save a number of drowning men of the *Alabama*, with the consent of the *Kearsarge*, and having rescued them from the waves, without making any explanations, makes haste to convey them from the scene of the action, and to place them in safety on the British shores. And he confesses that in doing so he was actuated by a desire to withdraw them from the presence of the conquering vessel.

The President is surprised that her Majesty's government do not find in these proceedings of the owner of the *Deerhound* cause of severe censure and regret.

You are authorized to express that surprise to Earl Russell. I have to observe, however, that this despatch is written without a knowledge of what information you may have gained, what opinions you may have formed, or what proceedings you may have taken in regard to the whole case, under my previous

instructions. And, therefore, the execution of the instructions herein given is, as was the case in regard to the previous instructions, referred to your own better-informed discretion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1070.]

DEPARTMENT OF STATE,

Washington, August 15, 1864.

SIR: The insurgent force which, under command of Early, threatened Washington and Baltimore in July, and then retired across the Potomac, is still in the lower part of the valley, near Grafton. One detachment of it, as you have been already informed, was defeated by General Kelly at New Creek, and subsequently another was routed with severe loss by General Averill. Since that time hostile forces are understood to have been concentrating and retiring up the valley before the pursuit of the Union column, now under command of Major General Sheridan. We are informed that considerable re-enforcements have been sent down to Early by Lee from his army in Petersburg. In consequence of this measure, the column of Major General Sheridan has been materially strengthened, and we may expect soon to hear of a serious collision in the valley. Profound silence prevails in regard to the operations at Petersburg.

The siege of Atlanta has, during the last week, been attended by no startling incident.

We have not yet received any official reports of the movement against Mobile. Newspaper statements of the 7th instant, at New Orleans, represent the naval engagement to have been very brilliant and successful. They say that our fleet had passed the insurgent line of obstructions in the bay, and would proceed to cross the bar in front of the city. Richmond papers give reports from Mobile of the 9th instant. They are silent concerning operations there after the naval conflict, in which Admiral Farragut passed the forts.

Major General Canby has, for strategic reasons, withdrawn our forces from Brownsville, and the blockade of that port has been re-established.

A new piratical vessel named the Tallahassee has appeared off the coast of New York, and committed a series of vexatious depredations. She is said to be an English-built vessel, and is supposed to have been armed at Bermuda. I wait for definite information on these points, to determine whether there is occasion for representations to her Majesty's government concerning the Tallahassee. Notwithstanding a seeming decline of public spirit during the political canvass, recruiting has been resumed, and is carried on with considerable success.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1071.]

DEPARTMENT OF STATE,

Washington, August 15, 1864.

SIR: I have your despatch of the 28th of July, No. 753.

I believe that Mr. Lindsay was once in the United States. He must have

improved his travels to very little purpose if he did not learn enough of the American people to know that they acknowledge no amenability to European governments for the conduct of their own purely domestic affairs.

Lord Palmerston vindicated his character as a wise statesman when he replied that the government have not thought that in the present state of things there is any advantage to be gained by entering into concert with any other powers for the purpose of pressing or offering mediation, or of negotiating with the government of the United States, or with the insurgents, to bring about a termination of this unhappy war. It would be strange, indeed, if with the experience of interfering with the domestic affairs of the French republic which her Majesty's government had at the beginning of this century, they could be induced to proceed in the same way now in regard to internal dissensions in the republic of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 759.]

LEGATION OF THE UNITED STATES,
London, August 18, 1864.

SIR: I have to acknowledge the receipt, since the date of my last, of despatches from the department, numbered from 1042 to 1059, inclusive; together with a letter from yourself marked confidential, and dated the first of this month. It is proper to remark that I had previously received a despatch numbered 1042, dated the 18th of July, which was acknowledged in regular course.

In connexion with the remarks made in your despatch No. 1045, of the 28th of July, I have now the honor to transmit a copy of the supplement of the Liverpool Daily Post of the 11th instant, as well as a copy of the London Star of the 15th instant, both containing reports of further trials, held at Liverpool, for violations of the foreign enlistment act.

In all these cases it is apparent that the result is gained by the government, without serious resistance, the only penalty to the guilty parties being an entry into obligations not to repeat the offence. It is plain that the verdict must have been practically arrived at by consent. It is possible that even by this means some additional strength may be gradually acquired by the government towards a proper enforcement of the law in future cases. There yet remains one in which this point will probably be tested. I allude to that of Mr. Rumble. This is the most flagrant of them all. Although the evidence to convict him is of the strongest character, it is not certain that it will avail, should he persist in his intention to contest it. I have casually had a few words with the solicitor general on the subject, from which I infer that, though very confident of his opinion on the merits of the question, he is not altogether without mistrust of the effect of technical litigation on the defensive side if thoroughly resorted to.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

LIVERPOOL ASSIZES, CROWN COURT.

(*Before the Lord Chief Justice Cockburn.*)

THE CHARGE OF INFRINGING THE FOREIGN ENLISTMENT ACT.

James Cunningham (who had been out on bail) was indicted for having, on the 9th of February, infringed the foreign enlistment act. Mr. Attorney General James, Q. C., with Mr. Lushington, appeared for the prosecution; Mr. Littler for the prisoner.

The attorney general said the indictment was instituted by her Majesty's government under a sense of duty which called upon the executive to prosecute the defendant for a transgression of the law. No man in this country could be ignorant of the difficulties which were very likely to occur supposing the government did not hold the scales of neutrality with perfect equality. Of course everybody was well aware of the difficulties which had occurred in this country, more especially with respect to the great case of the *Alexandra*. This case did not pretend to vie with that in importance, but still it was one of very great importance to the interests of all, because he was quite sure all of us would be very loath to be involved in a war with the United States brought about by the illegal acts of any one of the subjects of this country; and consequently it was the duty of all to do all in their power to prevent complications of that kind. He stated the circumstances under which the foreign enlistment act was passed, and explained that by the second section of that act British subjects enlisting in this country, or engaging to enlist to serve in a foreign service, or going from this country with the intention of doing so, were guilty of a misdemeanor. The indictment was laid under that section, and the prisoner was charged with having himself engaged to serve on board one of the confederate ships, and also under various counts with having induced and procured others to go from this country intending them to engage in warlike operations on behalf of the confederates. Having stated the circumstances under which the charge was brought, he would now mention the facts. The vessel was one of which they all had heard, and was called the *Rappahannock*, and was formerly the *Victor*, a ship in her Majesty's navy, which, being sold by government, was afterwards purchased on behalf of the southern confederacy. The prisoner in the month of February collected together a number of engineers and firemen, and offered them at a public house, in Athol street, very good wages indeed if they would agree to go to the East Indies in a vessel that, he said, was lying off Gravesend. The ordinary wages of an engineer were some £10 or £12 a month, but the prisoner offered the men £17 a month. He also offered the firemen £6 10s. a month, a sum considerably beyond the ordinary sum paid in the merchant navy. Some representations were made to the men, and he (the attorney general) was glad to say the people of this country were nothing loath to enter into speculations of a business kind provided they were well paid. The men in question were told that they need not bring their clothes with them, so that they had not to find their own kit. The men met at the Lime street station, and were conveyed thence to London. On arriving at Euston square station they were conveyed in cabs to the London bridge station, where they again took train, and were conveyed to Dover. At this place they were refreshed very liberally with drink. They were then told that their vessel was in the stream, and that a steamer there was her tender. They went on board the steamer, which turned out to be the *Calais* boat, where they were all taken on board the *Rappahannock*. On the engineers being taken down into the cabin they were told that they were about to enter into the service of the Confederate States; and, in reply to a question put to them, they expressed their willingness to

serve. After entering into an agreement to do so, they were taken on shore and supplied with the confederate uniform. On the firemen being asked if they would enlist in the confederate service, they expressed their surprise, and said they had not come there for that purpose. They stated that they were willing to carry out their agreement as made in Liverpool, and they were ultimately sworn to do so. Subsequently there was a dispute on board the Rappahannock, and some of the men were put in irons. On being released they seized the first opportunity of running away, and it was upon the information given by them that the present proceedings were taken. If he (the attorney general) should prove the facts to which he had called their attention, he asked them to convict the prisoner. The object which her Majesty's government had in view in instituting that prosecution was rather to prevent than to punish, and to show that no person could with impunity violate the law. The peace of this country could only be insured by a faithful observance of that neutrality which we professed with respect to the unhappy war now being waged in America, and by such conduct as that with which the prisoner was now charged he had rendered himself amenable to the law.

The engineers and firemen engaged by the prisoner were then called, and they proved the facts stated in the opening speech of the learned counsel, and stated that the railway tickets for their journey to London and Dover were given to them by the prisoner, who was the second engineer of the Rappahannock. The tickets were purchased by a person named Codd.

Mr. Henry William Sanders, the signet clerk in the office for the secretary of state for the home department, proved that no license was given to the prisoner either to enlist himself or to cause others to enlist in the service of the Confederate States. Mr. Herbert Manson Suft gave similar evidence.

Mr. Littler, having taken two or three legal objections to the counts in the indictment, proceeded to address the jury on the facts, remarking that it was not proved that the prisoner was aware at the time he engaged the engineers and the firemen that he and they were going on board a foreign ship-of-war; and although the wages he offered were unusually high, he might have really thought the men would be required for mercantile purposes.

His lordship, in summing up, remarked upon the charming simplicity with which the learned counsel alluded to the prisoner's probable ignorance of the purposes for which the men would be required, and said it would be for the jury to say whether or not the prisoner had been clearly proved to have infringed the provisions of the foreign enlistment act.

The jury immediately returned a verdict of guilty.

Mr. Littler then stated that the prisoner, who bore an excellent character, was very sorry for what he had done, and trusted that, under the circumstances, his lordship would not sentence him to imprisonment.

Mr. L. Temple said he appeared for Joseph Buchanan, who was also charged with having infringed the foreign enlistment act; and his client was willing to plead guilty to having enlisted in the confederate service, but he denied having induced others to enlist. He might mention to his lordship that Lord Chief Justice Erle had, in the case of a former trial at the central criminal court, London, for infringing the same act, by enlisting for the Rappahannock, ordered the man to enter into his own recognizances to appear to receive judgment when called upon.

Buchanan was then placed in the dock with Cunningham and, pleaded guilty.

The attorney general having stated that he had no observations to make with respect to the punishment which he thought the prisoners ought to receive.

His lordship said he was willing to pass the same sentence as that passed by his brother Erle. It must, however, be clearly understood that if a man violated the law, he would, when apprehended, be punished for so doing. Any repetition of the offence of which the prisoner had been guilty would be treated with

such severity as the law allowed. It was essential for the interests of England that the subjects of her Majesty should not go and enlist in the service of a foreign state that was at that time a belligerent, and by their conduct possibly embroil in war this country. That was an offence, and a very grave offence, against the law, but the prisoners would on this occasion be liberated on entering into their own recognizances in the sum of £150 each to appear to receive judgment, if required to do so. So long as the prisoners did not again offend they would not be required to appear, but if they did offend they might rely upon it the judgment now passed would be enforced, and, further, that they would be severely punished.

The prisoners then entered into the required sureties and were liberated.

James Campbell pleaded guilty to having infringed the provisions of the foreign enlistment act, and he was also ordered to enter into his own recognizances in £150 to appear to receive judgment when called upon.

The court rose at a quarter past six o'clock.

Mr. Adams to Mr. Seward.

No. 760.]

LEGATION OF THE UNITED STATES,
London, August 18, 1864.

SIR: I have the honor to transmit copies of notes which have passed between Lord Russell and myself on the subject referred to in your despatch to me, No. 1024, of the 7th of July. You will perceive that his lordship proposes a question which I cannot answer without further information.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Mr. Adams to Lord Russell, August 1, 1864.
2. Lord Russell to Mr. Adams, August 6, 1864.
3. Her Majesty's consul at Bilbao to Lord Russell, July 21, 1864.
4. Mr. Adams to Lord Russell, August 18, 1864.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 1, 1864.

MY LORD: I have the honor to transmit a copy of a letter addressed to the Department of State at Washington by Mr. Savage, vice consul general of the United States at the Havana, which I have been directed to communicate to your lordship for the information of her Majesty's government.

Renewing the assurances of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August 6, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, communicating to me, by direction of your government, a copy of a despatch from the vice-consul general of the United States at the Havana, containing information respecting the movements of the notorious Spanish slave steamer Ciceron.

This information, for which I beg to tender you my best thanks, entirely coincides with that already received by her Majesty's government, in so far, at least, as regards the movements of the Ciceron up to the time when she left Marseilles, on the 11th of April last.

You will see, however, from the accompanying copy of a despatch received a few days since from her Majesty's consul at Bilbao, that, since leaving Marseilles, the Ciceron is stated to have failed in several attempts to ship slaves from the African coast, and, according to reports from thence, a very fast steamer made attempts to ship slaves from the neighborhood of Aghwey, but was prevented by the vigilance of the British cruisers. That steamer was believed to be the Ciceron.

If, therefore, the report contained in the despatch from the vice consul general of the United States to the effect that an expedition of from 1,200 to 1,500 Africans was recently landed from a steamer on the southeast coast of Cuba is correct, it would seem probable that some steamer other than the Ciceron is engaged in the Cuban slave traffic; and her Majesty's government would be glad to receive any further information on this point which the United States agents in Cuba may be able to furnish.

I avail myself of this opportunity to request that you will be good enough to inform me whether it is the intention of the United States government to send any vessels to cruise against slavers.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Young to Earl Russell.

S. Y. No. 4.]

HER BRITANNIC MAJESTY'S CONSULATE,

Bilbao, July 2, 1864.

MY LORD: I have the honor to report to your lordship the following intelligence, some portion of which it is possible may not yet have been conveyed to her Majesty's government, respecting the Spanish steamer Ciceron.

From a communication made to me, on which I can rely, it appears that the Ciceron, after leaving Marseilles about the 15th of April last, proceeded to the island of Mallorca, where she took in a large supply of coal, and thence to the African coast.

Arrived off the coast, and at the moment when she was preparing to embark slaves, the Ciceron was chased by two British steamers, from which vessels she escaped out to sea without difficulty, owing to her great speed, which it is stated enables her to steam $16\frac{1}{2}$ knots an hour.

The following day the Ciceron came a second time to the coast, when her intention to embark slaves was again frustrated by three British steamers, but, although chased and fired into, she again got to sea with the greatest ease.

On the fourth day the Ciceron made a third attempt on the coast, which, on account of the presence of the British steamers, was equally unsuccessful with the

previous ones; the captain therefore resolved to abandon the expedition, and steamed for St. Thomas, at which place he and the crew left the vessel, and returned to Europe, arriving a few days since.

I am informed that only one individual on board the *Cicéron* belonged to this neighborhood. I have forwarded a copy of this despatch to her Majesty's minister at Madrid.

I have, &c., &c.,

HORACE YOUNG.

EARL RUSSELL, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, August 18, 1864.

MY LORD: I have the honor to acknowledge the reception of your note of the 6th instant, in reply to mine of the 1st instant, communicating information of the movements of the Spanish steamer *Cicéron*.

I now submit to your lordship a copy of an extract just received from another letter of the vice consul general of the United States, at the Havana, dated on the 9th of July, confirming the fact of the landing of 1,200 negroes in the island of Cuba, although it gives no further light as to the agency of that particular steamer in the transaction.

In reply to the question addressed to me at the close of your lordship's letter, as to the intention of my government to send vessels to cruise against slavers, I regret to say that I have received no later advices on the subject; but I shall do myself the honor at once to apply to the proper sources from which to obtain the desired information.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 761.]

LEGATION OF THE UNITED STATES,

London, August 18, 1864.

SIR: In connexion with No. 758, of the 4th instant, on the subject of the sale of the steamer *Georgia*, I now forward a copy of Lord Russell's reply of the 8th instant to my note to him, a copy of which was transmitted with that despatch. It appears from this that the British government has become so much perplexed by the inconsistencies in which a toleration of this new mode of abusing their neutrality is involving them, as to decide upon a rule prohibiting all transfer or dismantling of belligerent vessels of either party in their ports. This is very well so far as it goes. The exclusion, though applying equally to us, is nominal in that case, whereas it will have its force in circumscribing the operations of the sympathizers with the rebels, particularly in the port of Liverpool.

The causes which may have led to this decision are perhaps to be thus explained. Simultaneously with my note to Lord Russell, I addressed a circular to the respective commanders of the three war vessels at that time cruising in the Channel, the *Niagara*, the *Kearsarge*, and the *Sacramento*, apprising them of the information which I had received from Mr. Wilding, as well as of my opinion that the *Georgia* might be made lawful prize whenever and under whatever colors she should be found sailing on the high seas.

It turned out that the Georgia had been engaged by the Portuguese government for one month, at the price of a thousand pounds, to carry the mails from Lisbon to their African possessions. She was, however, to be transferred from Liverpool to that port on the responsibility of Mr. Bates, the nominal owner, and under British colors. The Count Lavradio, the Portuguese minister, on learning the precise state of the case, interposed no objection to my proceeding, but simply expressed a hope that, if captured at all, the vessel might be taken before reaching Lisbon to enter upon the engagement. I have no doubt, although I do not know it from information, that the matter has been brought to the attention of the British government by parties at Liverpool, with a view to secure its protection. The difficulties that might ensue from adopting any positive course doubtless led to that decision which is found communicated in his lordship's note.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, August 8, 1864.
2. Mr. Adams to Lord Russell, August 18, 1864.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August 8, 1864.*

SIR: With reference to my letter of the 28th ultimo, I have the honor to state to you that her Majesty's government do not see any sufficient grounds for coming to the conclusion, upon the statements contained in your letter of the 27th ultimo, that the steamer Georgia is about to be again used for belligerent purposes. With a view, however, to prevent the recurrence of any question such as that which has arisen in the case of the Georgia, her Majesty's government have given directions that in future no ship-of-war, of either belligerent, shall be allowed to be brought into any of her Majesty's ports for the purpose of being dismantled or sold.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 18, 1864.

MY LORD: I have had the honor to receive your note of the 8th instant, communicating to me the fact that directions have been given by her Majesty's government to prohibit any ship-of-war of either belligerent from being brought into any of her ports for the purpose of being dismantled or sold. I shall transmit a copy of the same for the information of my government.

I pray your lordship, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 762.]

LEGATION OF THE UNITED STATES,
London, August 18, 1864.

SIR: I have the honor to transmit a copy of a note addressed by me to Lord Russell on the 2d instant, under the instructions contained in your despatch, No. 1042, of the 18th of July. I have not as yet received any reply thereto.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 2, 1864.

MY LORD: In consequence of the decision of her Majesty's government to decline the recognition of consular agents of the United States in Canada, I have the honor to inform you that instructions have been sent to the vice consul general at Montreal to make the same known to the several parties concerned, and to direct them to cease at once from the further exercise of all consular duties.

The Secretary of the Treasury has also been made acquainted with the facts, in order that the regular instructions may be sent to the collectors of the customs.

I am further directed to say that the vice consul general has executed the duty imposed upon him, so far as that all the persons concerned have received the necessary instructions to desist from all further exercise of their authority.

Information has been nevertheless received from the vice consul general at Montreal, which leads to the belief that much inconvenience, trouble, and delay will be occasioned to the merchants and others in portions of Upper Canada, doing business with the United States, from the necessity at present imposed upon them of sending their invoices, as required by law, to be verified to places so distant as Montreal or Toronto.

Under the circumstances, the question of modifying the consular establishment in Canada in such a manner as to remedy these difficulties has been lately under consideration in the Congress of the United States.

The conclusion arrived at has been to make provision for the discontinuance of most of the *consular agencies*, and to substitute in their places a number of consuls, not exceeding ten, who shall be placed under bonds not to engage in trading or other commercial business.

The effect of this arrangement would not be to increase the number of consular officers of the United States, but, on the contrary, greatly to reduce them, for most of the agencies, which in 1858 exceeded thirty in number, will be discontinued.

The points at which it is proposed that these officers should reside are Clifton, Coaticook, Erie, Goderich, Kingston, Port Sarnia, Prescott, St. Lambert and Longueil, Toronto, and Windsor.

In view of all the circumstances, it is hoped that this proposal will receive the favorable consideration of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 763.]

LEGATION OF THE UNITED STATES,
London, August 18, 1864.

SIR: I transmit to you copies of the notes which have passed between Lord Russell and myself on the subject of the form of exequatur used by the United States, as I was directed to bring it before him by your despatch No. 1027, of the 9th of July.

I likewise append a copy of the form granted by the British government, just as it passed through my hands, in the case of Mr. Humphrey, which may prove convenient to you for reference.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, July 30, 1864.
2. Present form of exequatur to United States consul.
3. Lord Russell to Mr. Adams, August 6, 1864.
4. Mr. Adams to Lord Russell, August 18, 1864.

LEGATION OF THE UNITED STATES,
London, July 30, 1864.

MY LORD: I am directed by my government to mention to your lordship that their attention has been of late drawn to the precise language in the form of exequatur granted to consuls of foreign states which has been for some years in use in the United States, and to the risk of embarrassment which appears likely to ensue by further perseverance in the use of it, in face of the numerous treaty stipulations extending the limits of consular jurisdiction, which have been entered into in the interval since that form was adopted.

The form as it now stands would seem likely to lead the consuls of those states with which the United States have not entered into any treaty engagements to believe that they could claim to enjoy the extraordinary privileges which have been secured to those of other states by virtue of special conventions. Such a construction would not be just to the United States, inasmuch as their consuls in other countries would not and could not think themselves entitled to claim any such special advantages in their turn, in cases where no reciprocal obligation had been entered into by those countries to grant them.

In order to obviate all danger of misunderstanding for the future, I am instructed to apprise your lordship that it is the intention of the President so far to modify the language of the exequaturs hereafter to be granted as to adapt it to the precise state of existing consular relations with other states, whether by treaty or otherwise. In the case of the consuls of Great Britain, with which country no material change by treaty stipulations has been made since the year 1815, the form adopted in 1816, in the case of Mr. Anthony St. John Baker, will in the event of new appointments be resumed. The same form will be used towards the consuls of all other states with which there are no special treaty stipulations. In those cases where special consular conventions have been negotiated and signed, the form of exequatur will be adapted to the precise stipulations of each treaty respectively.

Should it be the desire of her Majesty's government at any time to enter into negotiations for a reciprocal extension of special consular privileges, I am instructed to inform your lordship that my government is prepared on its part cheerfully to respond to any overture.

I am further instructed to say that in the mean while all existing exequaturs will be continued, but will be continued with the limitations heretofore understood to exist on both sides. If, however, it be desired, those which have been issued may be returned and cancelled, whereupon new ones with accurate annotations will be substituted.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

VICTORIA R.

Victoria, by the grace of God, Queen of the United Kingdom of Great Britain and Ireland, defender of the faith, &c., &c., &c. To all and singular our loving subjects to whom these presents shall come, greeting:

Whereas the President of the United States of America has, by a commission bearing date the seventh day of April last, constituted Mr. Nicholas L. Humphrey to be consul at Trinidad, and for such other ports as shall be nearer thereto than to the residence of any other consul or vice-consul of the United States; and we having thereupon approved of the said Nicholas L. Humphrey as consul for the said United States according to the commission before mentioned, our will and pleasure are and we hereby require that you do receive, countenance, and, as there may be occasion, favorably assist him, the said Nicholas L. Humphrey, in the exercise of his office, giving and allowing unto him all the privileges, immunities, and advantages thereunto belonging.

Given at our court at St. James's the second day of August, one thousand eight hundred and sixty-four, in the twenty-eighth year of our reign.

By her Majesty's command:

RUSSELL.

FOREIGN OFFICE, *August 6, 1864,*

SIR: I have had the honor to receive your letter of the 30th ultimo, in which you inform me that the attention of the United States government has been drawn to the precise language of the form of exequatur granted to consuls of foreign states which has been for some years in use in the United States, and to the risk of embarrassment which appears likely to ensue by further perseverance in the use of it in the face of numerous treaty stipulations extending the limits of consular jurisdiction which have been entered into in the interval since that form was adopted.

It is accordingly the intention of the United States government to modify the language of the exequaturs to be granted hereafter, in the case of Great Britain and of other states with which there are no special treaty stipulations. The form to be henceforward adopted will be that of which you enclose a copy, which was employed in the case of Mr. Anthony St. John Baker, in 1816. In those cases where special consular conventions have been negotiated and signed, the form of exequatur will be adapted to the precise stipulations of each treaty respectively.

You add that should it be the desire of her Majesty's government at any

time to enter into negotiations for a reciprocal extension of special consular privileges, you are instructed to inform me that your government is prepared on its part cheerfully to respond to any overture.

In reply to this communication, I have the honor to request that you will be good enough to inform her Majesty's government of the nature of the various consular treaties and conventions existing between the United States and foreign powers, and their specific stipulations. Her Majesty's government would then be in a position to judge whether they would negotiate any fresh consular convention, or be contented to remain in the position of a power having no special consular convention with the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1074.]

DEPARTMENT OF STATE,
Washington, August 20, 1864.

SIR: Your despatch of the 4th of August, No. 758, has been received.

The representation you have made to Earl Russell concerning the Georgia is approved. I trust that you have succeeded in impressing her Majesty's government with a sense of the importance of the subject you have thus brought to their notice.

There is reason to believe that British subjects, hostile to the United States, have only changed their form of proceeding in sending out armed vessels to make war against the United States. The Tallahassee is said to have been built and to have come out in the character of a merchant vessel, but to have been furnished with an armament in Liverpool. She appears on our coasts a pirate, and she is received at Halifax. Her master is reported as saying that she is only one of several very fast steamers of the same character, which have been built at Liverpool, with armaments prepared in the same way. Bermuda and Halifax are to be bases of operations. I refrain from comment until there shall have been time for Earl Russell to have replied to your note concerning the Georgia, and in the expectation of more definite information in regard to the Tallahassee.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1076.]

DEPARTMENT OF STATE,
Washington, August 22, 1864.

SIR: The military immobility which had begun to wear upon the public mind has recently given way. Activity again appears, although, thus far, it has produced no decisive results.

I am sure that you will read with pride and satisfaction the details of the great naval engagement in Mobile bay. The restoration of the national flag over Fort Powell gives us Grant's passage, while the recapture of Fort Gaines marks an advance in the work of restoring the Union. Protected by these

fortifications, together with Fort Morgan, the insurgents had really made no insurgent demonstration towards the creation of a naval force. The destruction of their gunboat *Gaines*, and the transfer of the ram *Tennessee*, which is secured to the national service, have materially weakened the enemy. We learn that the siege of Fort Morgan has begun, and that a portion of our fleet has assailed the land fortifications which surround the city of Mobile.

On the south side of the James river General Grant has successfully seized and he now holds the Weldon road between Petersburg and North Carolina, after having resisted two or three fierce assaults, with great loss to the insurgents. There is no doubt of the fact that the insurgents are suffering a material reduction of their force by casualties and by desertions. General Grant has already sent to the Indian campaign a regiment of enlisted deserters from the army of Lee.

General Sherman still prosecutes his operations against the enemy at Atlanta with unabated confidence. We have official reports that his cavalry have cut off the railroad connexion between that place and Macon.

Lee has re-enforced Early, and he has thereupon moved down the valley from the neighborhood of Strasburg to Winchester. General Sheridan has retired to Charlestown, and the upper Potomac thus again becomes a theatre of war. The approach of a draft to maintain the armies at their full strength is creating much uneasiness, and this uneasiness speaks out through the press. On the other hand, it is true, although not yet generally understood, that recruiting has begun in good earnest. Later returns show that the number of men mustered into the army are twelve hundred per day, an increase of ten-fold per day since the proclamation calling for re-enforcements was issued.

You will hardly need to be told that the reports published of armistices, pretended changes in the cabinet, and the appointment of commissioners to negotiate with the insurgents, which figure largely in the political canvass, have no foundation in fact.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 766.]

LEGATION OF THE UNITED STATES,
London, August 25, 1864.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1060 to 1065 inclusive, together with a letter from yourself, dated the 9th instant, in relation to the appointment of an assistant secretary to this legation in the place of Mr. Moran.

There is nothing of material interest to bring to your attention this week. The mob and riots at Belfast are merely one of many proofs how little progress has been really made in harmonizing the religious and political dissensions in Ireland. Amidst the many speculations which appear in the public journals concerning the causes of the great emigration to America, I do not recollect to have seen any reference to the fact that the Irish Catholic is scarcely regarded as having any rights which his English brother is not tempted to violate on the smallest provocation. It is a curious circumstance attending this state of things, that the very individuals subjected to this species of persecution at home are the most apt, when transferred to the United States, to become persecutors of another kind themselves. Thus it is that the spirit of mobbing and riot which grows out of injustice on this side of the water is transplanted soon to bear its fruits in the purer atmosphere on the other.

I transmit herewith a copy of the London Times, containing a report of the speech of Lord Palmerston to his constituents at Tiverton. You will not fail to notice his allusion to the affairs of America, and, especially, to his expectation of the restoration of peace in a particular way.

The public expectation of great results from the expedition of General Early into Maryland and Pennsylvania, which had been raised so far as to believe the capture of even Pittsburg likely, has once more collapsed, almost as suddenly as it did last year after the battle of Gettysburg. The only uneasiness it caused me was the possibility that General Grant might be diverted from his object for a time. This object having failed, the question of the end of the struggle is simply dependent on the perseverance of the people of the Union. This is the point to be determined at the approaching election. How strong the hopes of those sympathizing with the rebels in this kingdom are of a voluntary surrender of the principles involved, including even that of emancipation, nobody can fail to perceive. One writer has at last got courage enough to declare what I have always believed to be the general sentiment, that he has no preferences between the parties. He only trusts that the snake may be at last cut in two, so that the power of each to do mischief may be proportionately abridged.

I am your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of August 24, 1864.]

LORD PALMERSTON AT TIVERTON.

TIVERTON, *Tuesday.*

It is now some years since Lord Palmerston visited his constituents, having been obliged on several occasions during that period to disappoint them, after all arrangements had been made, owing either to the exigencies of public business or temporary illness. A short time ago Lord Palmerston intimated that he would pay his long-deferred visit on the occasion of Tiverton races, and the mayor and corporation determined to invite him to a public banquet the previous evening. The premier, who looked remarkably well, and was in excellent spirits, arrived by the 2 o'clock train from London. At Tiverton Junction he was heartily welcomed by the mayor and a considerable number of the chief inhabitants of the borough; but when the train arrived at Tiverton the station and its approaches were densely crowded, and his lordship, having entered his carriage, was escorted amid enthusiastic cheers to his hotel, the Three Tuns. Lord Palmerston on presenting himself at the window of the hotel was received with loud cheering. When silence was restored his lordship said: Ladies and gentlemen, young and old, my good friends all, I thank you most heartily for the kind reception which I have just met with from you. I am accustomed to be warmly received in this town of Tiverton, but I must fairly own that I never met with a more general and cordial reception than that which has awaited me to-day. [Cheers.] I am always glad to come to this town and this beautiful neighborhood whenever I am able to do so. I regretted very much upon a late occasion I was tied by the leg, unable to leave, and I think that a man who is tied by the leg and foot to London cannot hope to make his way to Tiverton. [Laughter and cheering.] I am glad, however, to meet so many of you to-day, and I trust that during the two days that I mean to pass here I shall have an opportunity of seeing all those good friends to whom I am so much indebted. [Cheers.] If I am to augur of the future increase and prosperity of Tiverton from what I now see before me, I must say that the great numbers and good looks of the rising generation augur well and fairly for the increasing prosperity of Tiverton. [Cheers and laughter.]

It is a proof that the people have good employment, and the appearance of the younger part of them shows that due care is taken of their education and manners, and that the good and healthy air of this town has its due effect upon the constitution and looks of the young. [Cheers.] We all know that those who are past their childhood—especially those of the fair sex—retain their good looks to a later period of life than is often their lot in other parts of the world. [Laughter and cheers.] I can only repeat that it has given me the greatest pleasure to be so well received, and that from the bottom of my heart I thank you for the kind demonstration which you have made. I am glad I have the pleasure of meeting you in such magnificent weather. It has sometimes occurred when I have been here that there has been a little dewy fall from the skies. You are I believe panting for rain, but I trust it will not come down for the next two or three days, so as to injure the attendance at your races. [Laughter and cheers.] Three cheers were then given for the ladies, three for the mayor, and three for Mr. Hole, and Lord Palmerston then retired.

THE BANQUET.

The banquet took place at 5 o'clock, under the presidency of Mr. W. N. Row, the mayor, who had upon his right Lord Palmerston, Mr. J. Chichester Nagle, and Mr. J. Worth, and on his left Mr. J. Sillifant, Mr. F. Hole, the Rev. J. F. Sydenham and Mr. Cartwright. About 150 sat down to dinner. The usual loyal and constitutional toasts were given from the chair.

The Rev. J. F. Sydenham, in responding to the toast of the "Bishop of the diocese and the clergy of all denominations," thanked Lord Palmerston for the excellent manner in which he had filled up the unprecedented number of ecclesiastical offices which had recently fallen to his nomination. Against those appointments a very few of extreme views had only ventured to feebly remonstrate.

Captain Lane returned thanks for the "Army and Navy, Militia and Volunteers."

The chairman then proposed the toast of the evening, "Lord Viscount Palmerston," and in terse but forcible terms observed that as a member he was an honor to the borough, but as a statesman and a minister not only to the borough, but also to the whole country.

Lord Palmerston, who was received with several rounds of most tremendous cheering, said: Mr. Mayor and gentlemen, I beg to return to you my most sincere thanks for the kind manner in which this toast has been proposed and received, and I can assure you that a testimony of good-will from the people of Tiverton must always be most grateful to me. [Cheers.] I feel under most peculiar obligations to the people of this town. I came here first a stranger—an entire stranger—to you, and if, as you did, you accepted me as your member, it could only be from your thinking that my conduct in public life had been such as to deserve your approbation. [Hear.] From time to time it has been a source of great pride and gratification to me to find on every occasion of my revisiting this town that the cordiality of my reception may be accepted as a proof that the good opinion which originally led to your taking me as your member has not been diminished, but increased. [Cheers.] I can assure you that I feel a most hearty pride at being, and I trust continuing to be, your member. [Cheers.] The reverend gentleman who returned thanks for the clergy did me the honor to allude to matters which are the personal acts of the minister who fills the office that I do—I mean the choice of the persons who are to fill the high dignities of the church. Well, I am glad that the selections which I have thought it to be my duty to make have met with general approval. I hold the task of making those selections to be one of the most important duties

that can devolve upon the person who holds the office which I have the honor to fill, because there are many things which depend upon a good choice: these are, in the first place, the moral and religious training of the country, of those who are members of the church of which these persons are chosen to be high dignitaries; but there is a further bearing on a good selection in these cases, because in a free country like this, where every man is entitled to hold his own opinions, where men are accustomed to investigate the grounds of the opinions which they entertain or which they may intend to adopt, there must necessarily be great differences on religious subjects. No doubt we might all wish that the whole nation could be of one creed. That is impossible in a free country; but what can be done and what ought to be done is, that those who hold high office, and those who are at the head of the established church, should by their bearing towards those who differ from them in religious opinions mitigate those acerbities which are, perhaps, inherent in the diversities of opinion on so important a matter, both here and hereafter; that they should, by their manner and bearing towards those of different opinion, render those differences as little perceptible as possible, and endeavor to inculcate that charity which is the basis of our common religion. I trust and believe that the choice which it has been my lot to make has been made in this direction, and that those who have been elevated to fill high positions in the established church will by their bearing towards different communities continue to prove that, although each may be sincere in holding opinions at variance one with another, they will, nevertheless, all feel that there are common feelings, common interests, and common obligations which pervade the mass, and that those feelings, interests, and obligations ought not to be embittered by any asperities between different sects. [Cheers.] We have most unhappily seen very recently proofs that in the sister kingdom those differences of religion have led to most disastrous and lamentable outbreaks; but let us not ascribe those events entirely to difference of religious opinion; they are rather connected with long-established feuds, and should be looked upon rather as political demonstrations than as uncharitable feelings in regard to the religions of the two parties who come in contact. [Hear, hear.] Notice was also taken of the circumstance that it has fallen to the lot of the government of which I am a member to preserve to this country the blessings of peace. Now, gentlemen, no doubt the preservation of peace, with honor, with consistency, with the interests and dignity of the country, with its interest at home and its dignity and reputation abroad, the preservation of peace upon such conditions is the primary duty of any administration that may be charged with the conduct of national affairs. [Hear.] I do not think it desirable that we should be of that section, which I believe really does not now exist, although it is a byword sometimes used, I do not think it desirable that we should be of the peace-at-any-price party. I do not believe that those who are commonly designated by that name are at heart insensible to the honor and interest of the country. [Cheers.] There may be differences of opinion as to the magnitude of the case, as to the validity of the reasons which may induce the country to draw the sword; but I am persuaded that there is no Englishman who would not, if he thought the interests and honor and dignity of the country were at stake, join in its defence by whatever means, personal or otherwise, which he might be able to command. [Cheers.] There have been, indeed, of late years, during the five years which I have been in office, several cases which might have led this country into war. We might have embarked in war, and with great acquiescence in popular feeling, for the rescue of the Poles. Well, we deplore their unhappy fate; we endeavored to enlist in their cause the moral and political action of all the different powers of Europe, and we did so; but they unfortunately failed, and perhaps it was in the nature of things that our efforts should not succeed. But, however the enthusiasm of a large portion of the community might have urged us to take more active measures, we did not think—and I

believe the majority of the country is of opinion that we thought right—we did not think that was an occasion on which it would be justifiable to call on the people of England to make those exertions and sacrifices which such a war would have called for. Then there was the American civil war. There is much diversity of opinion as to the merits of the contending parties. Some are for the north on the ground of their hatred of slavery; some are for the south on the ground of their love of freedom and independence. We might have been involved one way or the other; if we had listened to many of those who urged different courses of action, we might have been involved in the quarrel; but I believe the country is glad we have abstained from taking that course. [Cheers.] We could have had nothing to gain, and we should only have added thousands of our own sons to the hecatomb of victims which that calamitous and bloody, slaughtering war has sacrificed. [Cheers.] We may hope that time and reflection—and recent advices from America show some favorable symptoms—we may hope that time and reflection, and the fact of the immense losses which have been sustained, and the slight hopes of success which appear on the part of the north—we may hope that many months will not elapse before some progress will be made towards healing that tremendous breach which now exists. [Cheers.] But of this I am convinced, that if we had yielded to those who, from the purest motives and from a sincere conviction, urged us to interfere to offer our mediation to endeavor to reconcile the quarrel between the parties before matters were ripe for our adjustment, we should not only have failed in accomplishing that object, but we should have embittered the feelings between that country and this, and have rendered the future establishment of good relations between us and them less easy and more difficult. [Hear.] Therefore I think our neutrality was wise, and I am sure that it is appreciated by the country at large. [Cheers.]

Well, then came that unfortunate Danish question, and I am sure every Englishman who has a heart in his breast and a feeling of justice in his mind sympathizes with those unfortunate Danes, [cheers,] and wishes that this country could have been able to draw the sword successfully in their defence, [continued cheers;] but I am satisfied that those who reflect on the season of the year when that war broke out, on the means which this country could have applied for deciding in one sense that issue, I am satisfied that those who make these reflections will think that we acted wisely in not embarking in that dispute. [Cheers.] To have sent a fleet in midwinter to the Baltic every sailor would tell you was an impossibility, but if it could have gone it would have been attended by no effectual result. Ships sailing on the sea cannot stop armies on land, and to have attempted to stop the progress of an army by sending a fleet to the Baltic would have been attempting to do that which it was not possible to accomplish. [Hear, hear.] If England could have sent an army, and although we all know how admirable that army is on the peace establishment, we must acknowledge that we have no means of sending out a force at all equal to cope with the 300,000 or 400,000 men whom the 30,000,000 or 40,000,000 of Germany could have pitted against us, and that such an attempt would only have insured a disgraceful discomfiture—not to the army, indeed, but to the government which sent out an inferior force and expected it to cope successfully with a force so vastly superior. [Cheers.] We are, as a nation, I trust, sufficiently strong to defy attack from any enemy. We have, in round numbers, 300,000 militia and volunteers, in addition to the regular army, and, as they can be immediately increased, we have force amply sufficient to defy attack from whatever quarter it may proceed. [Cheers.] We have a fleet growing every year, adapting itself to the modern requirements of naval warfare, and fully adequate for the defence of the country. Our object is defence, not aggression. [Cheers.] But this state of things does not allow this country to undertake vast operations beyond its confines; calling on the nation to make great exertions, to make

great sacrifices, both of men and money, in order to send out an army fit to cope with the vast establishments maintained by other countries. [Cheers.] Well, we did not think that the Danish cause would be considered as sufficiently British, and as sufficiently bearing on the interests and the security and the honor of England, as to make it justifiable to ask the country to make those exertions which such a war would render necessary; and I am sure that the verdict of the country will be that, in this respect, the government judged rightly. [Cheers.] But, while we have preserved peace, the nation has been doing its work too. It is the duty of the government to keep the country at peace as long as it can do so without sacrificing its honor, its dignity, or its interests. It is the duty of the people of the country to prosper its trade, to extend its commerce, to increase its resources, and to promote its welfare of every sort and kind. This duty has been nobly performed by the people of this kingdom; and there never was a period of equal length during which this country has made such enormous strides in wealth, and in everything which constitutes the comfort, the happiness, and the welfare of the nation. [Cheers.] The government can only contribute to these results by removing obstacles and affording facilities, but it remains for the people themselves to make those exertions by which alone these results can be obtained. [Cheers.] Government cannot interfere with private enterprise. Every now and then we are called upon to subsidize or assist this or that enterprise; we are told that a little contribution from the public revenue would set up this manufacture, would assist another, would give scope to industry, and would foster a rising commerce; but these things are only done in countries where the people are paralyzed by despotic power, and where they require the vivifying and electrical touch of the government to rouse them to an exertion which is not their natural condition nor their habitual practice. [Cheers.] In this country every man is alive, every man knows best how to employ his capital, how to direct his genius, whatever it may be; whatever line you may take, whether it be active exertion in distant parts, or the studious labor of invention at home, or the direction of the industry of thousands of our manufacturing workmen, in this country every man knows best how to contribute to the public wealth and to his own prosperity and advantage, and all that the government has to do is to leave things alone, to throw down barriers and obstructions, where barriers and obstructions are pressed, and to give that freedom to industry and activity to commerce by which alone the general welfare of the country can be advanced. [Cheers.] That has been our task, and I think we have performed that task well and successfully; and if anybody will take the trouble to look back—which few men are disposed to do, because they are too busy looking forward, [“hear,” and cheers]—if any man will look back and glance at the immense progress which has taken place in this country during the last thirty years, he will be astonished at the magnitude of the improvements which have been made, the magnitude of the obstructions which have been thrown down, the magnitude of the new doors to industry which have been opened, and the progress which the country has made in national wealth and the comfort and happiness of the people. [Cheers.] I need not, indeed, preach these doctrines in this town, because here they have not only been understood, but successfully practiced. It is not in Tiverton, where a most thriving and durable manufacture has been so long established, that I need debate on the advantage which genius, industry, enterprise, capital properly applied and adapted with skill, produce, not only to the individual who directs the machine, but to the whole community who are in any way connected with such a system. [Cheers.] The noble lord, after passing a high eulogium on his lamented colleague, Mr. Heathcote, concluded by thanking the guests around him for the manner in which he had been received among his kind friends in Tiverton, saying that these periodical visits were always marked with a red letter in his diary. The noble lord resumed his seat amid loud and prolonged cheering, and the party soon afterwards separated.

Mr. Adams to Mr. Seward.

No. 767.]

LEGATION OF THE UNITED STATES,
London, August 25, 1864.

SIR: A telegram was received at this legation yesterday, at one o'clock p. m., from the consular agent at Dover, announcing the arrival of the steamer Niagara, on her way to Antwerp. The Georgia had been taken and sent as prize to the United States. The crew were landed at Dover.

This event has made some sensation here. The newspapers express opinions based on little information, and prompted by their respective predilections in our struggle. Should any official indication be made visible in the Times to-morrow morning I shall send a copy with the despatch.

I am your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1077.]

DEPARTMENT OF STATE,
Washington, August 26, 1864.

SIR: In a letter to this department of the 12th instant Mr. Wilson, the secretary of legation at London, gives an account of certain proceedings with reference to the late insurgent steamer Georgia, and particularly of an intimation given to the Portuguese minister, at London, to the effect that the Georgia, having been sold in a neutral port, would be a lawful prize to a United States cruiser. The proceedings referred to are approved by the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

[Circular.]

No. 1078.]

DEPARTMENT OF STATE,
Washington, August 29, 1864.

SIR: The principal military events of which information has been received during the week are the capture of Fort Morgan, and the unsuccessful attempts of the enemy to recover possession of the Petersburg and Weldon railroad. The assaults upon our forces at the latter point were made with energy, almost with desperation, and the ensuing battles are reported to have been as sanguinary and as severely contested as any during the war. The final repulse of the enemy, however, was complete. This result is regarded as a decided advantage in the campaign.

In regard to the capture of Fort Morgan the mere announcement of that important success in the Richmond newspapers is the only information that has as yet been received.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe, *mutatis mutandis.*]

Mr. Adams to Mr. Seward.

No. 769.]

LEGATION OF THE UNITED STATES,
London, September 1, 1864.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1066 to 1071, inclusive.

The most important of these is No. 1069, of the 15th of August, relating to the interference of Mr. Lancaster in the contest between the Kearsarge and the Alabama. I must admit to you that I have not as yet acted upon the instructions contained in your preceding despatches on the same subject, No. 1025 of the 8th and No. 1035 of the 15th of July. The reason is this: Whenever I sat down to draw up a note on the matter, I met with so many obstacles growing out of the misconception of the actual state of the facts, under the imperfect information you had received at the time of writing, that, in view of the grave nature of the responsibility to be incurred, I decided to await the moment when you would have before you everything that could be supplied to form a judgment, including the letter of Mr. Lancaster to Lord Russell, which I had sent to you with my No. 755 of the 29th of July. It is only at this moment that your latest views, formed on a complete survey of the case, have reached me. I now propose to draw up a note to Lord Russell embodying the substance of your argument as embraced in the respective despatches, disconnecting it as far as possible from the various errors of fact which were intermingled with all the early representations that went to America. Inasmuch as this process will require some care, and perhaps repeated consideration, I fear I shall not be able to get a copy ready to send in time for the present steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 770.]

LEGATION OF THE UNITED STATES,
London, September 1, 1864.

SIR: I am under great obligations to you for the observations contained in your respective despatches, No. 1063, 1068, and 1070, all relating to the general condition of the country, as it is passing through the vicissitudes of its present great trial.

So marvellous has been the steadfastness of the great majority of the people in thus far upholding the only policy which can insure to them security against a recurrence of the difficulties in which they found themselves involved at the outset of this administration, that it would be occasion of profound regret if they should in any moment of discouragement give way so far as to hazard the great results for which they are contending. I cannot disguise from myself the fact that their enemies, both at home and abroad, are counting with great eagerness upon the possibility of such an issue. From this distant point of view, the combinations and intrigues to bring about such an end appear perhaps with more clearness than they do at home, in the midst of the popular agitation and bustle of the war. It is the hope of attaining it which nerves the arm of the enemy to resist as long as possible at Richmond, Atlanta, and everywhere else. It is the desire of seeing it that stimulates the sympathizers on this side of the ocean to promote it by all the aid, direct and indirect, which can be given from here. Conscious on all sides that the last stake in the game is now playing, it is not to be wondered at that the demonstration should take large proportions and a formidable appearance.

A single writer who addressed a letter to one of the local newspapers in this country, which casually fell under my eye, gave in a few words the sense of a large and prevailing class all over Europe. He uttered a confident hope that the great snake would be cut in halves, and perhaps afterwards into smaller pieces, so that it would never afterwards be dangerous.

If the people of the United States were in a situation to fasten their attention upon this precise view of the case as closely as from my stand-point I am able to do, I think there would be little chance of their failing for one moment to adhere to their policy; the malignant wish of enemies would find no fulfilment in any co-operative act of theirs. I do not permit myself for a moment to suppose such a thing possible. The real danger to which they appear to be exposed is that of failing to harmonize on secondary questions of men and things to a degree sufficient to break the full force of their moral power at a moment when it should be most effectually exerted.

If I do not greatly misconceive the nature of the various indications of the popular sentiment as they now come from America, I venture to express the belief that the war will come to an end at the close of the present presidential term. But the question whether it will terminate with the acquisition of all the objects for which it has been thus far waged by the United States, or with the loss of these objects and the risk of renewal at a future day, must be decided by the voluntary act of the people before that time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 772.]

LEGATION OF THE UNITED STATES,

London, September 2, 1864.

SIR: In connexion with my despatch No. 760, of the 18th of August, I transmit herewith a copy of a note of Lord Russell to me of the 24th of that month relative to the landing of a cargo of negroes in Cuba.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August 24, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, enclosing an extract of a despatch from the vice consul general of the United States at the Havana relative to the landing of a cargo of 1,200 negroes in Cuba, and I beg leave to thank you for your communication, as well as for the assurance contained in your letter that you will make the necessary application to your government in order to ascertain their intentions in regard to sending vessels to cruise for the suppression of the slave trade.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 773.]

LEGATION OF THE UNITED STATES,
London, September 2, 1864.

SIR: I have the honor to forward a copy of a note to me from Mr. Graham, the consul at Cape Town, of the 20th of July, reporting the facts connected with the non-restoration of the Tuscaloosa to her rightful owners.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, July 20, 1864.

SIR: Your despatch of May 9, containing three enclosures, has been received.

On the 18th of June I sent a letter to the governor of this colony, then and now at Graham's Town, 600 miles distant, informing him that I had received documentary evidence of ownership of the Tuscaloosa from the Atlantic Insurance Company, New York, and a power of attorney to act for the company, and was prepared to take over the vessel in their behalf. I also inquired whether I should transmit the papers to him or submit them to the inspection of some one here delegated by him to examine and report upon them.

On the 30th of June I received from his excellency a communication replying that it rested with me which alternative to choose; but that if I had any further "representation" to make on the subject-matter of my despatch, I might send the documents to the colonial office in Cape Town to be copied, and the copies to be transmitted to him.

On July 1 I sent the documents as required, accompanying them with the remark that I had no further representation to make in regard to the Tuscaloosa; that I still adhered to the claims advanced by me in my correspondence with his excellency last August; that as I had been informed by him, last December, that the Tuscaloosa was held subject to her American owner's order, and as I had received no official notification that the then decision of her Majesty's government had been receded from, I deemed it unnecessary to make any "further" representation.

On the 18th instant I received another letter from his excellency, replying that, on account of the great publicity given to the case of the Tuscaloosa by the debates in Parliament, he had lost sight of the necessity of acquainting me officially that her Majesty's government had directed the restoration of the vessel "to the officers of the confederate navy," but that, as I had no doubt been fully informed by the officers of my own government, he hoped that no serious inconvenience had arisen.

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM, *U. S. Consul.*

Hon. CHARLES F. ADAMS,
U. S. Minister, London.

Mr. Adams to Mr. Seward.

No. 774.]

LEGATION OF THE UNITED STATES,
London, September 2, 1864.

SIR: Under the directions contained in your despatch No. 1050, of the 29th

of July, I addressed a note to Lord Russell, on the 19th of August, on the case of the *Oreto*, *alias* the *Florida*, at Bermuda. Copies of this and of his lordship's acknowledgment on the 22d are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. W. H. SEWARD, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, August 19, 1864.

MY LORD: It is with very great regret that I find myself compelled to call the attention of your lordship to the abuse made of the neutrality of the island of Bermuda by the vessels under the direction of the insurgents in the United States, in making it a base for hostile operations against the commerce of a friendly nation. I have the honor to submit to your consideration the copy of an extract from a report of Mr. Allen, consul of the United States at that place, to the Secretary of State, in which he makes certain statements respecting the reception there of the gunboat known under the name of the *Florida*, and her subsequent proceedings, which appear to be directly in violation of the regulations heretofore laid down by her Majesty's government. I beg permission to remind your lordship of the remonstrances which were promptly made a short time since, in the case of one of the vessels of the United States, for proceedings of a far less exceptionable character.

Not doubting the disposition of her Majesty's government to do full justice in the premises, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August 22, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant and its enclosure relative to the proceedings of the *Florida*, at Bermuda, and to inform you that this matter shall have the attention of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

[Circular.]

No. 1080.]

DEPARTMENT OF STATE,

Washington, September 5, 1864.

SIR: The past week has been marked by important military successes. Detailed information in regard to the surrender of Fort Morgan has been re-

ceived. Six hundred prisoners and sixty guns were taken. The entrances to Mobile bay are now in our possession, rendering the blockade effective with a less number of vessels than heretofore, and enabling the naval to co-operate with the land forces in any attack upon the city itself.

Atlanta has succumbed. On the 1st instant, General Sherman made a successful attack upon the enemy's principal line of communication. Vigorous efforts were made to regain it. A severe and general engagement followed, resulting successfully to our arms. The victorious army now holds the city, and the enemy, weakened by heavy losses, is reported to be retreating southward. As a centre of railroad communications, and a depot of arms, manufactures, and supplies, Atlanta was a point which the insurgents have deemed it essentially important to hold, and the advantages accruing from its capture are very great.

The force which has been so long menacing an invasion of Maryland and Pennsylvania from the Shenandoah valley, having been confronted and checked by General Sheridan, is retreating in the direction of Richmond. General Sheridan's force is in pursuit, and some captures of prisoners, wagons, and supplies have already been made.

The enlistments under the recent call are going on, not only satisfactorily but with constantly increasing rapidity, and the re-enforcements thus gained are daily adding to the effective strength of the armies in the field.

I am, sir, your obedient servant,

F. W. SEWARD,

Acting Secretary of State.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Adams to Mr. Seward.

No. 777.]

LEGATION OF THE UNITED STATES,

London, September 8, 1864.

SIR: The profound quiet usually prevailing at this season of the year in London has been a little stirred, in the city at least, by the accounts received from the United States of an impending pacification. On the one hand, something of a panic was created by the fears of a drain of bullion for the payment of the cotton fancied to be almost ready to come forth from the slaveholding States. On the other, the vested interests in the great quantities of the staple already procured at high rates from the rest of the world were imagined to be endangered. The price has declined a penny this week. The state of the money market is likewise anomalous, and appears to defeat all calculations.

It is generally hoped that there will be a change in the administration which will lead to the ultimate division of the United States. The public attention has never been more fixed on the course of events there than at this moment. Every idea of interference of any kind is, however, abandoned. The rebels concentrate their efforts in purchasing and fitting out fast vessels to run the blockade, perhaps to serve also as privateers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 779.]

LEGATION OF THE UNITED STATES,
London, September 8, 1864.

SIR: I now have the honor to forward a copy of a note to Lord Russell, of the 6th instant, of the preparation of which I have already informed you in my despatch of last week, No. 769, of the 1st instant. In it I have endeavored to embrace all the principal points contained in your several despatches, No. 1025, of the 8th, No. 1035, of the 15th of July, and No. 1069, of the 15th of August, with the exception of such as appeared to rest on information not sufficiently authenticated at the time of writing. In regard to the facts, I have received some additional aid from an opportunity given to me by Mr. Morse, the consul here, to examine and to weigh the evidence contained in several depositions lately taken by him.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 6, 1864.

MY LORD: I have hitherto delayed to acknowledge the reception of the several notes I have had the honor to receive from your lordship of the 27th June, the 8th and 26th of July, in reply to mine of the 21st of June, on the subject of the interference of the owner of the yacht *Deerhound*, from a desire that the government which I have the honor to represent should be enabled, before instructing me to act, to gain as complete information of the facts in the case as possible. It is not until very lately that I have been placed in full possession of its views, after a full consideration of the evidence connected with that transaction. I shall now proceed to submit the substance of them to your lordship's consideration.

To the better understanding of the case, I trust I may be pardoned if I recall your attention to the position heretofore taken by my government in regard to the vessel originally known as the gunboat No. 290, and latterly the *Alabama*.

The circumstances attending the construction, outfit, armament, manning, and navigation of that vessel are too well known and have been too fully exposed in the correspondence which I have heretofore had the honor to conduct with your lordship to need to be further dwelt upon.

I am instructed to say that, in view of all these, my government adheres to its previous declarations, and does not recognize the *Alabama* as a ship-of-war of a lawful belligerent power.

In connexion with this point, and to guard against injurious inferences, it is proper for me to add that the proceeding of Captain Winslow, in paroling and discharging the men who fell into his hands, has been formally disapproved.

Your lordship will now permit me to call your attention to the statement made by me in my former note. It was in substance this: That whilst engaged in a successful effort to destroy this piratical vessel, and to capture her crew, the owner of a British vessel belonging to the Royal Yacht Association, being a spectator, so far interposed his aid as to effect the escape of certain members of the crew well known to be the chief agents in the navigation of that vessel, and most bitter enemies of the people of the United States.

I regret to be compelled, after a survey of all the evidence since produced, to repeat this allegation, and to superadd another which appears still more grave, to wit, that this was done by him in connivance with the very officer and boat's crew of the Alabama who had first been sent to the commander of the Kearsarge, for the purpose of surrendering them all as prisoners of war. Neither does it relieve this transaction of any of its gravity to know that the officer commanding that boat was a British subject.

Your lordship is pleased to remark, in your note of the 27th of June, concerning the act of the owner of the Deerhound, that he appears to have performed only a common duty of humanity in saving from the waves the captain and several of the crew of the Alabama, who would otherwise have been drowned, and thus would never have been in the situation of prisoners of war.

Unfortunately for this hypothesis, it does not appear that the owner of the Deerhound did rescue the principal persons from drowning. The only individual whose safety he appears to have taken pains to secure was Captain Semmes. The evidence seems to show that much the greater proportion were rescued by the commanders and the crews of the enemy's three boats, the principal one of which had been sent to the Kearsarge to make a surrender and to ask for aid to rescue them. It further appears that after authority had been given to perform this common duty of humanity, great efforts were made to select the chief enemies of the United States, and transfer them, not, in accordance with the obligation originally incurred, to the Kearsarge, but to the hands of the owner of the Deerhound, another British subject, who had likewise been asked to assist, but who, instead of laboring further in the cause of humanity, hastened at once, on the reception of these obnoxious persons, paying no further regard to the large number of his own countrymen still left struggling with the waves, to place them where he believed they would be beyond the reach of recovery by the victor.

But I must pray permission to go further, and to question your lordship's proposition that a third party, professing to be neutral, performs a common duty of humanity in, interposing in a struggle between combatants to save those only on one side. On the contrary, so far as he may be successful, he appears to make himself a party to a continuance of strife and bloodshed. The men engaged in the Alabama were all acting in deadly hostility to the people of the United States. They were either prisoners or desperately pursued by the Kearsarge. If they had perished, the latter would have had the advantage of a lawful destruction of so many enemies. If they had been rescued by the Kearsarge, with or without the aid of the Deerhound, then the surrender of those persons, already made, would have been perfected, and they would have been prisoners. In neither case would they have remained hostile combatants. The Deerhound, by conniving at the escape of these men, and furnishing the necessary means to it by carrying them within a foreign jurisdiction, deprived the United States to a corresponding extent of the fruits of a long and costly pursuit and successful battle.

It is not pretended that it is any part of the duty of a neutral to assist in making captures for a belligerent. It is, nevertheless, as confidently affirmed that, instead of neutrality, it is direct hostility for a neutral to interpose in a battle so far as to rescue men of one side, who have been driven to surrender, and then convey them away surreptitiously from under the guns of the victor, thereafter to resume their hostility just as if they never had been overcome.

The irritation naturally created by such a proceeding in any case is much more aggravated when it comes to be considered that this vessel was built, armed, manned, and equipped in the ports of a neutral country, to which the Deerhound itself belongs; that her departure and subsequent depredations were the consequence of a failure to perform a recognized duty of prevention, and that the harboring of these persons after a rescue so made is only likely to termi-

nate in efforts to renew these offensive acts from the same country in which the wrong was first committed.

In view of all these circumstances, I regret to be compelled to communicate to your lordship the expression of the President's surprise that her Majesty's government does not find in the proceedings of the owner of the *Deerhound* cause of severe censure or regret. And this is the more sensibly felt, that that person has not hesitated to avow in his own letter that he was actuated by a desire to withdraw these enemies of the United States from the power of their conquering vessel.

I am, however, directed to say that my government does not for a moment believe that any of the proceedings referred to, whether relating to the chief wrong-doer commanding the hostile vessel, to the yacht *Deerhound*, or to those British subjects who have not scrupled either publicly to declare their sympathy with or privately to aid and abet the violators of her Majesty's neutrality, are viewed with any other sentiments than those of regret and disapproval by the members of her Majesty's government.

Nevertheless, it appears to be a solemn obligation of my government, in view of all the grave consequences of such a proceeding, to sum up the conclusions to which, from a full consideration of the facts, it has now arrived:

1. The incidents as heretofore explained confirm the soundness of the opinion previously insisted upon that the *Alabama* is justly to be regarded as to have attained at no point of time any other national character than that which may have attached to it from its construction, outfit, equipment, armament, and manning by British subjects out of British ports.

2. That the persons who escaped from this vessel thus fitted out by British subjects engaged in making unlawful war against the United States, after voluntary surrender as prisoners of war, by reason of the unlawful intervention of the commander of the British yacht *Deerhound*, and the conveyance of them within the jurisdiction of Great Britain, ought to be delivered up to the United States.

3. That the continuance of these persons to receive from any British authorities or subjects pecuniary assistance or supplies, or the regular payment of wages, for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.

4. The occasion has been thought to warrant a direction to me to ask with earnestness of her Majesty's government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any further naval expedition from British shores to make war against the United States.

In making these representations I am instructed to assure your lordship that the President is far from seeking causes of offence on the part of Great Britain. But he is charged with the duty of maintaining the belligerent rights of the United States on the high seas as they are recognized by the law of nations against all lawless combinations and resistance. He therefore trusts that her Majesty's government will consider the subject in a just and candid spirit, and himself as asking from it in this case only what, if the situation of the parties were reversed, would have been conceded to any similar request based on equally cogent considerations.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 780.]

LEGATION OF THE UNITED STATES,
London, September 8, 1864.

SIR: I have the honor to transmit a copy of a note received from Lord Russell last evening on the case of the capture of the Georgia. I likewise append a copy of my reply.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, September 6, 1864.
2. Mr. Adams to Lord Russell, September 8, 1864.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 6, 1864.*

SIR: You are doubtless aware of the circumstances under which the steamer Georgia has been seized on the high seas by the United States steamer Niagara, and sent, as it is alleged, in charge of a prize crew to the port of Boston.

I do not propose, at present at least, to enter into correspondence with you on the subject of this proceeding on the part of the commander of the Niagara, but I consider it necessary to request that you will take an early opportunity of acquainting the government of the United States that her Majesty's government of course expects that a vessel seized under the British flag, and claimed by British owners, will be brought, with as little delay as possible, for adjudication into the proper prize court, in which the claim of one of her Majesty's subjects will be tried according to those recognized principles of international law which govern the relations of the belligerent toward the neutral.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 8, 1864.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 6th instant in relation to the capture of the steamer Georgia. Although I have every reason to believe that the strongest disposition already exists on the part of my government to facilitate the necessary proceedings before the proper judicial tribunals whereby to determine the validity of that capture, according to the recognized principles of international law, I shall nevertheless take pleasure in at once transmitting a copy of your note expressing the wishes of her Majesty's government for their consideration.

I pray your lordship to accept the assurances of the highest consideration, with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 781.]

LEGATION OF THE UNITED STATES,
London, September 9, 1864.

SIR: In connexion with my despatch No. 774, of the 2d instant, I have the honor to transmit a copy of Lord Russell's reply to my note to him of the 19th of last month, remonstrating against the course of the authorities at Bermuda in relation to the steamer Florida.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 5, 1864.*

SIR: In reply to your note of the 19th ultimo, respecting the proceedings of the Florida at Bermuda, I have the honor to inform you that her Majesty's government have received reports on the same subject from her Majesty's colonial and naval authorities, and that, after due consideration of the same, they are of opinion that, although some disposition was manifested by the commander of the Florida to evade the stringency of her Majesty's regulations, the most commendable strictness and diligence in enforcing those regulations was observed on the part of the authorities, and that no substantial deviation, either from the letter or from the spirit of those regulations, was permitted to or did take place.

I have further the honor to inform you that her Majesty's government consider that the conduct of the lieutenant governor of Bermuda, on the occasion in question, was perfectly proper.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1086.]

DEPARTMENT OF STATE,
Washington, September 16, 1864.

SIR: An absence of two weeks from the capital has delayed this acknowledgment of the receipt of your despatch of the 25th of August, No. 766.

I have read with much interest your remarks upon the sectarian riots at Belfast. It seems to me that the parliamentary orators, who seek to excite a national controversy with us on the ground of Irish emigration, might profitably study the ecclesiastical system of their own country. Religion is a concern of deep interest for all the people of every nation, and for a very large proportion of every people it has an interest paramount even to the affairs of civil government. From Turkey quite round the world to Japan, including all the European states and all American countries, except the United States, spiritual controversies are a permanent fountain of political and even revolutionary conflicts. The reformers of Great Britain dwell much upon what they regard as defects

of their political system, but I do not believe any political amendment whatever will avail to arrest the depopulation of Ireland. Nothing, I think, can do that but an adoption of our own great principle of an absolute divorce between the church and the state. It is not true that, as is so often asserted, the Irish religious sectarians are as discontented and contentious after they arrive in America as they were in their native country. Some few of them, indeed, retain a disputatious character for a time, but, speaking in a practical sense, the great mass are speedily absorbed and become a loyal and effective portion of the American people.

I have read Lord Palmerston's speech to his constituents at Tiverton, and have noticed with regret that he thought proper to defer so much to the enemies of the United States as to express an expectation of a time when foreign influence may be exercised to reconcile us to a dissolution of the Union. I think I can perceive that his opinions are based upon the interested reports of some of his countrymen, who, being domiciled among us, work indefatigably in the supposed interest of the governing class in Great Britain. It does not surprise me that these persons are deceived by the intemperate demonstrations of factions here, which allow their partisan zeal to carry them into disloyal courses. But that a statesman so astute and having so much experience as Lord Palmerston should suffer himself to fall into the error I have mentioned does surprise me, and I can account for it upon no other ground than that, like most European politicians, he has not allowed himself to become personally acquainted with our country and with the American people. Certainly I do not expect the British nation in any case to receive, much less to invite, American advice concerning its political affairs. Under no circumstances could I be induced to intrude advice upon them; yet a contingency in which foreign advice shall be accepted by Great Britain is, in my judgment, just as probable as the speculations concerning American affairs are with which Lord Palmerston favored his reverential audience at Tiverton. Great Britain has, during my connexion with this government, been successively represented by three sagacious ministers—Sir John F. Crampton, Lord Napier, and Lord Lyons. I do not know their opinions on the subject, but I vehemently doubt whether either of them would represent the American people to his government as likely in any case to accept foreign intervention, or in any event to submit to a subversion of the Constitution, or a dissolution of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 785.]

LEGATION OF THE UNITED STATES,

London, September 16, 1864.

SIR: I have the honor to transmit the copy of a note addressed by me to Lord Russell, occasioned by the escape of three deserters from the United States steamer *Iroquois*, in the manner explained by the accompanying papers.

From the absence of all treaty stipulations upon the subject, it is very clear that no claim of restitution can be made in these cases. In default of the exercise of international comity on such occasions, it is plain that a neglect to practice it on one side must lead to the same disposition on the other. The matter has heretofore been brought forward so fully by some of my precedes-

sors, in the proposals made here to negotiate a treaty on kindred questions, and has met with so little success, that I have little hope of arriving at a good understanding in regard to it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, September 16, 1864.
2. Commander Rogers to Mr. Adams, September 14, 1864.
3. Lieutenant McCormick to Commander Rogers, September 14, 1864

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, September 16, 1864.

MY LORD: I regret to be under the necessity of submitting to your consideration the copy of a letter which I have just received from the commander of the United States steamer Iroquois, giving an account of the manner in which three seamen belonging to that vessel, and escaping from it at Dover, who had been arrested and reclaimed, were finally discharged by order of the authorities of that place.

I am fully aware of the fact that in the absence of any treaty stipulations on the subject between the two nations, no means of recovery of deserting seamen from their respective ships-of-war exist beyond those furnished by the comity reciprocally exercised by the one towards the other. All endeavors made to place this matter on a more satisfactory footing appear to have proved thus far unsuccessful. But I cannot disguise from your lordship my apprehension that the unfortunate occurrence which has just taken place will have a tendency to make the difficulties now existing for the want of some understanding still more serious. It is scarcely to be expected that her Majesty's ships, when visiting the ports of the United States, will not be subjected to similar hazards. And if so unfortunate as to lose men by desertion, it is to be feared that the obligations to return them will be regarded as little more valid in any future case on that side, than it has proved in the present one. The injury to discipline in both services must be in the end much the same. These are considerations so obviously affecting the interests of the two nations alike that I cannot but hope that some means may be devised by which to put a seasonable stop to what may otherwise prove a grave cause of irritation on both sides.

It is proper for me to apprise your lordship that I have ventured to make this early representation purely on my own authority, and in advance of any suggestions from my government. Meanwhile, I shall take the proper measures to transmit copies of the papers for its consideration.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS

Right Hon. EARL RUSSELL, &c., &c., &c.

Commander Rogers to Mr. Adams.

UNITED STATES STEAMER IROQUOIS,
Downs, England, September 14, 1864.

SIR: I would most respectfully call your attention to the following occurrence:

Two hours before daylight yesterday morning, while we were coaling ship from a brig alongside, two of our boats were of necessity lying astern, with boat-keepers in them. When the watch was relieved, three of those boat-keepers, being in one boat, pretended to break adrift, and were rapidly carried out of sight by the current. Their departure was instantly reported, and they were promptly pursued. The boat in pursuit, supposing that their separation from the ship was involuntary, steered in the direction in which the tide was setting, but the deserters, as soon as they were lost to sight in the darkness, paddled their boat across the current to the shore, very near to which we were anchored, and effected their escape.

I immediately sent to our consular agent on shore, who placed the police upon their track, and their arrest was accomplished during the day, at some distance from Dover.

In the afternoon the weather became stormy, and I was admonished by the pilot that our anchorage was insecure, and was advised to seek shelter in the Downs. I, however, remained long enough at Dover to send a lieutenant to the chief of police, to claim and receive the deserters.

At six o'clock Lieutenant McCormick returned, with a polite message from that functionary, stating that our deserters were in custody, and would be delivered to us on the following day, at eleven o'clock, upon our complying with certain formalities, required alike from British naval officers, to show that the deserters really belonged to the service by which they were claimed.

By this time the anchorage had become so insecure at Dover, that I felt obliged to take refuge in the Downs.

This morning I despatched Lieutenant McCormick and Paymaster Bates to reclaim these deserters, to prove their identity, and establish the fact of their belonging to the naval service of the United States.

This afternoon Lieutenant McCormick returned to the *Iroquois* and reported to me that the authorities at Dover had released the deserters from custody, and had declined to deliver them into his hands, or those of our consular agent. I beg leave to enclose a copy of his written report to me.

In a service of more than thirty years, in all parts of the world, this is the first instance I have ever known of the authorities of any place intervening to prevent the delivery of deserters from a ship-of-war, arrested by the police at the request of a naval commander.

The unfriendliness of this action, and the encouragement which it offers to our men to desert, seems to me of a sufficiently grave character to command your attention, and, therefore, I respectfully bring it to your notice.

The three deserters have been released from custody, and I am powerless to arrest them. Had they escaped to an enemy's coast, they could not have been more effectually shielded from my endeavors to bring them back to the service in which they had voluntarily enlisted, and which they have so dishonorably deserted.

I have the honor to be, &c.,

C. R. P. ROGERS,

Commander U. S. N., Commanding U. S. S. Iroquois.

His Excellency CHARLES F. ADAMS,

United States Minister, London.

P. S.—The *Iroquois* is only awaiting the arrival of provisions from London, to sail for a station remote from the shores of Europe.

Lieutenant McCormick to Commander Rogers.

UNITED STATES STEAMER IROQUOIS,
Off Deal, England, September 14, 1864.

SIR: In obedience to orders, I went on shore yesterday evening, as your representative, to ask the delivery into our hands of Able Tucker, (captain top,) Edward Walker, (captain after-guard) and Fred. Arnold, (seaman,) who had on that morning deserted from this vessel while at anchor off Dover, and who were then held at the police station, having been arrested near Canterbury. I saw the superintendent of police, made the request, and was courteously informed that it would be necessary to carry the deserters before a magistrate, and for one of the officers of this vessel to appear against them, as is customary in cases of deserters from the English navy.

This morning, in company with Paymaster Bates, I went to Dover to be present during the examination. We were joined by Mr. Sisco, the consular agent of the United States, and at eleven o'clock went to the magistrate's office, when Mr. Sisco, in my presence, demanded the men as deserters from this vessel, in a letter which he handed to the magistrate. The lawyer employed by the deserters asked their instant release, as there was no authority for their arrest or detention, they having in no way violated the law of England. The office was then cleared for a consultation. In about fifteen minutes we were again admitted, when the magistrate decided that he had no right to hold the men, or to deliver them to us, and ordered their release from confinement.

Respectfully, your obedient servant,

A. H. McCORMICK,
Lieutenant United States Navy.

Commander C. R. P. ROGERS,
United States Navy, United States Steamer Iroquois.

Mr. Seward to Mr. Adams.

No. 1087.]

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: Your despatch of the 1st of September, No. 770, has been received. At the time it was written there was apparent reason for apprehending that our country was becoming willing, if not to forego, at least to hazard the vital interest of national integrity in its impatience for an end of the civil war. The public mind here was at that time very despondent. A complex campaign, which had been expected to be easy as well as short, sharp, and decisive, had proved to be laborious, long, and sanguinary, without assurance of favorable result.

A presidential canvass was bringing apparently into one compact and efficient organization not only all that portion of the people which, although loyal in its desires and purposes, opposes the administration upon questions of administrative policy, but also all the disaffected and disloyal citizens, who, from any perverseness of judgment, of conscience, or of sympathy, are willing, directly or indirectly, to lend aid to the insurgents. The inevitable conflict between radicalism and conservatism broadly revealed itself in the popular mass, upon which the executive government necessarily depends for political support, and personal ambitions, preferences, and prejudices co-operated, threatening ruinous disorganization. This unfortunate condition of things culminated in the last days of August. The ocean no longer breaks either the current of human intercourse

or that of human sympathy. To European eyes our affairs wore at that time exactly the same gloomy and portentous aspect that they presented to our own.

But I have the pleasure to inform you, although I suppose it is really unnecessary to do so, that the unsatisfactory condition of things which I have thus described has suddenly changed, and that the American people now appear to be as resolute and as confident as on the 29th of August they seemed vacillating and despondent.

The capture of Fort Morgan, by combined land and naval forces, came as a cheerful relief, proving that the war was being prosecuted, not only with perseverance, but with prospect of success. The opposition convention at Chicago placed their candidates, General McClellan and Mr. Pendleton, before the people distinctly upon the ground that the military defence of the Union had failed, and had been found hopeless, and that there must be a cessation of hostilities, with a future reference to an ultimate and probably impracticable convention. This extraordinary proceeding was followed by a sudden and effective revelation that the platform thus adopted by the convention at Chicago had been previously framed in an unlawful intrigue at Niagara, between avowed official agents of the rebels and some of their partisan sympathizers who reside within our own military lines, and that British enemies of the United States were initiated into the intrigue, and active in carrying it into effect.

In the same conjuncture it happily appeared that volunteers were coming in to re-enforce the army as fast as was needful, practically to lighten if not altogether avert the necessity for a draft. Finally, General Sherman surprised equally the enemy and the whole country by a felicitous strategical stroke with which he captured Atlanta, and thus achieved the great object of that part of the campaign which had been wisely assigned to him.

Nor ought I to omit that the public credit, so long cramped and straitened by a combination of timid hoarders and sordid speculators in gold, broke loose, and adequate subscriptions were freely made for the government loans.

These events have reinspired the public mind in the loyal States, and we have more evidences than it would seem wise to communicate that the insurrectionary States are beginning to consider with seriousness the question of submission to the authority of the Union.

At the moment of closing the mail a gratifying despatch comes to my hands announcing a brilliant victory of our troops at Winchester. The despatch is annexed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

WINCHESTER, VIRGINIA,

September 19, 1864—7.30 p. m.

I have the honor to report that I attacked the forces of General Early over the Berryville pike, at the crossing of the Opequan creek, and after a most stubborn and sanguinary engagement, which lasted from early in the morning until five (5) o'clock in the evening, completely defeated him, driving him through Winchester, and capturing about twenty-five hundred (2,500) prisoners, five (5) pieces of artillery, nine (9) army flags, and most of their wounded.

The rebel-Generals Rhodes and Gordon were killed, and three other general officers wounded.

Most of the enemy's wounded and all their killed fell into our hands. Our losses were severe, among them General D. A. Russell, commanding division in sixth (6th) corps, who was killed by a cannon ball; Generals Upton, McIntosh, and Chapman were wounded. I cannot yet tell our losses.

The conduct of the officers and men was most superb; they charged and carried every position taken up by the rebels from Opequan creek to Winchester. The rebels were strong in numbers, and very obstinate in their fighting.

I desire to mention to the lieutenant general commanding the army the gallant conduct of Generals Wright, Crook, Emory, Torbert, and the officers and men under their command; to them the country is indebted for this handsome victory. A more detailed report will be forwarded.

P. H. SHERIDAN,
Major General Commanding.

Lieutenant General U. S. GRANT.

Mr. Seward to Mr. Adams.

No. 1090.]

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 18th of August, No. 763, transmitting copies of a correspondence which passed between yourself and Earl Russell on the subject of the form of exequatur used by this government, together with a copy of the form granted by the British government in the case of Mr. Humphrey. Your proceedings in regard to the subject are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1092.]

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: Your despatch of the 2d of September, No. 774, accompanied by copies of a correspondence which occurred between yourself and Earl Russell respecting the case of the Oreto, alias the Florida, at Bermuda, has been received, and your proceedings therein mentioned are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1093.]

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 2d of September, transmitting a copy of a note of the 20th of July last, addressed to you by our consul at Cape Town, communicating the facts in regard to the non-restoration of the Tuscaloosa to her rightful owners. It seems necessary to inform her Britannic Majesty's government that this government is unable to acquiesce in the disposition of the subject which that government has made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1094.]

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR: I have received your despatch of the 1st of September, No. 769, relating to the action of Mr. Lancaster in the engagement between the Kearsarge and the Alabama. The course you propose to adopt in regard to this case is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1096.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR: Your despatch of the 18th of August, No. 760, has been received, together with a copy of correspondence which has recently taken place between yourself and Earl Russell on subjects connected with the African slave trade.

I will at once call on the United States consul general at Havana for such information as he may be able to give concerning the supposed new steam slaver mentioned by Earl Russell.

The Secretary of the Navy has under consideration the inquiry of his lordship concerning our present ability to send out cruisers according to the treaty stipulation for the special purpose of suppressing the trade in slaves. I will advise you promptly of the decision of the government, when made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1097.]

DEPARTMENT OF STATE,

Washington, September 20, 1864.

SIR: Your despatch of the 18th of August, No. 761, has been received. It is accompanied by a copy of a note of Earl Russell, which announces a new regulation in admiralty, forbidding all transfer or dismantling of belligerent vessels in British ports. The subject will receive due consideration. In the mean time we hear with much satisfaction that the Georgia has been captured by the Niagara, and has arrived as a prize at Hampton Roads, whence she proceeded to Boston.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1098.]

DEPARTMENT OF STATE,
Washington, September 20, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 18th of August, No. 759, which gives a report of two further trials for violations of the enlistment laws, in each case with the same result—a conviction by court, followed by a discharge, or a penal obligation not to repeat the offence.

Certainly this mode of proceeding has very little tendency to vindicate the laws or assure the neutrality of Great Britain. Another prosecution, however, is pending, and is expected to be brought to trial very soon. The President will reserve the definitive disposition of the subject until the result of that trial shall be made known.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 786.]

LEGATION OF THE UNITED STATES,
London, September 22, 1864.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1080 to 1083, inclusive, together with a private letter of the 6th instant, concerning Captain J. Wemyss Anderson, and the photographs of his painting.

The intelligence contained in No. 1080, which had been made known to the public through the ordinary channels prior to my reception of that despatch, produced the more effect from its following so quickly upon the high-wrought expectations formed from the accounts immediately preceding. The leading newspapers, in their over eagerness to announce the attainment of the much-desired object of the disruption of the Union, had confidently assumed as facts circumstances which rested on mere conjectures and misrepresentations of hired correspondents. The effect had been to send numbers of persons into the stock market to purchase more or less of the rebel cotton loan, in the full belief that the near approach of peace, and of a separation, was about to insure its full and easy redemption. Under this pressure, the price rose to the highest point that it has reached since the fall of Vicksburg. The reaction consequent upon the later advices has been proportionably severe; a fall of ten per cent. within one week can scarcely fail to be attended by heavy losses to somebody. As a general rule, these fall to the share of simple, inexperienced people, who are misled by the representations of those presses in which they habitually put confidence. Most unfortunately, the London Times continues to enjoy that confidence in this country to a degree which, considering the repeated exposure of its errors, is to me very surprising.

There is little else to note in the events of the last week. A very elaborate effort appears to be making in this city to procure signatures to a form of address to the people of the United States in favor of peace, which has already found its way into the newspapers. Posters are affixed to the walls, calling attention to the subject, and exhorting people to come forward, whilst more systematic arrangements are resorted to for a personal canvass through the more populous lanes and alleys about the town. It is not possible to conduct such operations without a considerable outlay of money. Who furnishes this, whether the rebels

themselves or their wealthy sympathizers on this side, I cannot undertake to say. I perceive that, in Liverpool, they are endeavoring to raise some means for the aid of the suffering poor in the south.

Meanwhile, the operations of the blockade runners are carried on most actively. I have just heard of a steamer about to sail from Limerick with a very valuable cargo of arms and clothing. Her name has not been given me, but I have taken the requisite measures to secure the transmission of the necessary information directly to you by this steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 787.]

LEGATION OF THE UNITED STATES,

London, September 22, 1864.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Russell, dated the 13th instant, in reply to mine of the 2d of August, which was based on your despatch No. 1042 of the 18th July, and a copy of which was sent with my No. 762 of the 16th of August.

It appears that her Majesty's government assents to the consular arrangements therein proposed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 13, 1864.*

SIR: I have the honor to state to you that her Majesty's government have had under their consideration your note of the 2d of August, informing me that the United States government have taken measures for closing most of the consular agencies of the United States in Canada, and that they propose, in substitution for such agencies, to appoint at certain places, not exceeding ten in number, which are specified in your note, consuls, who shall be prohibited from engaging in commercial pursuits.

I have now the honor to request that you will inform your government that her Majesty's government acquiesces in the arrangement proposed by the government of the United States for the discontinuance of most of the consular agencies in Canada, and for the appointment instead, in addition to the present consulships of Quebec, Montreal, and Gaspé, of consuls to reside at the following places, viz: Clifton, Coaticook, Erie, Goderich, Kingston, Prescott, Port Sarnia, St. Lambert and Longueuil, Toronto, and Windsor.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1103.]

DEPARTMENT OF STATE,

Washington, September 24, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th of September, No. 779. It is accompanied by a copy of the note which, under my instructions, you have addressed to Earl Russell on the subject of the interference of the Deerhound in the naval battle between the Kearsarge and the Alabama. The representation is approved, and the President desires me to express to you his appreciation of the care and candor you have exercised in preparing that important paper.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1104.]

DEPARTMENT OF STATE,

Washington, September 24, 1864.

SIR: Your despatch of the 8th instant, No. 777, has been received. The expectation of a return of peace, which you describe as prevailing in England, is equally manifest here, but with a marked difference in the speculations which are raised upon it. On your side of the ocean it seems to be believed that the Union is to be dissevered. On this side it is believed even more confidently than heretofore that the Union will be effectually reassured. It is, however, only just to acknowledge that this increase of public confidence has in some measure been produced by the late successes of the national arms and by the developments of the political canvass. It will be interesting to know how far they modify public opinion when they become known there. On the 22d instant Major General Sheridan delivered a short but decisive attack against Early at Flint Hill, in the Shenandoah valley. We have not yet received full details; but it is reported with manifest probability that the result leaves Early's large force quite powerless.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1106.]

DEPARTMENT OF STATE,

Washington, September 24, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th of September, No. 780, which is accompanied by a copy of a correspondence between yourself and Earl Russell in regard to the capture of the Georgia, and in which his lordship desires that the case may be brought before a prize court

for adjudication as soon as possible. In reply, I have to inform you that the proceedings in the case will be regular, and attended by no unnecessary delay.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1107.]

DEPARTMENT OF STATE,

Washington, September 26, 1864.

Further and signal successes have been achieved by the army in the Shenandoah valley under General Sheridan. Following up his victory at Opequan creek and Winchester by a vigorous pursuit of the enemy, he again attacked them on the 22d at Fisher's Hill, and drove them from the position where they had intrenched themselves for a stand. This second victory was as complete in its results as the preceding one. The enemy lost heavily in killed and wounded. Sixteen guns and several thousand prisoners were taken. At the latest advices from General Sheridan he was still pursuing the insurgents whose retreat is reported to be attended with disorder and demoralization.

These victories relieve northern Virginia from the presence of the insurgent army, and Maryland and Pennsylvania from apprehensions of invasion. They may also be expected to have no small influence in determining the progress of military events in the vicinity of Petersburg and Richmond.

The increase of public confidence is illustrated by the heavy decline in the price of gold, which, during the past week, has fallen nearly thirty per cent.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 789.]

LEGATION OF THE UNITED STATES,

London, September 29, 1864.

SIR: I now have the honor to transmit copies of three notes which have passed between Lord Russell and myself subsequently to that sent to you with my despatch No. 779, of the 8th September, embodying the substance of your instructions relating to the case of the yacht *Deerhound*.

* * * * *
It would have been easy for me to expose the fallacies of his conclusions.
* * * * *

I have thought it more prudent not to precipitate matters here by assuming responsibility which seems to my eye to be one involving difficulties as serious as any that have been elicited by the war.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, 12th September, 1864.
2. Same to same, 26th September, 1864.
3. Mr. Adams to Lord Russell, 27th September, 1864.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 12, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, respecting the case of the Alabama and the proceedings, on the occasion of the sinking of that vessel, of the owner of the Deerhound; and I have to inform you that your communication will receive a reply as soon as it can be prepared.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 26, 1864.*

SIR: I have to acknowledge the receipt of your letter of the 6th of this month upon the subject of the officers and men belonging to the Alabama who were saved by the owner of the Deerhound yacht from drowning, and afterwards landed at Southampton. It is not my intention, in replying to that letter, to repeat arguments already exhausted, or to refer to observations already made. It seems to be sufficient that I should state to you the conclusions at which her Majesty's government have arrived, and which differ from those which your government have come to from the same facts.

In the first place, it is undoubtedly true that the Alabama was partly fitted out in a British port. But as soon as evidence was obtained that acts had been committed with regard to that vessel in violation of a British statute, orders were sent to seize her; she, however, escaped from British waters, in a state of half equipment, under a fraudulent pretence of making a trial trip. Her equipment was afterwards completed in a foreign port, neither British nor American, and a commission from the so-styled confederate government was there delivered to Captain Semmes, her commander, himself an American citizen.

Secondly, I have to state that it appears to her Majesty's government that the commander of the private British yacht, the Deerhound, in saving from drowning some of the officers and crew of the Alabama, after that vessel had sunk, performed a praiseworthy act of humanity, to which, moreover, he had been exhorted by the officer commanding the Kearsarge, to which vessel the Deerhound had, in the first instance, gone, in order to offer to the Kearsarge any assistance which, after her action with the Alabama, she might stand in need of; and it appears, further, to her Majesty's government that, under all the circumstances of the case, Mr. Lancaster was not under any obligation to deliver to the captain of the Kearsarge the officers and men whom he had rescued from the waves.

But however that may be, with regard to the demand made by you by instructions from your government, that those officers and men should now be delivered up to the government of the United States, as being escaped prisoners

of war, her Majesty's government would beg to observe that there is no obligation by international law which can bind the government of a neutral state to deliver up to a belligerent prisoners of war who may have escaped from the power of such belligerent, and may have taken refuge within the territory of such neutral. Therefore, even if her Majesty's government had any power by law to comply with the above-mentioned demand, her Majesty's government could not do so without being guilty of a violation of the duties of hospitality.

In point of fact, however, her Majesty's government have no lawful power to arrest and deliver up the persons in question. They have been guilty of no offence against the laws of England, and they have committed no act which could bring them within the provisions of the treaty between Great Britain and the United States for the mutual surrender of offenders, and her Majesty's government are, therefore, entirely without any legal means by which, even if they wished to do so, they could comply with your above-mentioned demand.

Thirdly, with regard to the statement made to the United States government, that British authorities afford pecuniary assistance or supplies, or furnish regular payment of wages to persons forming the crew of the *Alabama*, for the purpose of enabling them more effectually to carry on hostile operations against the United States, I have to say that her Majesty's government have no knowledge whatever of any such circumstances, and do not believe that there is any foundation for such statements. Private individuals may very possibly have contributed to relieve the necessities of the persons in question, but with the pecuniary contributions of private individuals her Majesty's government have no power to interfere.

I beg further to assure you that her Majesty's government have adopted, and will continue to adopt, to the utmost of their lawful power, such measures as may be effective to prevent the preparation, equipment, and outfit of any naval expedition from British shores to make war against the United States.

The detention and seizure of the *Birkenhead* iron-clads, and the discussion in Parliament on that subject, suffice to show that if complete prevention in this respect has not been attained, all that the government of this free country can do to stop such expeditions has been fully performed.

Lastly, in expressing the regret of her Majesty's government that they should find themselves unable to comply with any application which the government of the United States may have thought themselves entitled to make, I cannot refrain from observing that her Majesty's government have been far more successful in preventing breaches of neutrality with regard to the fitting out of cruisers to take part in the civil war in North America, than the government of the United States were in preventing the fitting out of ships-of-war to aid the South American republics in their revolt against Spain, which power then stood in the position of a central authority resisting insurrection.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 27, 1864.

MY LORD: I have the honor to acknowledge the reception of your note of the 26th instant, communicating to me the conclusions at which her Majesty's gov-

ernment have arrived on the representations which I submitted on the 6th instant, under special instructions, respecting the proceedings of the owner of the yacht *Deerhound*, and the collateral questions involved therein.

Regretting to perceive so wide a divergency in the views taken by the two governments of a subject involving grave principles of law, not less than important rules of international comity, I shall not venture upon the consideration of the contents of your lordship's note in advance of their passing under the examination of my government. Meanwhile, I shall avail myself of the earliest opportunity to transmit the paper to the United States, and await the return of further instructions.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 790.]

LEGATION OF THE UNITED STATES,
London, September 29, 1864.

SIR: In my despatch No. 787, of the 22d instant, sent last week, I referred to the extraordinary efforts making to procure signatures to an address to the people of the United States in favor of peace. I have since that time received such information as convinces me that it comes from the fruitful source of all similar movements—the rebel emissaries themselves.

I transmit herewith a printed copy of the paper, as it was originally prepared, (No. 1,) and likewise of the corrected proof, as it was finally issued, (No. 2.) Both bear, as well in the omissions as in the substitutions, decided ear-marks of their origin.

Our vigilant British friends in Manchester, needing no prompting whatever from American sources, promptly issued and circulated a paper in counteraction of the movement—a copy of which is also transmitted, (No. 3.)

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[No. 1, first copy corrected proof.]

FOR PEACE IN AMERICA.

The people of the United Kingdom of Great Britain and Ireland to the people of the United States, greeting:

We are of the same race, and many of you are our brothers. Can we not, therefore, come to you as peacemakers, and address you as friends? We would ask you, has there not been of strife and bloodshed, and misery and suffering, enough; and is it not time to cease the cruel war in which you are engaged? We believe there is not a Christian man or woman amongst us whose heart does not respond affirmatively to this question. With this conviction we wish to speak to you as plain men, using plain language. We have admired your free institutions, and have gladly witnessed your rise as a people to eminence in wealth and political power. (You are of the Saxon blood, and we hoped that you would make the New World renowned for true greatness.)

You promised to become one mighty people and a great nation, famed for the liberties of its citizens, the triumphs of peace, and the conquests of its commerce. We felt that you were doing honor to the "mother country." When, therefore, this unfortunate war began, our hearts were more inclined towards you than towards your sister States, because we believed with you that the action of the south was but the work of a faction. The events of the struggle, however, have convinced us that a more united people than those of the southern States never rose up in defence of their rights.

When you asserted that secession was the work of disappointed ambition, and promised to quell it within sixty days, we accepted your assurances in good faith, and looked for the speedy restoration of peace. We did not wish to see the American Union broken up.

But so far from this promise being fulfilled, (and your efforts to accomplish it have been great,) peace and the restoration of the Union are apparently more remote than ever.

Surely there must be many now among you who share with us the conviction that it is utterly impossible to subdue the south, or to restore the American Union as it was in the past days of the republic.

You have tried sufficiently, and found the gulf between you and the seceded States to widen with the effort that is made to subdue them.

Is it not time, then, to pause, and after calmly reviewing all that you have accomplished, the distance which you have travelled from your well-known landmarks, and the difficulties and dangers that are yet before you, is it not time, we ask, that you should take counsel together as to the best means of restoring peace?

We cannot forget that the question of peace or war was never submitted to you for your serious consideration before hostilities had actually commenced—that they came upon you little by little—and that both government and people found themselves plunged into this fearful contest almost unawares; nor have you as yet had an opportunity of consulting together in general convention for the purpose of making known your opinions and wishes about the war, or any of the vast issues growing out of it.

The war has changed (for the present at least) the character of your government. What has become of the freedom of speech, your free press, and the inestimable right of habeas corpus?

What, permit us to ask, are the southern people doing beyond following the precepts and example taught and practiced by your fathers and theirs, when they withdrew their allegiance from the mother country and asserted their right to establish a government of their own?

The Declaration of Independence, which you hallow and celebrate every fourth day of July, asserts, as self-evident, the right of the southern people to set up a government of their own.

But we would ask, SUPPOSE YOU SHOULD, AT THE END OF ANOTHER THREE YEARS AND A HALF, SUCCEED IN SUBDUING THE SOUTH AND RESTORING THE UNION BY FORCE OF ARMS, might you not then find out, when it was too late, that those pillars upon which rests your form of government had been violently torn down, and that your own liberties had been buried in the ruins? If you will run the parallel between the south now and the colonies in 1776, and compare the course pursued by the north now and the mother country then, we think you will discover some striking resemblances; and among them, that with you now, as with the crown then, rests the privilege of giving peace to the American continent.

Why not, then, without further delay, recognize the duty which attaches to your high privilege? We appeal to you in the name of religion, humanity, justice, and civilization, and believe that we shall not appeal in vain.

Peace be unto you.

[No. 2, second corrected proof.]

FOR PEACE IN AMERICA.

The people of the United Kingdom of Great Britain and Ireland to the people of the United States of America:

We are of the same race, and many of you are our brothers. We, therefore, come to you as peacemakers, and address you in plain language as friends and as fellow-men. We ask you, has there not been enough of strife and bloodshed, of misery and suffering; and is it not time to cease the cruel war in which you are engaged? There is not a Christian man or woman amongst us whose heart does not respond affirmatively to this question. We *have* admired your free institutions, and have gladly witnessed your rise as a people to eminence in wealth and political power. You promised to become one mighty nation, famed for the liberties of its citizens, the triumphs of peace, and the conquests of commerce. When this unfortunate war began, our hearts were more inclined towards you than towards your sister States, because we believed with you that the action of the south was but the work of a faction.

When you asserted that secession was the work of disappointed ambition, and promised to quell it within sixty days, we accepted your assurances in good faith, looking for the speedy restoration of peace, for we did not wish to see the American Union broken up.

But so far from this promise being fulfilled, (and your efforts to accomplish it have been unprecedented in the annals of history,) peace and the restoration of the Union are apparently as distant as ever.

The events of the struggle have convinced us that a more united people never rose up in defence of *their rights* than those of the southern States. Surely there must be *many now among you who share with us* the conviction that it has become *utterly impossible to subdue* the south, or *to restore* the American Union as it existed in the past days of the republic.

You have tried *sufficiently*, and found the gulf between you and the seceded States to widen with each effort that is made to subdue them.

We believe that it is now time for you to pause, and after calmly reviewing all that you have accomplished, the distance which you have travelled from your well-known landmarks, and the difficulties and dangers that are certainly before you, to take counsel together as to the best means of restoring peace.

We cannot forget that the question of peace or war was never submitted for your consideration before hostilities had actually commenced; that they came upon you little by little; that both government and people found themselves plunged into this fearful contest almost unawares, and that you have never *been permitted* as yet an opportunity of consulting together in general convention, for the purpose of making known your opinions and wishes about the war, or any of the vast issues growing out of it.

We believe that the war has changed (for the present at least) the character of your government. It has swept away your freedom of speech, your free press, and the inestimable right of habeas corpus.

We believe that the southern people are *only* following the precepts and example taught and practiced by your fathers and theirs, when they withdrew their allegiance from the mother country, and that the Declaration of Independence, which you hallow and celebrate every fourth day of July, asserts, as self-evident, the *right* of the *southern* people to set up a government of their own.

We believe that SHOULD YOU, AT THE END OF ANOTHER THREE AND A HALF YEARS' WAR, SUCCEED IN SUBDUING THE SOUTH AND RESTORING THE UNION BY FORCE OF ARMS, you will find out, when it is too late, that those pillars upon

which rests your republican form of government have been violently torn down, and that your own liberties have been buried in the ruins. We ask you to compare the course pursued by the south now and the colonies in 1776, with that adopted by the north now and the mother country then, and we think you will discover many striking resemblances.

It is in your hands to give peace to the American continent. The southern States have *appealed to you for peace*, and to be let alone.

We appeal to you to recognize the duty which attaches to your high privilege, and to make peace with the southern States; and we make this appeal in the name of religion, humanity, civilization, and common justice.

Will you **KINDLY** assist to promote peace in America?

NAME.

ADDRESS.

[Please return the Petition to the address of Mr. T. B. Kershaw, Manchester.]

No. 3.

THE PROGRESS AND PROSPECTS OF THE GREAT STRUGGLE FOR FREEDOM IN AMERICA.

To the People of Great Britain and Ireland:

FELLOW-COUNTRYMEN: Untruthful statements and unscrupulous efforts are still being put forth by the enemies of free government, free labor, and free education, to deceive and mislead you as to the facts and merits of that great struggle for freedom now going on between the loyal people of the United States and the rebellious slaveholders' confederacy.

In your name, but without your authority, the friends of the slavemongers in this country, united under the banner of southern independence associations, have recently issued a peace manifesto addressed to the people of the United States.

In that document it is audaciously asserted that "peace and the restoration of the Union are apparently more remote than ever;" and on the strength of this and similar baseless assumptions you are made to call upon the people of the free and loyal States to pause and give up the struggle for freedom; that is, to recognize and sanction a new slave empire!

This appeal is made for you in the name of "religion, humanity, justice, and civilization," without one word of protest against that irreligious, inhuman, iniquitous, and barbarous system of slavery which was the sole cause of the unholy war the southern slaveholders have forced upon the federal government and the loyal people of America!

We feel sure that your sanction will never be given to any proposition, even in the holy name of peace, that seeks to bolster up and sustain an infamous slave power, whose only claim to nationality is based on a system of legalized lust and oppression that outrages alike the claims of "religion, humanity, justice, and civilization."

Remember that up to Mr. Lincoln's election every Congress had a dominant party devoted to the interests of the slave power; and that this southern oligarchy had so moulded the policy and directed the legislation of the nation as to strengthen its political influence abroad and increase the territorial area for the extension of slavery at home. The first President and cabinet especially identified with the advance of freedom have only held office since the 4th of March, 1861; and the following is a record of the progress of liberty during their administration:

1. Emancipation in western Virginia.
2. Emancipation in Missouri.
3. Emancipation in the District of Columbia.
4. Emancipation in Maryland.
5. Slavery forever prohibited in all the Territories.
6. Kansas admitted as a free State.
7. Colorado, Nebraska, and Nevada provisionally organized as free States.
8. Idaho, Montano, Dakota, and Arizona organized as free Territories.
9. Hayti and Liberia (colored people) recognized as independent republics.
10. Three millions of slaves declared forever free by proclamation of the President, 1st January, 1863.
11. All fugitive slave laws utterly abrogated.
12. The inter-States' slave trade abolished.
13. Negroes admitted to equal rights in the United States courts.
14. Equality of the negro recognized in the public conveyances of the District of Columbia.
15. All rebel States prohibited from returning to the Union with slavery.
16. Free labor established on numerous plantations in South Carolina, Louisiana, Mississippi, Tennessee, and Arkansas.
17. Free schools for the education of freed slaves in South Carolina, Louisiana, Tennessee, and in eastern Virginia.
18. The wives and children of all slaves employed as freed men in military and other service of the United States declared free.
19. Negroes, whether previously bond or free, enrolled as part of the military force of the nation.
20. The loyal people of Arkansas, Tennessee, Louisiana, and Florida (rebel States) seeking a return to the Union on the basis of freedom to all.
21. An amendment of the Constitution to prohibit slavery everywhere and forever passed in the Senate by two-thirds majority, and only failed of the requisite two-thirds majority in the House of Representatives by a few votes.
22. The republican national convention at Baltimore, June 8, 1864, declared unanimously for the re-election of Abraham Lincoln, and for an amendment of the Constitution to prohibit slavery forever.
23. The federal government forbidden by Congress to employ any man as a slave in any capacity.
24. One hundred and fifty thousand negroes, mostly freed slaves, in the pay and uniform of the federal government as soldiers of freedom fighting for the Union.
25. A new international treaty by the federal government with this kingdom for the suppression of the slave trade.
26. The passing of the homestead bill, whereby the free and landless may become freeholders on the free soil of the Territories.

The foregoing is only an inadequate summary of the facts that demonstrate the vast progress that has been made in the abolition of slavery since Mr. Lincoln's inauguration in March, 1861.

The military progress of the federal arms is equally astonishing, and proves, to every impartial mind, that the southern cause is as hopeless of ultimate success as it is infamous in its basis and arrogant in its aims.

The following facts will illustrate the military situation :

1. At the commencement of the war thirteen States were claimed by the leaders of the rebellion, and sought to be disrupted from the federal government.
2. Nearly half of these States have either declared their loyalty, or have been rescued from the military grasp of the confederate armies.
3. The federal power has gained a firm military footing, or a naval base of operations, in each of the rebellious States.

4. It has securely grasped the great Mississippi river, and established a powerful blockade over the few southern ports still held by the rebels.

5. So obvious is it that the southern confederacy must ultimately succumb to the just power and irrepressible spirit of the free north that no government has dared to recognize the would-be slave empire in the south.

Bearing in mind these indisputable facts, we ask you, the free and liberty-loving people of the United Kingdom, not to be led away by crafty appeals in the name of peace in favor of a cause that excludes the possibility of all peaceful and righteous government, and that embodies all the crimes and cruelties that offend heaven and desolate earth.

The following words of President Lincoln, in an address on the 18th of August last, clearly indicate the principle involved in the present struggle: "I wish it might be more generally and universally understood what the country is now engaged in. We have, as all will agree, a free government where every man has a right to be equal with every other man. In this great struggle this form of government, and every form of human right, is endangered if our enemies succeed. There is more involved in the contest than is realized by every one; there is involved in this struggle the question whether your children and my children shall enjoy the privileges we have enjoyed."

Not until slavery is annihilated throughout the United States can come the longed-for era of peace—a true, holy, and lasting peace—founded on union, freedom, justice, and humanity.

THE UNION AND EMANCIPATION SOCIETY.

By Order of the Executive, September 6, 1864.

OFFICES OF THE UNION AND EMANCIPATION SOCIETY,

51 Piccadilly, Manchester.

Mr. Seward to Mr. Adams.

No. 1110.]

DEPARTMENT OF STATE,

Washington, October 3, 1864.

SIR: This government has learned with regret that Daniel Hurley, Bryan Sheely, and James Nowlan, three pardoned criminals, have been sent by the government of Newfoundland to the United States, and that other persons of the same character had been previously sent.

It appears from the despatch of Mr. Leach, our consul at St. John, of the 4th of June last, that these criminals had been sent by the colonial government of Newfoundland to the city of Boston, by the British brig Arthur, of which the collector of customs at Boston was duly notified.

On the 27th of the same month Mr. Leach was requested by the Assistant Secretary of State to transmit to the department such proofs as he might be able to obtain in the case.

On the 5th day of July last a copy of Mr. Leach's despatch was transmitted to Lord Lyons, with a note requesting him to cause an inquiry in the matter to be made, for the information of the department, to which his lordship replied, in a note of the 8th of the same month, that he had requested the governor of Newfoundland to enable him to furnish the desired information.

On the 26th of July Mr. Leach, by despatch No. 51, made a report in the case, from which it appears that on the day of the sailing of the Arthur, her owner informed him that the colonial government had engaged passage for the three men; that the chief of police of St. John on the same day acknowledged the above fact, but requested him not to say anything about it; that it was by the consent of the three men that they were sent; that a sergeant of police furnished him the names of the three criminals. After the sailing of the vessel, her owner informed him the men had been sent off.

The court record shows that Bryan Sheely was tried and convicted of larceny, and sentenced on the 27th of April last to imprisonment at hard labor for nine months in St. John jail; that James Nowlan was tried and convicted of burglary, and sentenced on the 10th of May last to imprisonment for the term of nine months in said jail, and that Daniel Hurley was also tried and convicted of robbery in the spring of 1864.

Mr. Leach is of the opinion that Hurley's term of sentence had not half expired at the time he was sent away. He also states that after the shipment of these criminals, the colonial government have sent two others of bad repute to Boston, by the American schooner Caspian, of New York. Their names are Devorux and Leaman. The former was sentenced last May to imprisonment for six months. The latter was a disorderly person, but under no sentence at the time he was sent away.

Mr. Leach further says, he was informed by a former agent of a line of packets between St. John and Boston that he has known the colonial government to send as many as twenty pardoned criminals to the United States at a time.

On the 22d ultimo Lord Lyons transmitted to the department a copy of a despatch which he had received from the governor of Newfoundland, and of its enclosures, from which it appears that the governor regrets that Mr. Leach had not communicated the facts to him, or to the government, previously to writing to the Secretary of State upon the subject. One of the enclosures is a letter from the attorney general, Mr. H. W. Hoyles, the law adviser of the crown at St. John, relative to Mr. Leach's report. He admits the principal facts set forth therein, stating, however, that banishment formed no part of the sentence of these convicts, and that the governor has been in the practice, for some time past, of commuting sentences of the courts, on petition, to make such commutation conditional that the criminal shall leave the province, without designating any particular place or country for that purpose. That the colonial government have allowed their convicts to select their places of destination, and that the granting of passages to such convicts by the colonial government has been of common occurrence, some of them going to Canada and other provinces, some to the United States, and some to the United Kingdom—the passage money frequently being less than the cost of their support—but that he had no authority to send the three convicts in question to the United States. It is alleged that the convicts selected the United States as their place of destination, and refused to be carried to any other.

From this statement of facts, it will be seen that the provincial authorities were active in transporting pardoned criminals to the United States, but we are willing to believe their proceedings inadvertent, and at the same time hope that her Britannic Majesty's government will caution her Majesty's provincial authorities against the practice in future.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1111.]

DEPARTMENT OF STATE,
Washington, October 4, 1864.

SIR: The plot which was formed by evil disposed refugees in Canada to seize the United States steamer Michigan, and with that means to release the prisoners on Johnson's island, failed in its execution. No serious dangers in that quarter are apprehended. The Canadian authorities seem to have acted in a friendly and honorable manner.

General Sherman perseveres in establishing a large and strong camp at Atlanta. The insurgent Forrest is engaged in an attempt to break the general's communications, but he is believed to have taken effective means for their protection. Some free intercourse has been had between him and citizens of Georgia residing within the extended lines of our army. This is the only foundation there is for many reports of negotiations between this government and the State or the people of Georgia. The change of relations they have suffered by the fall of Atlanta is yet too recent to have worked a lasting influence upon their sentiments. No new military operations have occurred in that State. Jefferson Davis has repaired to Macon. He is credibly reported to be very censorious upon Governor Brown, of Georgia, who has furloughed the Georgia militia. The militia of that State is understood, like the reserved force in other insurgent States, to consist of boys under the age of sixteen, and of men over the age of fifty years, which are the terms of the so-called confederate conscription.

Gold is now reported as having no market sales in the insurgent States. The last quotation is 3,000 per centum. A refugee just arrived from Texas tells us he paid \$70 of confederate currency for one of gold.

There are insurrectionary or guerilla movements in Missouri, but the details are vague and unreliable. On the 29th of September, General Sheridan reported that he had pursued Early's retreating forces through Staunton to Port Republic, and he now reports that he has further pursued the fugitive force through Waynesboro. That once imposing force seems to have been effectually routed and dispersed. General Sheridan thinks that the destruction of stores at Staunton and of railway communication in that vicinity will prove very injurious to the enemy at Richmond.

Under direction of Major General Butler, Major General Ord, on the 29th of September, has advanced across the James river at Chapin's bluff, carried a strong line of fortifications, and taken sixteen guns and many prisoners. Simultaneously, Major General Birney, by direction of Major General Butler, advanced from Deep Bottom, on the north side of the James, and scattering the insurgent forces before him, made a lodgment in rebel fortifications six miles from Richmond.

On the 30th, Major General Warren, under direction of Major General Meade, attacked the enemy's extreme right south of the Weldon road, while at the same time Major General Meade made an advance from the centre of his line in front of Petersburg, and carried the enemy's works at Poplar grove, near to Petersburg. While these assaults were going on, the enemy twice assaulted Major General Butler at Bermuda Hundred, and was effectually repulsed. It is believed that these movements have considerable strategical significance, and it is at least certain that they tend to increase the embarrassments of the enemy at Richmond and to prevent his sending re-enforcements to Early in the valley and to Hood in Georgia.

On the 1st of October, instant, the Honorable Montgomery Blair's resignation of the office of Postmaster General was accepted, and the Honorable William Denison, of Ohio, succeeded to that important position in the executive government.

The Honorable John C. Fremont, who was nominated for the Presidency, has retired from the canvass.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

[Same to Mr. Dayton.]

Mr. Adams to Mr. Seward.

No. 792.]

LEGATION OF THE UNITED STATES,
London, October 6, 1864.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1084 to 1101, both inclusive. I have likewise a circular, dated September 12, instructing me to collect five dollars for every passport issued from this legation; a note of the same date, respecting the case of Mr. T. T. Tunstall; two marked private, of the 16th and 17th of September; and another of the 17th instant, in regard to the temporary services of Mr. H. B. Adams in this legation; lastly, a box came to hand containing the gold watch referred to in No. 1085, as intended for Captain Hardy.

Nothing has occurred here during the last week to break the ordinary monotony of affairs at this season. Some apprehension has been excited by the commercial derangement consequent upon the serious decline that has taken place in the price of cotton. This was alluded to in my despatch No. 777, of September 8, as caused by the fear then generally entertained of an approaching pacification in America. It now appears, however, to have a deeper root. The fall in price, which has not been less in the whole than tenpence per pound, is mainly occasioned by the fact, which is now becoming apparent, that the general supply is so rapidly increasing as to be likely, for the future, to be more than equal to the demand. In other words, the maximum of price has been reached, so that further speculation is no longer safe. On the contrary, an opposite risk is incurred of loss from a falling rate, from which many persons have been already ruined, and more have suffered or may suffer.

The probable operation of this novel state of things upon the sole remaining financial resource of the rebels is obvious. Each reduction of price is *pro tanto* equivalent to a corresponding diminution of the means which they have at command to pay for the supplies from here upon which they so materially depend. There is little doubt that for some time past the government has endeavored, so far as they can, to monopolize the business of running the blockade. It purchases the vessels, and it loads them with goods both ways, on its own account. Although the gross amount of cotton exported by this means is not considerable, the very high price which it has thus far fetched has compensated, to a material extent, for the deficiency. How much aid has thus been afforded to the procrastination of resistance is plain enough. But there is strong reason for believing that henceforward serious deduction must be made from this last resource. It appears from the estimates that the average annual supply of cotton to be expected from other sources than America will very soon equal or exceed the highest gross amount received from every quarter in any year preceding the outbreak of the rebellion. Thus the ruin which these infatuated men invoked upon themselves, when they entered on this deplorable struggle, bids fair to be ere long complete. Nothing but a prompt resumption of their forms of industry, under the shelter of a restored government, giving peace and protection to improved forms of labor, can avail against the stern progress of events which must otherwise shut them out from all hope of further control of the market of the world.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From the New York Times—enclosed with Mr. Adams's despatch No. 792.]

COTTON—THE TREMENDOUS LEVER.

The speech of Mr. Alexander H. Stephens, wherein he declared that "cotton is the tremendous lever by which we can work out our destiny under Providence," has a singular illustration in the latest returns of the British cotton market.

During the first eight months of 1862, the British market was supplied with 2,208,783 cwts. of cotton. This had increased in 1863 to 3,174,282 cwts.; and in 1864, to 4,670,000 cwts. The supply has thus more than doubled in amount from 1862 to 1864. The value of the supply has increased from forty-six millions of dollars in the first seven months of 1862, to two hundred and twenty-one millions in the first seven months of 1864.

A little more than double the amount of cotton brought into the British market for the first seven months in 1862 was imported into the same market within the first seven months of the present year; but the value of the current year's importations was as nearly as possible five to one of those of 1862.

Where did the supply come from? In the first eight months of the past three years, Egypt, India, and China supplied the British market as follows:

	1862.	1863.	1864.
Egypt.....	£2, 372, 755	£5, 443, 278	£10, 192, 905
India.....	4, 883, 899	11, 950, 999	17, 816, 147
China.....	8, 302	994, 425	4, 216, 584

It thus appears that while Egypt, India, and China supplied cotton to the value of but \$36,000,000 in the first three quarters of 1862, they supplied cotton within the same period of 1864 to the tune of \$160,000,000.

This rate of increase can probably be best appreciated by recalling the fact, that the most reliable economists were wont to value the increase of the supply of cotton in the slave States of the American republic at the average rate of about three per cent. a year, or about the same as the increase of the slave population. Taking Egypt, India, and China in comparison with the cotton-growing States, we can see what the productive capacity of a free and slave labor system might be. We do not say that the comparison, in all its points, is perfect. But we have sufficient evidence in the baldest statement of the case to show that the civilized world will be dependent upon *no* particular social or political structure, call it a republic or a confederacy, for the great staples of international commerce. It is well that the delusion should be exploded. Whether the test is applied at Shanghai or at Savannah; whether it be in the exchange of teas for calicoes, or cotton for corduroys; it is well that the question should be settled now, and for all time, that a political community, calling itself such, cannot obstruct the course of commerce, the interests of civilization, and the progress of the human race, by making "a tremendous lever" for its own selfish purpose of *any* product of the soil. We see even in this bare three-years' experiment what has come of the "tremendous lever" of the confederate conspirators. Its application has proved the social ruin of several hundreds of thousands of people in the revolted States of the Union. But its application has not essentially retarded the commercial prosperity of the outside world. Possibly Mr. Stephens, whose statesmanship is so loudly bepraised on all hands, will begin to see this before Sherman has done with Georgia.

Mr. Seward to Mr. Adams.

No. 1113.]

DEPARTMENT OF STATE,

Washington, October 7, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 16th of Sep-

tember, No. 785, relating to the action of the civil authorities at Dover, in the case of the three men who deserted from the United States ship Iroquois, at the above-named port, on the 13th ultimo. Your proceedings in the matter are approved. I shall reserve the subject for consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1114.]

DEPARTMENT OF STATE,

Washington, October 7, 1864.

SIR: Your despatch of the 22d of September, No. 786, has been received. I must doubt whether the full effect of recent propitious events here has yet been felt in Europe, if indeed the friends of disunion there are still continuing their agitation to distract America by their disingenuous counsels of peace. However that may be, there has not heretofore been a time when such sinister efforts would meet with more patriotic disdain among our countrymen than they will encounter at this moment. It is to be regretted, for the sake of a good and friendly understanding between the two countries, that the British nation does not understand how steadily all such efforts tend to wear away the good will of the American people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1116.]

DEPARTMENT OF STATE,

Washington, October 7, 1864.

SIR: I herewith communicate, for the information of her Britannic Majesty's government, a copy of a despatch of the 22d of September from Mr. Savage, vice-consul general of the United States at Havana, relating to recent operations of slave traders in Cuba.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Savage to Mr. Seward.

[Confidential.]

No. 207.]

UNITED STATES CONSULATE GENERAL,

Havana, September 22, 1864.

SIR: The Spanish brig Yucatan, Rey, master, was cleared yesterday ostensibly for Fernando Po and Annobon (Spanish possessions in Africa) by a Portuguese, named Miranda. The cargo cleared at the custom-house consists of 365 packages of provisions, 10 boxes of sugar, 315 arrobes of coffee; 20 M cigars, 1 case of Cologne-water, 1 case, (medicine-chest,) 20 empty casks, and 340 pipes of rum—aguardiente; this may be water.

I am informed that the real person interested is his excellency the post captain, Du Francisco Marty y Torrens, and that the object of the voyage is to bring African negroes. Marty has not been by any means a stranger to this kind of business in the course of his long life.

I am also advised that a steamer with a load of negroes is now momentarily expected from Africa, under command of the notorious slaver captain, Eugenio Vinas. The parties charged with the duty of receiving the expedition have already gone to the place where it is to be landed. It is said that Don José Carreras is the party interested, which is quite probable. If this is the case, we may say that the principal owners are Don Salvador Sarná, Brigadier Muñoz, &c.

Should the expedition be landed I will endeavor to ascertain all particulars connected therewith and send them to the department.

With great respect, sir, your obedient servant,

THOS. SAVAGE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Adams.

No. 1116.]

DEPARTMENT OF STATE,
Washington, October 10, 1864.

SIR: Referring to your despatch of the 7th of July last, No. 739, which was accompanied by a copy of Earl Russell's final reply in regard to the course pursued by Mr. Butterfield in the case of Edward E. Rich, I now transmit herewith a copy of a communication of the 29th of September from the Secretary of the Navy, containing a statement from Acting Rear-Admiral Bailey in regard to the explanations and subsequent conduct of Butterfield. I will thank you to communicate to her Majesty's principal secretary of state for foreign affairs the substance of these papers, in such form and to such an extent as in your judgment may be proper.

We are content to let the matter rest, although we cannot acquiesce in the decision which her Majesty's government has made upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, September 29, 1864.

SIR: Referring to your letter of the 2d ultimo relative to the case of Edward F. Rich, I have the honor to transmit herewith, in reply, a copy of a communication, dated the 21st instant, from Acting Rear-Admiral T. Bailey.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Acting Rear-Admiral Bailey to Mr. Welles.

OYSTER BAY, LONG ISLAND, NEW YORK,
September 21, 1864.

SIR: I have the honor to acknowledge the receipt of your communication, dated August 6, which has just been forwarded to me from Key West, at which station it arrived after my departure.

You enclosed me a copy of a reply made by Mr. Butterfield, British vice-consul at Key West, and addressed to Mr. Archibald, her Britannic Majesty's consul at New York, to certain statements that I made to the department in the case of one Edward F. Rich, an American citizen, and you request from me a reply thereto.

The points of agreement between my statement and the counter statement of Mr. Butterfield are so marked, and the discrepancies are so immaterial, that any lengthy explanation is rendered unnecessary. I complained to the department that Mr. Butterfield had then, in the case of Rich, as previously in the case of John Ring, intervened between myself and an American citizen, whom I held a prisoner, for the purpose of rendering him such aid as lay in his power, by furnishing him with a British certificate—in other words, granting him British protection. I do not find that Mr. Butterfield denies in any way this statement; on the contrary, I gather from his reply the frank admission that he *did* grant the certificate; that it was to an American citizen, in no wise entitled thereto, and that he was in error in doing so. Mr. Butterfield then proceeds to argue that this act on his part could not lead to the consequences I attributed to it, because a British passport was not in itself sufficient to enable a person to pass out of the harbor of Key West. I cannot consider this an ingenious plea. Mr. Butterfield did all that it lay in his power to do. He armed Rich with the first requisite and element of escape, a British certificate. I cannot see that any less responsibility rests upon Mr. Butterfield, because this act *alone* was not sufficient to enable Rich to make his escape.

The only other issues raised by Mr. Butterfield are, as to the precise date on which Rich made his escape, and whether or no the vessel on which he went was owned by a Spaniard; whether the certificate was addressed to the Spanish consul. All these matters seem to me to have but little bearing upon the real points in the case.

Mr. Butterfield, perhaps, is right in saying that the quartermaster steamer Perry was the only one that left on the 27th of January, and that no vessel in Key West is owned by a Spaniard. He speaks of a vessel called the Aristides that left on the 26th of January for Havana, with twenty-eight passengers. Some eight months have elapsed, and I am now distant from any sources of information, but I believe this to have been precisely the name of the vessel to which I intended to refer. She may have left on the 26th of January, and not the 27th, and her owner may not be a Spaniard.

I remember that when I discovered that Rich had escaped, I sent for the captain of this schooner, the Aristides, (if that be her name,) and examined him; he spoke broken English; and like a Spaniard. Among all the passengers that he carried over on the short trip to Havana, he was not able to give any names, or to individualize Rich, but he assured me that all his passengers produced to him passports before he would receive them on board. I had no doubt, from what I then gathered from the master of the vessel, that Rich had passed himself on board by means of his British protection. How he managed to elude the boarding officers from the guard schooner, I do not know, since, as Mr. Butterfield correctly states, I made it a requisite that blockade runners should have their passes to leave the island, countersigned by me before they were permitted to pass the guard vessel. Finally, whether the certificate was addressed

to the Spanish consul, &c., Mr. Butterfield says not. I remember distinctly that Rich handed me some sort of memorandum or note, which I supposed to be for me; on reading it, I found that it was a request to the Spanish consul to furnish the bearer with a passage to Havana, as he was a British subject. I cannot be mistaken in this matter, for I remember handing it back to Rich, and saying to him that it was not intended for me; that it was addressed to the Spanish consul. Rich brought it in the hope that I would be influenced to grant him also my permit to leave the island, and I distinctly stated to him then that whatever consular paper he might obtain, I should *not* grant him my permission to leave.

With this explanation, I submit the matter to the department. So far as Mr. Butterfield is concerned, I believe him to have been deceived in regard to the nationality of Rich, though I do *not* think that he took the proper precaution to guard against such deception, since the proofs of the man's nationality were lying patent before him, on the files of the court, and in the very register of the vessel in which he was captured, where it would be supposed that any consul would, in the exercise of ordinary caution, have at once looked. That Mr. Butterfield should have so readily granted a British certificate to a master of an American vessel, who was *prima facie* from that very fact an American, was, I confess, a matter of considerable surprise to me, and I was apprehensive that such incautiousness, if persisted in, might lead to trouble in the future. It was in this view that I called the case to the attention of the department.

So far as I am personally concerned, I am quite content that the matter should rest where it is. I do not believe Mr. Butterfield to have been animated by any feeling of hostility to the government of the United States; and it is proper to state that since this matter has been brought to his attention, he has consulted with me as to the grounds I had for believing prisoners taken by me, to whom I had refused passes, to be Americans, before granting to them his protection and certificate. Should this course be continued there is no reason to apprehend any future difficulty from like errors.

I am, very respectfully, your obedient servant,

THEODORUS BAILEY,

Acting Rear-Admiral, Com'g E. G. B. Squadron.

HON. GIDEON WELLES,
Secretary of the Navy.

Mr. Seward to Mr. Adams.

No. 1117.]

DEPARTMENT OF STATE,

Washington, October 10, 1864.

SIR: I transmit herewith, for your information and guidance, a copy of a despatch of the 14th of September from our consul at Liverpool, which is accompanied by a copy of an affidavit of Brent Johnston, a seaman, who was on board of the Alabama from the time of her departure from Liverpool until she was destroyed by the Kearsarge. I hope that you have given this subject all needful attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Dudley to Mr. Seward.

No. 351.]

UNITED STATES CONSULATE,
Liverpool, September 14, 1864.

SIR: I now have the honor to enclose you additional information, showing the connexion between the yacht *Deerhound* and the *Alabama*, at the time of the fight with the *Kearsarge*, off *Cherbourg*. It is an affidavit of *Brent Johnston*, a very intelligent seaman, who was on the *Alabama* from the time she sailed from *Liverpool* until she sunk, and who was one of those saved on the *Deerhound*. He swears positively that *Mr. Lancaster*, the owner, was on board the *Alabama* on the Friday before the fight, and that *Captain Sinclair* was there on Sunday morning. He also states that sixty-five of the chronometers were taken to the yacht *Hornet* the evening before the fight. This yacht was an English sailing yacht. His information is that they were all landed at *Southampton*, and taken to *London*.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Brent Johnston, of *Barnstable*, *England*, mariner, being sworn, says:

I shipped on the *Alabama* in *Birkenhead*, in *July*, 1862. I shipped on the 28th, and we sailed on the 29th. I shipped as a seaman. I did not then know what she was, and thought she was going to *Nassau*. I reshipped at *Terceira* as boatswain's mate. I was afterwards disgraced by court-martial. At *Singapore* I was made quartermaster, and remained so until I was paid off at *Southampton*, after the *Alabama* was sunk. We arrived at *Cherbourg* on a *Monday*, the *Monday* before the fight. I remember the yacht *Deerhound* arriving at *Cherbourg*; she arrived either on *Wednesday* or *Thursday* evening, between seven and eight. There were other yachts at *Cherbourg*, but she was the only steam yacht. The others were the *Hornet*, the *Pearl*, and another cutter, the name of which I did not know. People from all the yachts visited the *Alabama*. *Mr. Lancaster*, with his wife and family, from the *Deerhound*, was on board on the *Friday*. I was quartermaster on watch when he came. He came in his own boat. I did not know his name at that time, but I was told by the boat's crew that he was the owner of the *Deerhound*. The men in the boat which brought him had *Deerhound* in gilt letters on their hats. I was saved by the *Deerhound* and knew *Mr. Lancaster* again as soon as I saw him, and recognized him as the same I had seen on board the *Alabama*. I only saw him once on board the *Alabama*. He was on board about an hour. He went all over the ship. He was in the cabin. *Captain Semmes* was on board at the time. I know that *Mr. Lancaster* and his family were in the cabin with *Captain Semmes* for about ten minutes. I know it because I went below to ask if they could come down. The officer of the deck sent me below to ask if *Captain Semmes* was disengaged, as the owner of the *Deerhound* was on board. *Captain Semmes* replied, "Show the gentry down." The captain of the *Deerhound* had been on board before that. The *Deerhound* was anchored about 600 yards from the *Alabama*. *Captain Semmes* was not ashore at *Cherbourg*. *Captain Sinclair* was on board the *Alabama* on *Sunday* morning. He came about half-past nine. He did not stop long. *Captain Sinclair's* son was in *Cherbourg* and wanted to get on board, but was not allowed by the authorities. *Captain Sinclair* came in a shore boat which waited for him. The *Deerhound* got under way before us; she appeared to steam out of the harbor, but came back, and inside of the *Alabama*, then went round the starboard, and then went out. She did not come very near us

when she came round again—not so near as she had been before she got under way. There was no communication with her; she was not near enough for that. There was no signal or anything of that sort. We did not go out of the same entrance that she did. She went out of the east entrance, and the Alabama went out of the west entrance. We were better than an hour after her. I did not notice the Deerhound after she went out until after the fight. I should have noticed her if she had been near us. It must have been a good half hour after the last shot was fired before the Deerhound came up to us. I was saved by swimming to the Deerhound. Mr. Lancaster assisted me on board. I was the first on board. Captain Semmes was brought in one of the Deerhound's boats about seven or ten minutes after. I did not see him come. I did not see him for an hour afterwards. I was told of his being brought. The Deerhound laid there about a quarter of an hour or more after Captain Semmes came aboard before she steamed away. She steamed straight to Cowes, and then to Southampton, where she landed all but myself and another the same night about ten o'clock. I left her about half-past six on the next morning, Monday. I don't think there was any arrangement between Captain Semmes and the Deerhound. I think Captain Semmes was certain he should beat the Kearsarge. I received a splinter through my foot, and some others light wounds, during the fight. I have been in five other engagements. I was in the Crimean war, and I was over three months with Garibaldi. I was with him at the taking of Palermo.

On Saturday evening before we came out I assisted to pass chronometers from the Alabama into a boat from the yacht Hornet. The boat came twice and took 65 chronometers. At Southampton I lodged at the house of one of the crew of the Hornet, named John Williams, and when I received part of my pay I went to see him at Gravesend. The Hornet was then there. That would be on the Thursday after the fight. Williams told me the chronometers had just been landed. I have been informed by one of the officers since I came here that they were all taken to London, and sold.

BRENT JOHNSTON.

Sworn at Liverpool, in the county of Lancaster, the thirteenth day of September, one thousand eight hundred and sixty-four, before me.

A. T. SQUAREY,

A Commissioner to Administer Oaths in Chancery, in England.

Mr. Seward to Mr. Adams.

No. 1118.]

DEPARTMENT OF STATE,

Washington, October 10, 1864.

SIR: The enemy, on the 7th instant, attacked our cavalry on the right, in its advanced position on the northern side of the James, dislodged them, and captured two batteries of artillery. Major General Birney coming up with an adequate force, repelled the assaults with severe loss, and recovered the position, which he still holds, within four miles of Richmond. No change has occurred on the left of our line fronting Petersburg.

In Georgia, the enemy, under command of Hood, have marched northward, intending to flank the army of the Cumberland. Forrest co-operates with Hood. Thus far the enemy have gained no advantages, and Major General Sherman writes without apprehension of danger.

The enemy's forces, which repulsed General Banks on the Red river, have advanced, under Price, into Missouri. Major General Mower has gone up the

Mississippi from Memphis to re-enforce Major General Rosecranz. Major General Steele is reported to be moving up behind the enemy's column. But the plans of the belligerents are not yet developed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1120.]

DEPARTMENT OF STATE,

Washington, October 10, 1864.

SIR: I enclose a copy of a recent correspondence between this department and Mr. Burnley, her Majesty's chargé d'affaires, in regard to an increase of the naval force of the United States on the lakes for the present. I will thank you to make the needful explanations to Earl Russell on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

LIST OF PAPERS.

From Lord Lyons to department, 4th August, 1864.

Reply of 5th August, 1864,

To Mr. Burnley, 26th September, 1864.

From Mr. Burnley in reply, 28th September, 1864.

[They are published in their proper places as originals.]

Mr. Seward to Mr. Adams.

No. 1124.]

DEPARTMENT OF STATE,

Washington, October 17, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 29th of September, No. 770, which gives me the preliminary proof copies of an appeal for peace on the basis of disunion, that is to be signed by Englishmen in the name of the British nation, and is to be addressed to the people of the United States.

I am obliged to you for the pains you have taken to establish the important fact that this new plot against the United States has for its authors the emissaries from this country, who just now seem to be very welcome guests in British society. The projected appeal is only a new instrument employed by the insurgents in their attempt to influence and determine in their interest the now pending national elections. As such it is in effect a precious confession that, notwithstanding the pretensions of the insurgents to be a foreign power, they are actually seeking to secure an administration of this paternal government which would be more tolerant of their treason than the administration which they have failed to overthrow by force. Happily the American people are just now well awakened to the importance of persevering in their hitherto inflexible policy of national unity and sovereignty. The proposed address of her Majesty's subjects, if it shall ultimately reach this country, will justly be deemed intrusive and offen-

sive, and thus its effect will be the very opposite of its design, while it will unavoidably increase the unfriendliness with which a considerable portion of our people have reluctantly come to regard the British nation. That nation will find in these results a new proof of the truth of the old maxim, that revolutionary emigrants are bad advisers.

I have read with much satisfaction the paper which has been issued by the ever vigilant friends of freedom and humanity in Manchester.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,

London, October 14, 1864.

SIR: I have the honor to forward herewith, by Mr. Adams's direction, for transmission to the President, a copy of resolutions passed at a recent meeting of the Union and Emancipation Society of Manchester, on the subject of the pending presidential contest in the United States. This document was received last week, but too late to go by the despatch bag of Friday.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN,

Secretary of Legation.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Resolutions of the Union and Emancipation Society on the Presidential contest in America.

At a meeting of the Executive of the Union and Emancipation Society of Manchester, held on the 4th October, 1864, the following resolutions were moved by Mr. T. H. Barker, seconded by Mr. J. C. Edwards, and unanimously passed:

1st. That this Executive, in view of the vast issues and great principles involved in the coming contest for the election of a President of the United States, feel bound to express to their brethren in America their deep sympathy with them in their heroic endurance, while passing through the fiery furnace of a terrible war—a war to maintain constitutional government and to insure to to all people, of whatever color or clime, who dwell within the boundaries of the republic, the right to life, to liberty, and to the pursuit of happiness.

2d. That this Executive, having watched with intense anxiety the conduct and proceedings of those who are identified with the cause of freedom, as well for the white free people of the free States as for the black, entertain a profound conviction that the cause of liberty, justice, and good government will be most certainly secured and most speedily attained by the re-election of Mr. Lincoln, who by his many acts and declarations, under circumstances of unparalleled difficulty, has shown himself worthy of the confidence of every loyal American, and of the esteem of every lover of human freedom.

3d. That this Executive feel that they are entitled to record a distinct and special expression of their sentiments, seeing that the agents in this country of the slaveholding rebel confederacy are obtaining adhesions to a so-called "Ap-

peal for Peace in America," in which it is falsely represented that the people of Great Britain and Ireland look upon the cause of the north as "hopeless;" the real object of the appeal being to instigate the American people to acts of disloyalty towards their country, and treason towards their Constitution, and thereby do dishonor to themselves and to humanity.

4th. That this Executive having carefully scrutinized the expressed opinions of the people of this kingdom, feel fully convinced that the intelligent, honest-minded, and liberty-loving of all classes of society, but especially the industrial, most heartily desire and long for the permanent establishment of the republic on those bases which alone can insure real prosperity and true greatness, viz: free government, a free press, free schools, and free labor.

5th. That in the name and on behalf of the thousands whom they officially represent, and of the millions who are sympathetically allied with them in spirit and aim, the Executive take this opportunity of urging, earnestly and hopefully, upon the President, his cabinet, the Congress, and the American people, in this the time of their national crisis, to declare in unmistakable terms, in the spirit of patriotism and of true Christian manhood, that the Union shall be preserved intact; that the wicked rebellion shall be crushed; that by force of the national will, constitutionally expressed, slavery, the guilty and loathsome cause of rebellion, shall be utterly destroyed, and forever outlawed; and that the ever-blessed era of peace shall inaugurate the reign of justice and equal rights under the law, and of perfect freedom to every human being within the great republic.

Signed on behalf of the Executive.

JOHN H. ESTCOURT, *Chairman.*

SAM'L WATTS, JR., *Treasurer.*

JOHN C. EDWARDS,

EDWD. OWEN GREENIEG, } *Hon. Secs.*

MANCHESTER, 51 PICCADILLY, *October 4, 1864.*

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,

London, October 14, 1864.

SIR: I beg to enclose herewith a copy of an address to the people of the United States, on the approaching presidential election, just issued by the Union and Emancipation Society of Glasgow, and received at this legation this morning from the secretary.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN,

Secretary of Legation.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

To the People of the United States of America, from the Executive of the Glasgow Union and Emancipation Society:

AMERICAN CITIZENS: The protracted and sanguinary struggle in which you are engaged has excited our profoundest sympathy. We regard that struggle as a contest between constitutional government and human freedom on the one hand, anarchy and the extension and perpetuation of slavery on the other. We watched with intense satisfaction the patriotic efforts of your present adminis-

tration to maintain the Union, and, by the adoption of a restrictive and suppressive policy, to foster the growth of sound anti-slavery sentiments throughout your continent.

You are now approaching the crisis of this terrible contest—the result of which depends not more on the valor of your arms as soldiers, than on the wisdom of your votes as citizens. The gravest issues are involved in the fidelity with which you are about to exercise your electoral rights. The fate of millions is in your hands. Already you have evinced to the world your hatred of the black spot of slavery, which defaces your escutcheon. The programme of your present administration guarantees its extinction. Rally round that administration by giving your undivided support to those who, while acting loyally within the limits which your Constitution prescribes, have shown themselves to be at heart the consistent friends of freedom.

Under their guidance, you have taken your stand on the bases of liberty and social progress, against brute force and lawlessness; you have successfully resisted a selfish and retrograde conspiracy to revive the dark ages on western soil. You have been led from defeat to victory, through self-sacrifice and suffering, the predestined expiators of national guilt, to the threshold of a nobler national life. In their service your black countrymen have fought, laying down their lives on the altar of the freedom of their race, and vindicating their brotherhood on the fields where you and they have bled together. Hold fast by those who have well established a claim to your confidence; the only pilots who can carry the ship of your state safely through the storm.

Compromise should have no place in a death-grapple of right and wrong. It is the word of the faint-hearted, whose policy has ever been fatal to patriotism; the cold breath of self-interest, damping the ardor of nations aroused to a comprehension of their cause. But such a compromise as that which your democratic party advocates would re-enslave thousands of your most valiant warriors, and lay the spoils of conquest at the feet of your conquered adversaries. Were such to be the upshot of your manly protest, of your four years' weary war, of your lavish offering of life and treasure, the voice of all free peoples, and the blood of myriads slaughtered in vain, would cry out against your stupendous folly. For to what end has this blood and treasure been poured forth like water, if not for an end worth all the cost, the crushing of a traitorous slave oligarchy, desperately bent on the overthrow of free institutions? The game of this treason is nearly played out, and your enemy, baffled and hemmed in on every side, only struggles to conceal his weakness in order to impose on your credulity.

Are you in earnest to maintain the Union in its integrity, and to hand down to your children an unscathed inheritance? Support the administration which has pledged itself to that result. Are you resolved to suppress this rebellion? Re-elect the President whose chosen chiefs are leading your chosen armies within the walls of the confederate cities, and whose principles and policy can alone save the nation.

An armistice! For what? That the slaveholders may cajole you into a truce, and from a truce to a treaty, and from a treaty to a recognition of their triumph, and a confession of your defeat. Are you prepared for this? The platform which proposes a "cessation of hostilities, with a view to an ultimate convention," is at this moment the worst enemy that you have to dread. It bids you hold your hand when the plough is fairly among the furrows; it bids you do what the rebels hope, and abstain from doing what they fear. Let them first beg for an armistice and become your suitors for a cessation. Then we shall look to you to tell them that their overtures can only be entertained on terms of unconditional surrender; that the time for half measures had gone by, and its memory is blotted out in the red floods which flow directly from their doors.

The present revolt is subversive of your great republic. While "slavery is the sum of all villanies," to make a compromise with either would be an attempt

to be stronger than God, and wiser than the Providence by which He rules the world. Citizens, the die is cast; continue in armor, faithful to the awful trust committed to your care, assured that, to nations as to men, the path of duty is the way to glory.

The crisis is come. Be steadfast, unanimous, faithful. Re-elect your President, a wise ruler, and an honest patriot; one who has sworn, "come what will, to keep faith with friend and foe;" that under his auspices a new and loftier era of American civilization may be inaugurated. Be strong in this the hour of trial; quit you like men, and may God defend the right.

In name and by authority of the executive.

JAMES SMITH, *Chairman.*

Offices of the Glasgow Union and Emancipation Society, Forsyth's "Cobden" Hotel, Glasgow, October 11, 1864.

Mr. Seward to Mr. Adams.

No. 1126.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 29th of September last, No. 789, which is accompanied by a copy of Earl Russell's answer to the representation concerning the intervention of the Deerhound in the naval battle which occurred off Cherbourg between the United States ship-of-war Kearsarge and the pirate Alabama.

That paper has been submitted to the President, and I am charged to inform you that after a careful consideration of the same, this government thinks itself entitled to adhere to the several positions it has heretofore assumed in regard to that painful transaction, as those positions have been made known by you to her Majesty's government.

In communicating this conclusion to Earl Russell you will express to him the President's concern at our failure thus far in the efforts we have made to avert a misunderstanding between the two countries upon a point which the American people have come to regard as seriously affecting their national honor and dignity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1127.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: Referring to your despatch of the 16th ultimo, No. 785, relative to the escape of three deserters from the United States steamer Iroquois while anchored near Dover, England, I transmit in reply a copy of a letter from the Secretary of the Navy in reference to this subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 12, 1864.

SIR: I have had the honor to receive your letter of the 7th instant, enclosing a despatch from Mr. Adams, in relation to the course pursued by the civil authorities at Dover, in liberating seamen who had deserted from the United States ship *Iroquois*.

The course pursued by the authorities at Dover will necessarily be reciprocated, and in that event relieve us from great and constant applications in regard to seamen who have or may come among us. In compliance with your request the despatch and accompaniments are herewith returned.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1128.]

DEPARTMENT OF STATE,
Washington, October 18, 1864.

SIR: The defeat of the insurgents in Georgia, crowned by the capture of Atlanta, seems to have worked a change in their plan of operations. Hood moved his forces forward, with the co-operation of Wheeler and Forrest, to break Major General Sherman's communications with his base at Nashville. That commander, who was well understood here to be exercising his usual vigilance, now reports that Hood, after having struck the railroad in the neighborhood of Dalton and Resaca, has fallen back before our forces, and without accepting battle has abandoned his projected plan of operations. The communications have not been seriously impaired. Hood's retreat is understood to be in a southwesterly direction.

Major General Sheridan, on the 7th of October, began a withdrawal of his forces from Port Republic down the Shenandoah valley towards Front Royal. On the 8th, a large force of insurgent cavalry attacked his rear; a battle ensued, which resulted in a decisive victory in our favor. We captured eleven guns with complete equipment, and also three hundred prisoners. In the whole, thirty-six guns have been taken from Early's army, which is believed to be more than half of its complement of artillery. Major General Sheridan destroyed the supplies of food and forage throughout the whole valley, and he is now coming into direct communication by railroad with Washington. Just now he reports that the insurgent army in the valley is understood to have passed under the command of Longstreet, and that on the 15th it reappeared in our front near Strasburg. Major General Crook being in the advance of Sheridan's forces, assaulted, broke and dispersed the enemy, and he is understood to be retiring far up the valley.

The defeat of Early was followed by new guerilla attacks on our military lines. A train on the Baltimore and Ohio railroad was intercepted by the outlaw Moseby between Harper's Ferry and Martinsburg. On the 16th, Moseby's camp in the Blue Ridge mountains was surprised and his artillery was captured, together with several prisoners.

The enemy's manœuvres in Missouri are not yet fully developed; but our reports from that quarter are not unsatisfactory.

State elections were held last week in Indiana, Ohio, Pennsylvania, and Mary-

land. In the two former States the results were conspicuously favorable to the Union cause. Some doubt hangs on the result in Pennsylvania and Maryland, but our latest information induces a belief that these States also have given their support to the administration. If this shall prove true of Maryland the effect will be of great value, as the successful vote ratifies the new constitution, which abolishes slavery in that State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[The same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1130.]

DEPARTMENT OF STATE,

Washington, October 19, 1864.

SIR: Information has been received at this department in regard to the alleged enlistment of several thousand Poles for the insurgent military service, and to arrangements effected to run them through the blockade. I transmit for your perusal a copy of a communication of the 7th instant from the United States consul at Halifax relative to this matter, and will thank you to exercise your accustomed vigilance in endeavoring to prevent the consummation of the scheme, and in reporting any information on the subject which you may obtain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Jackson to Mr. F. W. Seward.

No. 132.]

CONSULATE OF THE UNITED STATES OF AMERICA,

At Halifax, Nova Scotia, October 7, 1864.

SIR: I have the honor to enclose herewith duplicate extracts taken from a Halifax paper, (the Acadian Recorder,) in relation to the enlistment of several thousand Poles in the confederate service, and the arrangements in contemplation for transporting them to the Confederate States.

I have the honor to be, sir, your obedient servant,

M. A. JACKSON,

United States Consul.

Hon. FREDERICK W. SEWARD,

Assistant Secretary of State.

[*Extracts from the Halifax Acadian Recorder, October 7, 1864.*]

"AID FOR THE SOUTH.—The Charleston Courier of the 23d ultimo remarks: "An agreement has been effected between the rebel government and a commissioner representing a certain European population, by which 30,000 soldiers will be added to the rebel armies. The consideration is a grant of lands, but where these lands are located is much in doubt. It is intimated that they will come from Poland."

"We were informed some months since that such an arrangement was about

being made, and that 40,000 Poles would, in all probability, soon be added to the army of the confederacy. The appeal of the Polish delegation, published in the Wilmington papers, subsequently confirmed this. We have since been told that the confederate government have given orders for the completion of some fifty swift steamers in England, similar to the Colonel Lamb, now in port, in order to bring those foreigners to the south, through the blockade."

Mr. Adams to Mr. Seward.

No. 798.]

LEGATION OF THE UNITED STATES,
London, October 20, 1864.

SIR: In connexion with my despatch No. 785, of the 16th of September, I have the honor to transmit copies of two notes of Lord Russell, dated the 21st September and 7th of this month, in answer to my representation as to the liberation of the deserters from the United States ship Iroquois.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 21, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, relative to the desertion, at Dover, of three seamen from the United States ship Iroquois, and to inform you that your communication shall be considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October 7, 1864.*

SIR: With reference to my letter of the 21st ultimo I have the honor to inform you, in reply to the representation which you made to me on the 16th of last month respecting the desertion, at Dover, of three seamen belonging to the United States ship Iroquois, that there is no law in force in this country by which these deserters could be given up.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 796.]

LEGATION OF THE UNITED STATES,
London, October 20, 1864.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1108 to 1111, inclusive, together with a letter from the Secre-

tary of the Treasury, and a copy of the Political History of the Rebellion, by Mr. McPherson.

In accordance with the desire expressed in No. 1109, of the 3d of October, I have caused a copy of the letter of the librarian of Congress enclosed in it to be sent to Mr. Panizzi, of the British Museum.

There is little to note in the record of passing events for the last week. The efforts to despatch vessels and arms to the rebels continue unabated, and there are constant rumors of projects to fit out ships-of-war. But it seems to me that experience has shown so little to be gained by any adventure of the kind, in compensation for the heavy outlay, that I much doubt whether the energies of the managers will be bent in that direction. The greater probability is of some attempt at concentration in force at Wilmington, in order, if possible, to keep open the only remaining avenue for their supplies. Perhaps some collateral aid may be hoped for from occasional predatory cruisers from that port.

I perceive that great efforts have been made at Liverpool to raise money for the assistance of the rebels by way of a fair, or bazaar. The names of several ladies of the nobility, both French and English, are published as patronesses. It is not unnatural that a privileged class here should endeavor to contribute aid to alleviate the sufferings of those who are contending in America to maintain ill-gotten rights over their fellow-men. The object is declared to be purely charitable. In my view, the better charity is that initiated by a wholly different set of persons in this country, to aid those in the same region who are suffering from their efforts to escape from oppression. Sympathy with slaves has ceased to be the fashion in Great Britain ever since slavery has ceased to be a pretext for reproach of America.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1131.]

DEPARTMENT OF STATE,

Washington, October 20, 1864.

SIR: Your despatch of the 6th of October, No. 792, has been received, and I give you my thanks for the light which it throws upon the course of the cotton market in Europe, and its influence upon the fortunes of the insurrection. To impatient minds our civil war seems slow in giving its great instructions. But when received they are full of wisdom. The lever of the cotton supply is breaking in the hands of the slaveholders. Even before that consummation is reached the market for slaves becomes stagnant, and Maryland therefore abolishes slavery. In view of these facts, how can sincere friends of humanity in any part of the world misunderstand our policy in removing slavery through the operation of war in defence of the Union, instead of hazarding the Union itself in a mere partisan political crusade against slavery?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1135.]

DEPARTMENT OF STATE,

Washington, October 24, 1864.

SIR: The marked military event of the last week was the battle of Cedar

creek, in the Shenandoah valley, on the 19th instant. It began during General Sheridan's absence from his command on a visit to the War Department here. Longstreet had been re-enforced by 12,000 men. He surprised and assaulted Sheridan's army in its camp near Strasburg at the break of day, broke and pushed it back four miles, with a capture of 800 or 1,000 men and twenty-four guns. Sheridan was returning to the army, and at Winchester met the news of this disaster. He pushed rapidly forward, reorganized his columns, and established a new and perfect line of battle, attacked the enemy, in three hours turned the defeat into a victory, driving the enemy before him through Strasburg to Mount Jackson, routing them and putting them to flight in all directions, so that they had not an organized regiment left on arriving at that place. Sheridan took back the twenty-four guns which had been lost, adding twenty-nine to the number, and captured 2,000 prisoners, with 10 battle flags. The pursuit was continued on the 20th, with the capture of a large quantity of small-arms and much camp equipage, including 300 wagons.

I know not whether it is that hope is derived or is affected to be derived by the insurgents from excitement of the political canvass in the loyal States, or from what other cause—the fact, however, is observed that the enemy affect to be confident of some new and great success. On the other hand, telegraphic communication is re-established through General Sherman's line to Atlanta. The enemy is in retreat before him, and the military situation there is regarded as satisfactory and cheering. The invaders of Missouri are falling back before General Rosecrans, and endeavoring to escape the pursuit of General Steele. The situation at Richmond remains unchanged. The election in Maryland has resulted in the adoption of the new constitution, which raises eighty thousand slaves to the condition of freemen.

A letter from the pretended governor of Louisiana, which has been intercepted, urges the emancipation and enrolment of negroes as soldiers in the insurgent army, and the Richmond Enquirer now openly advocates that desperate policy. On the other hand, we have authentic information that one hundred captured Union colored soldiers, who were compulsorily employed at work on the fortifications around Danville, rose upon their guard, disarmed them, armed themselves, and effected their escape from captivity. It is not improbable that we are reaching a new phase of this extraordinary civil war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1136.]

DEPARTMENT OF STATE,

Washington, October 24, 1864.

SIR: It is my duty to invite, through you, the serious attention of her Majesty's government to the instances, which unfortunately seem to be multiplying, in which the British possessions in our neighborhood, both continental and insular, have been made bases for hostile proceedings of the insurgents against this country. The motives for such proceedings have undoubtedly been, not a conviction that material damage would result directly from the hostile acts of the insurgents, but a hope that a just sense of national dignity, and self-preservation on our part, might induce us to resent the toleration of the British authorities, and ultimately, perhaps, lead that government to take part with the insurgents as an open and declared enemy of the United States. The insufficiency of the British neutrality act and of the warnings of the

Queen's proclamation to arrest the causes of complaint referred to were anticipated early in the existing struggle, and that government was asked to apply a remedy by passing an act more stringent in its character—such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent events.

The seizure by insurgents of the steamer *Chesapeake*, on the high seas, bound from New York to Portland, is familiar to you. Though the vessel was ultimately released, the perpetrators of the deed escaped punishment. Braine, one of the leaders, has since found his way to Havana, and with other conspirators has recently seized, under similar circumstances, the steam packet *Roanoke*, which plies between that place and New York, and carried her to Bermuda, but not receiving the hospitality which was expected there, the vessel was taken outside the port and burned.

On Saturday, the 17th of September last, Lieutenant Colonel B. H. Hill, acting assistant provost marshal general of Michigan, was advised by a person from Canada that a party was to be sent from Windsor, on the Canadian side of the Detroit river, opposite Detroit, to a point within the jurisdiction of the United States, for hostile purposes.

On Sunday evening, the 18th of September, a man came on board the *Philo Parsons*, while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter T. Ashley, who is part owner of the *Parsons*, to call at Sandwich, on the Canada shore, three miles below Detroit, to receive him and a party of friends, who wished to go to Kelly's island, about eleven miles from Sandusky, alleging that one of them was lame and could not well cross the ferry. The *Philo Parsons* sailed the next morning, (Monday, the 19th of September,) at 8 o'clock, with about forty passengers. The person referred to above, as having engaged a passage for himself and party, appeared immediately afterwards, and at his request the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canada side, where the steamer always stops, about twenty miles below Detroit and near the point where the Detroit river empties into the lake, about twenty more men came on board. The number not being unusual, excited no suspicion. The only baggage of the party was an old-fashioned trunk, tied with rope, and which was afterwards ascertained to contain revolvers and large hatches or hand-axes. The steamer continued on her course, and made her usual landings at North Bass, Middle Bass, and South Bass islands—the latter being better known as Put-in-Bay island. These islands are nearly north of Sandusky, and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass island, where his family reside. Having made these landings, the steamer went on her course to Kelly's island, about seven miles further on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one, who was seen among them after the capture of the steamer, had been several days on the island, visiting the inhabitants and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's island, about 4 o'clock in the afternoon and while she was directly on her course for Sandusky, the *Philo Parsons* was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the *Philo Parsons* reached Middle Bass island, and while she was taking in wood, the steamer *Island Queen*, which performs daily trips from the Bass islands to Sandusky and back, came alongside and was immediately seized. The engineer of the *Island Queen*, without giving any provocation, was shot in the face. The

ball entered his cheek and passed out near the ear. One person was cut in the head with a hatchet, and bled profusely. Several other persons were knocked down, and a large number were struck with the but-ends of pistols and with hatchets, and some ten or a dozen shots were fired. The passengers on both boats were landed at Middle Bass, with a part of their baggage.

After getting a supply of fuel, the Philo Parsons ran out into the lake, towing the Island Queen. At the distance of about five miles according to one statement, and at a smaller distance according to others, the Island Queen was scuttled by cutting her supply-pipe and was sent adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the Island Queen had been scuttled, the Philo Parsons stood for Sandusky harbor, and was turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, the 20th of September. A few miles above Malden, a yawl boat load of plunder was sent ashore on the Canadian side of the Detroit river. At Fighting island, some six miles above, the crews of both steamers were landed.

The Philo Parsons arrived at Sandwich at about 8 o'clock the same morning, and a pianoforte belonging to her, a number of trucks, and the cabin furniture, were put ashore at the dock, where a custom-house officer almost immediately appeared. She was then scuttled, by cutting her injection-pipes, and cast off. She partially filled, but was taken possession of a few hours afterwards by the mate, who had come in a small steamer (the Pearl) from Ecuse, who had her towed to Detroit.

The facts thus set forth having been substantiated by the depositions of eye-witnesses of these occurrences, I addressed a note to J. Hume Burnley, esq., her Britannic Majesty's chargé d'affaires, on the 13th instant, requesting, through him, that her Majesty's government would, upon the arrest and commitment of the parties who perpetrated these depredations, some of whom passed by the names, respectively, of Bell, Hault Bristow, Robert Drake, Burley, and Thomas, (the names of others not being ascertained,) issue the necessary warrants for their delivery to Joseph Dimmick and James Henry, or to any other person duly authorized by the authorities of the State of Ohio to receive the fugitives, in order that they might be brought back to the United States for trial. This request was made on the ground that they were guilty of the crimes of robbery and assault with intent to commit murder within the jurisdiction of the United States, and that, being fugitives from the justice of the United States, their extradition was provided for by the tenth article of the treaty of Washington. Mr. Burnley has since informed me that he referred the matter to her Majesty's provincial authorities, as is usual in such cases.

The primary object in capturing these steamers was confessedly to release the insurgent officers confined on Johnson's island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents, who have for some time past been residing in Canada for such purposes. Indeed, this department has proof that Mr. Jacob Thompson has acknowledged that he was commissioned and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

It is obvious that at the time of the informal arrangement between the two governments of April, 1817, limiting their naval force on the lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed. If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have

clandestinely or otherwise so augmented its force as to insure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defence in the event of a civil war in the territories of either, by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence, a copy of which is enclosed, has chartered two propellers, one on Lake Erie, and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region, similar to those above mentioned.

I had just prepared the foregoing statement of the transaction on Lake Erie, when information of a new and equally desperate outrage on another part of the border reached this department. A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier and proceeded in several small parties, by stage-coach, to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, and broke into boarding-houses and other buildings and carried off large amounts of treasure, said to be two hundred and twenty-five thousand dollars, together with other valuable property. As soon as the people recovered from their surprise, they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian municipal agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners. Here the imperfect accounts which I have received of this transaction end. I have requested of J. Hume Burnley, esq., her Majesty's chargé d'affaires here, that the felons may be detained, until, after having obtained the exact information which is essential, I shall have addressed to the British government a demand for the surrender of the offenders, in conformity with the provisions for extradition contained in the Ashburton treaty. The subject has been discussed in a friendly spirit between myself and Mr. Burnley, who has received telegraphic advices from Lord Lyons, who yet remains in New York. I give you a copy of a note which I addressed to Mr. Burnley on the 21st instant, and also a copy of a note I afterwards received from him in answer to my verbal request, that Lord Monck, the governor general, should be advised to detain the offenders for extradition. I wish you to bring this transaction also to the notice of Earl Russell, and say to him that, taken in connexion with events of the same character which have occurred on the Canadian frontier, it is regarded here as deserving prompt and decisive proceedings on the part of her Majesty's government, in order to prevent the danger of ultimate conflict upon the Canadian borders. It is a pleasant circumstance that, in making this communication, we are not only able but are obliged to acknowledge that the Canadian executive authority has, in this instance, thus far co-operated with this government in faithful and diligent efforts to bring the disturbers of the public peace to due account. It is, however, impossible to resist the conviction that peace cannot be reliably maintained upon the border unless more effective measures shall be adopted to secure that end than those that have hitherto been used by both governments. We know well, although we have not judicial evidence, that all the movements of this character are set on foot by Jacob Thompson and other disloyal American citizens who are temporarily domiciled in Canada, and furnished with funds there for these iniquitous purposes through the banking institutions of Canada. It is now my duty to instruct you to give notice to Earl Russell, in conformity with the treaty reservation of that right, that, at the expiration of six months after you shall have made this communication, the United States will deem themselves at liberty to increase the naval armament upon the lakes, if, in their judgment, the condition of affairs in that

quarter shall then require it. And you will be careful to advise us of the day on which this notice is given. You will assure the earl, however, that this proceeding is adopted only as a necessary measure of national defence, and not only with no purpose of hostility, but, on the other hand, with a desire no less earnest than heretofore to preserve the most friendly relations with Great Britain. Moreover, this government will in every case direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise. It is not for us to indicate the means her Majesty's government should adopt to maintain neutrality on their side of the border. You will again suggest to her Majesty's government that, in our opinion, a policy similar to that which was inaugurated by our enactment before mentioned might be followed with advantage by Great Britain in the American provinces during our present civil war. I should fail, however, to express a sincere conviction of this government if I should not repeat now what I have heretofore so often had occasion to say, that, practically, the policy of neutrality which her Majesty has proclaimed has failed as well in the British home ports as in the British colonies, and especially in the latter, and that it must continue to fail more conspicuously every day, so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States. Nor are we able to conceive of any remedy adequate to the present exigency, but the recognition by her Majesty's government of the just and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this government. I use the word exigency with a consciousness of its just effect. The welfare and prosperity of the British provinces on our borders are as sincerely desired by us as they can be by the British government. In a practical sense these provinces are sources of wealth and influence for the United States, although they are subject to a foreign jurisdiction. We have proved that this is a sincere conviction on our part by entering into relations of reciprocal free trade with the British provinces almost as intimate as the relations of free trade which, under our Constitution, prevail between the several States of the American Union. Thus far we have been content with these relations, and probably we should remain content whether the colonies adhere to their ties with Great Britain, or, with her consent, should assume the responsibilities of self-government, provided always that our friendship is reciprocated, while peace and harmony on the border are essential to the very existence of such friendship. On the other hand, we have a right to expect that the dwellers within those provinces will be content to fulfil toward us the obligations of good neighborhood, as we are expected to fulfil the same obligations on our part. Even if this government could be satisfied with less than what I have thus indicated, it must, nevertheless, be admitted that, from the very force of circumstances, peace could hardly be expected to prevail on a border which should afford to the communities which it divides no adequate protection against mutual aggression and reprisal.

Political agitation is as frequent in the British American provinces as it is here. It is not easy to foresee how soon revolutionary movements may appear there. Every provocation now given to Americans will be likely to be claimed as a precedent in that case for intrusion from this side of the lakes. Would it not be wise to establish a proper system of repression now, which would prove a rock of safety for both countries hereafter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Enclosures]

Mr. Fessenden to Mr. Seward, September 23, 1864.

Mr. Seward to Mr. Fessenden, September 30, 1864—with an accompaniment.

Mr. Fessenden to Mr. Seward, September 30, 1864.

Mr. Thurston to Mr. Seward, October 20, 1864—with an accompaniment.

Mr. Seward to Mr. Burnley, October 1, 1864.

Mr. Burnley to Mr. Seward, October 4, 1864.

Mr. Seward to Mr. Burnley, October 21, 1864.

Mr. Burnley to Mr. Seward, October 23, 1864.

Mr. Burnley to Mr. Seward, October 23, 1864.

[The last five enclosures are published in this series. See correspondence with British legation.]

*Mr. Fessenden to Mr. Seward.*TREASURY DEPARTMENT,
September 23, 1864.

SIR: I have the honor to inform you that a steam propeller has been put in commission as a revenue vessel to cruise on the lakes.

I deem it proper to acquaint you with this fact, in view of any treaty which may exist on this subject.

I am, very respectfully,

W. P. FESSENDEN,
*Secretary of the Treasury.*Hon. WILLIAM H. SEWARD,
Secretary of State.

*Mr. Seward to Mr. Fessenden.*DEPARTMENT OF STATE,
Washington, September 30, 1864.

SIR: I enclose for your perusal a copy of a telegram of the 23d instant from General Hitchcock to the Secretary of War, which I will thank you to cause to be returned to this department.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM P. FESSENDEN,
Secretary of the Treasury.

Major General Hitchcock to Mr. Stanton.

[Telegram.]

SANDUSKY, OHIO,
September 23, 1864.

SIR: I take upon myself to express an opinion that the safety of our commerce on the lakes, and the security of the cities along the lake shores, makes it of the highest importance, if not an indispensable necessity, that the govern-

ment should have several armed vessels fully manned to prevent the rebels, who find security in Canada, from seizing steamers engaged in commerce and converting them into war-vessels, with a few of which they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character.

The recent seizure of the two steamers in this vicinity has, indeed, terminated disastrously for the projectors of the horrible scheme; but the demonstration actually made is a sufficient warning to induce our government to take immediate measures to guard against a repetition of it. It will be but an act of self-defence, and from the disclosures made by Coole, now in arrest at Johnson's island, earnestly recommend that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the upper lakes also. I suppose we are engaged in war rendering this step justifiable under the treaty of eighteen fifteen, (1815,) but it is my duty to speak only the justifying necessity of the case.

C. A. HITCHCOCK,
Major General Volunteers.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr Fessenden to Mr Seward.

TREASURY DEPARTMENT,
September 30, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date transmitting telegram from General Hitchcock, and to state that this department has this day chartered the steam propeller Hector, (at Oswego, New York,) for revenue cutter purposes. This vessel, together with the Winslow, chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Thurston to Mr. Seward.

No. 67.]

UNITED STATES CONSULATE GENERAL,
Montreal, October 20, 1864.

SIR: Yesterday afternoon, just after I had left the consulate, about half past six o'clock, the evening paper was shown me, and my notice directed to an article announcing that a party of twenty or thirty men had attacked St. Albans, Vermont; had robbed the banks of one or two hundred thousand dollars; had also stolen sufficient number of horses to mount them, and had escaped after killing several citizens and wounding others. I could not credit the report, and immediately telegraphed to G. Merrill, esq., superintendent of the Vermont Central railroad, who returned reply herewith enclosed. Judge Aldis, of the supreme court of Vermont, the gentleman mentioned in the telegram, arrived here at 11 o'clock last night. Directly he arrived, we proceeded to the house of the chief of police, and made request that he would send a body of his police force to the

frontiers, and arrest all suspicious persons passing into Canada. The chief declining to act without authority of his superior, Judge Coursol, of the quarter sessions of this city, and whose jurisdiction embraces also the district through which the raiders must pass to reach Montreal, invited us to visit the judge with him to obtain his consent. Accordingly we proceeded to the residence of Judge Coursol, called him from his bed, and laid the object of our visit before him. After some consultation, Judge Coursol decided to proceed to St. John's, where he had a sergeant of special frontier police and several men, taking with him several men from this city also, and to render all the assistance in his power to arrest the raiders if they attempted to pass into Canada on the cars, either at St. John's or beyond it. He directed the chief of police to accompany him, and assured us that anything the Canadian authorities could do, they would, and most cheerfully and promptly render every aid possible to arrest the parties concerned in this daring attack, to rob and murder the peaceable citizens of Vermont. This morning, at a quarter before six, they took the cars to St. John's. Judge Coursol informed me that he had a force of thirty special police distributed along the frontier, on the thoroughfares and other places, to arrest deserters from the regiments stationed at Montreal and Quebec; that, should it be necessary, he would call in all this force, and detail as many men from the police force of Montreal, if it were required. While writing this despatch, a telegram was brought me, directed to Judge Coursol, announcing that six of the robbers of the banks of St. Albans were arrested at Stanbridge; and a few minutes after, another telegram from Judge Aldis, who returned this morning with the other parties, stating that two men had been caught, all of the eight having large amounts of money on their persons. Among the number arrested was the leader of this raid. The details of this outrage, written by Judge Aldis, who was in St. Albans when the raiders made the attack, I have the honor herewith to enclose, together with the telegram received. The promptness with which Judge Coursol and the chief of the police have responded to our request for assistance; the kindness and courtesy with which they have received us; and the efficient services rendered, shows the determination of the Canadian government and its officials to arrest all offenders under the treaty against the laws of the United States, and the cordial good feeling which they entertain towards our government. I beg to assure the department that everything has been done by the officers of this consulate to render all possible assistance to the citizens of Vermont.

With great respect, I am, sir, your obedient servant,

D. THURSTON,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

During the past two or three days a number of persons, in all about thirty, came to St. Albans by twos and threes, in the different trains, and stopped at the hotels. They were dressed like ordinary travellers, and attracted no attention. To-day, (October 19,) at about 3 p. m., and at the same moment, parties of five each entered the three banks, and armed with revolvers, which they presented at the heads of the cashier or teller who were in, threatened to shoot them if they resisted or made any noise, and demanded the money. Resistance was out of the question, for in one bank only the cashier was in, in another one teller, and in the third two tellers only. They robbed the banks of what money they could find—the vaults and safes being open—and took an amount in all perhaps \$150,000 or \$200,000. While these persons were robbing the banks, their confederates at the same time went to the hotels and livery stables and seized horses in order therewith to escape to Canada. The whole matter was transacted within

less than an hour. Of course, in seizing the horses they met with resistance, for this had to be done openly, and they fired a half a dozen shots each at Mr. Fuller, the livery man, and at Mr. Field, the keeper of the American Hotel. While stealing the horses, they also fired at Mr. Morrison, who was walking along peaceably on the sidewalk on the opposite side of the street, and wounded him in the groin, it is feared fatally. They also shot Mr. Huntington, wounding him in the hip, and slightly wounded another. As soon as they had got together horses enough, they left for the north, taking the road by way of Sheldon, (where it is supposed they intended to rob the Missisquoi Bank,) and thence probably by Franklin to Pigeon Hill, or to Frelighsburg, in Canada. They all came from Canada, so far as their arrivals can be traced. On the plank road, about a mile north of St. Albans, they shot a young girl by the roadside. They threatened to burn the depot and other buildings, but probably felt that delays were dangerous.

There was scarcely a gun or pistol in the village; but in about half an hour after they left, twelve or fifteen of our citizens, who succeeded in getting guns, went in pursuit of them. When about half way to Sheldon, they were heard of as being within about a mile of the robbers. It is to be hoped they were overtaken there.

Some of the leaders appeared to be disposed to commit no greater outrages than robbing the banks; others seemed to be deperadoes—wretches ready for any crime, and bent on wanton murder.

The banks have offered a reward of ten thousand dollars.

[Vermont and Boston Telegraph Company—Office 38 St. François Xavier street.]

MONTREAL, *October 19, 1864.*

(By telegraph from St. Albans, Vermont.)

Judge Aldis left here on express train to-night for Montreal. The raiders, some twenty or twenty-five men, have collected here within a few days. Had evidently laid their plans; simultaneously entered and robbed the three banks of from one hundred to two hundred thousand dollars; seized horses and saddles enough to mount the party, shooting all persons who resisted, and started for Sheldon, probably to rob the bank there, and then escape to Canada. They were pursued by a party of citizens, on horseback, armed.

G. MERRILL, *Superintendent.*

D. THURSTON,
United States Vice-Consul General.

[Vermont and Boston Telegraph Company—Office 38 St. François Xavier street.]

MONTREAL, *October 20, 1864.*

(By telegraph from St. Albans.)

To David Thurston, Vice-Consul:

We have arrested two of the robbers on this side of the line, and have them in jail, with considerable money on their persons. Six more have been taken at Stanbridge, or Frelighsburg, among them their leader, and about \$50,000 of the money. The whole country both sides of the line is alive with zeal to arrest them. Our governor too much pleased to hear the Canadian authorities so prompt.

A. O. ALDIS.

Mr. Adams to Mr. Seward.

No. 800.]

LEGATION OF THE UNITED STATES,
London, October 27, 1864.

SIR: Owing to the delayed passage of the steamer Asia, I have only this morning received the despatches due this week. They embrace those numbered from 1112 to 1120, inclusive. There are, however, two numbered 1116, of different dates, one of the 7th and the other of the 10th instant. I shall take an early opportunity to communicate to her Majesty's government the information transmitted with both the last named.

There is little to comment upon in the events of the last week. The season for what are here denominated extra-parliamentary utterances is now commencing. The most interesting speeches yet reported are those by Mr. Gladstone, Lord Stanley, the solicitor general, and Mr. Bernal Osborn. It is satisfactory to perceive that, in regard to the policy adopted towards the United States, the tone is uniform and settled. However these persons may differ in opinion on the questions involved in the struggle, they agree in the one point of the inexpediency of meddling with it. This appears to render it probable that the action of the government under any administration will continue much the same.

With regard to internal politics, there is growing more and more difficulty to perceive the shades of difference between existing parties. From the tenor of Lord Stanley's views, it is very clear that the conservatism of the present day has ceased to represent the torism of the last generation. On the other hand, the position of Lord Palmerston is the sole tie which holds back the progressive movement of the liberal leaders. A few days since he completed his eightieth year. He is still reported as tolerably hearty, so that he may be enabled to sustain the present condition of things during the remainder of the term of this Parliament, or, in other words, until May, 1866. After that time, as the latest date, the probability is that new combinations will develop themselves. Already preparations are making, on all sides, for an active canvass for seats in the new Parliament. The reaction caused by the struggle in America has spent itself for the present. But it is impossible to doubt that much effect may yet be produced on the result by the more or less favorable issue of our difficulties.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
*Secretary of State, Washington, D. C.**Mr. Adams to Mr. Seward.*

No. 803.]

LEGATION OF THE UNITED STATES,
London, November 3, 1864.

SIR: Although not especially requested so to do, I send herewith, for your information, a copy of a resolution adopted at a meeting held at Sunderland on the 7th ultimo. I received it in a letter from William Buckie, esq. The newspapers transmitted by him, containing a report of the proceedings, failed to come to hand.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Resolution passed at a meeting held at Sunderland on the 7th of October, 1864.

“That this meeting is convinced that slavery was the sole cause of the American rebellion, and that the north, in resisting that rebellion, is sustaining the cause of popular government and the freedom of the slaves, while the south is fighting to maintain and extend a slave empire; and that, therefore, this meeting desires to give its whole moral support to the cause of order, of civil freedom, of constitutional government, and of emancipation, all of which are represented by the north in its struggle to maintain the Union.”

Mr. Adams to Mr. Seward.

No. 806.]

LEGATION OF THE UNITED STATES,
London, November 3, 1864.

SIR: In connexion with your despatch No. 1116, of the 7th of last month, I have the honor to transmit copies of notes which have passed between Lord Russell and myself on the subject therein referred to.

I have honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, October 27, 1864.
2. Lord Russell to Mr. Adams, November 2, 1864.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 27, 1864.

MY LORD: I am directed to lay before your lordship the copy of a letter addressed to the Secretary of State of the United States, by Mr. Savage, the vice-consul general at Havana, on the 23d of September last, respecting certain operations in prosecution of the slave trade, for the information of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November 2, 1864.*

SIR: I have the honor to acknowledge with thanks the receipt of your letter of the 27th ultimo, enclosing a copy of a report from the United States vice-consul at the Havana, containing information respecting the slave trade.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 805.]

LEGATION OF THE UNITED STATES,
London, November 3, 1864.

SIR: Having had an opportunity informally to see Lord Russell, I seized it to make verbally a communication to him of the remark contained in your despatch, No. 1093, of the 19th of September, on the subject of the Tuscaloosa. His lordship made no observation, excepting to the effect that the case had been full of difficulties.

I likewise spoke to him of the matter embraced in your despatch No. 1110, of the 3d of October. He asked me to write him a note which he might refer to the proper department for information. Accordingly I have since addressed one to him. Whenever the reply may come to hand I shall forward copies of both papers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Adams to Mr. Seward.*

No. 809.]

LEGATION OF THE UNITED STATES,
London, November 10, 1864.

SIR: I have the honor to acknowledge the reception of despatches from the department numbered from 1129 to 1136, inclusive.

I shall proceed at once to prepare the necessary papers in connexion with your No. 1136. Lord Russell is this week absent, partly to attend the marriage of his son Lord, Ambersley, and partly to enter upon his new honorary function of lord rector of the University of Aberdeen. I am myself about to pay a visit of a few days to the Duke of Devonshire, at Chatsworth, so that my representation will not in all probability be sent in until next week. Apart from this, some time will be necessary to copy the accompanying papers.

There is little to note in the events of the past week. The Queen has returned from Scotland and is now at Windsor, near enough to the government to transact business conveniently. The ministers are coming back to town, and cabinet meetings are about to recommence on the 14th instant.

Some attempts have been made here by the rebel agents and their allies to raise an excitement about the capture of the Oreto, *alias* the Florida, at Bahia. The accounts of that transaction all come from those officers of the vessel who have arrived at Southampton, and are, of course, untrustworthy. As this government is not at present in diplomatic communication with that of the Brazils, and the prospect of reconciliation through the mediation of Portugal is as yet pretty remote, I do not presume that it will attempt to meddle in any way with the matter. The position of the French Emperor would seem to be in some degree compromised by his singular decision in the case of the General Armstrong. Nevertheless, whatever questions may spring out of this transaction ought to be, and, I doubt not, will be, decided upon by the President, purely on their intrinsic merits and without regard to immediate circumstances.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 810.]

LEGATION OF THE UNITED STATES,
Liverpool, November 10, 1864.

SIR: The statements referred to in your despatch, No. 1130, of the 19th of October, as to the enlistment of an army of Poles in the cause of the rebels, have been running the rounds of the newspapers in this country so far as to have attracted my attention some time ago. The fact that an adventurer has come forward to offer his services for such a work, in view of an adequate remuneration to himself for the attempt, whether it succeed or fail, is likely enough. Since I have been here I have had similar overtures made to me, and that by persons in a much better position to undertake the effort with success. But I must confess myself to have been thoroughly skeptical as to any valuable issue of such a scheme. It would involve an outlay of money, and difficulties of equipment and transportation which no individual could assume, and to which the state of the rebel finances at this moment could scarcely be expected to respond. It is not unlikely that a few insurgent Poles, who have been driven from their country by the failure of the late insurrection, may be tempted individually to try their chance in America by the offer of a free passage and subsequent employment. But I think they would much more cheerfully enlist on those terms under the standard of the United States than with the rebels. Indeed, applications of that kind have been continually made to me from that class of persons, to which I have given the uniform answer, that I had no authority to make any such contract. Possibly a few of these may have gone to the rebel agents, who have few scruples, and incur little responsibility in violating the law, and have succeeded, so far as that word may be applied, to engaging in a course founded in fraud and sustained by all manner of wrongdoing. In my opinion, that resource is not worth counting as an item in their resisting power.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Adams to Mr. Seward.*

No. 813.]

LEGATION OF THE UNITED STATES,
London, November 18, 1864.

SIR: I have to acknowledge the reception of despatches from the department numbered 1137, 1138, and 1139, together with two unofficial notes of the 31st of October.

There is no event of public consequence to record this week. The first cabinet meeting of the season was held on Tuesday. It is to be followed by others, notwithstanding that the private talk is that little can be found to prepare for the consideration of Parliament. The usual prorogation has taken place until the 13th of January, at which period the day of the actual meeting for the despatch of business will be designated. This will probably be put off as late as possible.

The latest accounts from the United States bring us down almost to the close of the customary canvass inseparable from the quadrennial election of President. Great interest is felt in this country to learn the result, although the general impression given by the American correspondents of the hostile press is that the government will be sustained. Many predictions are, however, hazarded of

domestic disturbances to ensue in the great cities. I am led to indulge the belief that the fact of the existence of such an apprehension will be most likely to supply the means to dispel the danger.

The country has passed through so many of these critical periods in the present struggle without missing its foothold, that there is reason to hope it will now be able to march with a firm step to the end of it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 814.]

LEGATION OF THE UNITED STATES,

London, November 18, 1864.

SIR: I have the honor to transmit a copy of a note addressed by me to Lord Russell on the 10th instant, embracing the substance of your despatch, No. 1126, of the 17th of October, on the subject of Mr. Lancaster's intervention in the action of the Kearsarge and the Alabama. I presume this to be the close of that correspondence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 10, 1864.

MY LORD: In regard to the note of the 26th of September last, which your lordship did me the honor to address me, I now ask permission to make only two observations, preliminary to communicating to you the final instructions of my government.

Your lordship is pleased to remark that her Majesty's government consider the act of the commander of the Deerhound in interposing to save from drowning Captain Semmes and other officers and men of the Alabama as a praiseworthy act of humanity; and further, that any proposal to restore them to the hands of the victors in the struggle after they had reached the limits of this kingdom as a refuge, could be viewed only as involving a violation of the duties of hospitality of which that government would not be guilty.

I beg leave to recall your lordship's attention to the original allegation in my note, which was to the effect that Captain Semmes and his companions, after being saved from drowning by the intervention of a British subject, did not reach the limits of this kingdom as a refugee claiming the right of hospitality, so much as in the position of a belligerent determined to make his escape from capture or death to a neutral territory useful to himself and his cause by initiating further hostile proceedings against his enemy in the very place where he claimed hospitality. I have the strongest reasons for believing that the time which has passed whilst I have had the honor to conduct this correspondence with your lordship has been spent by the enemies of the United States, British and native-born, in fitting out another vessel from this kingdom to do the same sort of

piratical work which the Alabama did until she was sent to the bottom, which vessel has sailed from here to an agreed place on the ocean, where the same sort of equipment and armament which was placed on the Alabama has been placed on board of her by another British vessel sent from this kingdom for the purpose, and where were transferred Captain Semmes and his companions, the persons saved by the alleged humanity of Mr. Lancaster, for the ultimate object of continuing a war of destruction of life and property against the people of the United States. Whether I am correct or not in these statements, as yet founded only on information of a private character, time will not be long in establishing; should it prove to be so, your lordship will perhaps pardon me if I persist in maintaining the opinion that neither was the act of Mr. Lancaster in saving Captain Semmes from capture humane, nor is the act of her Majesty's government in protecting him to be viewed as wholly within the limits of that sort of hospitality which it would value in any other nation if practiced towards the people of Great Britain.

Your lordship is pleased further to observe towards the close of your note that her Majesty's government have been far more successful in preventing breaches of neutrality with regard to the fitting out of cruisers in this war, than the government of the United States were in preventing the fitting out of ships to aid the South American republics in their revolt against Spain.

Were it expedient at this late day to enter upon an examination of the relative merit of the two governments in the two very widely different stages of their condition in acquitting themselves of their obligations of neutrality under circumstances of difficulty, I am not aware that any result which might be arrived at would have an effect in materially varying the views that should be taken of the shortcomings of either. Very fortunately, I am saved the necessity of further discussion of it by pointing out to your lordship a circumstance which seems to have entirely escaped your attention. Whatever may have been the deficiencies of the United States in the instance alluded to, compensation therefor has been made to Spain, and her full and free release has been given under the sanction of her hand to a solemn treaty. Whenever her Majesty's government shall acknowledge itself prepared to perfect the parallel instance, the example may be cited against the United States, but not until then.

I have now the honor to inform your lordship that, after a careful consideration of your note of the 26th of September, my government thinks itself entitled to adhere to the several positions it has heretofore assumed in regard to the painful transaction in question, as these have been made known through me to her Majesty's government. I am further directed to express to you the President's concern at the failure, thus far, of the efforts that have been made to avert a misunderstanding between the two countries upon a point which the American people have cause to regard as seriously affecting their national honor and dignity.

Praying your lordship to accept the assurances of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 815.]

LEGATION OF THE UNITED STATES.

London, November 18, 1864.

SIR: During my absence from town my secretary, Mr. Moran, received from Mr. Dabney information relating to the fitting out of the Sea King at Teneriffe, which he transmitted to you by the last steamer. Since then Mr. Dudley, the

consul at Liverpool, has obtained depositions from two of the seamen of that vessel, who refused to enlist under Captain Semmes, and has furnished copies to me. I have concluded, in advance of the instructions which I shall doubtless receive, to send copies at once to Lord Russell with a brief note, merely re-enforcing the position already taken in mine of the 10th instant; a copy of which also goes to you by this steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[Enclosure.]

Mr. Adams to Lord Russell, November 18, 1864.

Copies of depositions will be sent by Mr. Dudley.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 18, 1864.

MY LORD: I now have the honor to submit to your consideration a copy of a letter from the consul of the United States at Liverpool, T. H. Dudley, esquire, covering the depositions of two seamen on board of the steamer Sea King, who have returned to that place. It will be seen from these that the statement which I had the honor to make to your lordship in my note of the 10th instant, on the subject of Captain Semmes, is sustained in every particular.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 816.]

LEGATION OF THE UNITED STATES,

London, November 18, 1864.

SIR: In accordance with the desire expressed in your despatch, No. 1116, of the 10th of October, I addressed a note to Lord Russell on the case of Mr. Butterfield. A copy of this, and likewise of his lordship's reply on the 14th instant, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 4, 1864.

MY LORD: In regard to the note I had the honor to receive from you, dated the 30th of June last, on the subject of Mr. Butterfield's course at Key West,

in the case of a person named Edward F. Rich, I am directed to submit to your consideration a copy of a letter addressed to the Secretary of the Navy by Admiral Bailey, the officer who made the original complaint. I am further instructed to apprise your lordship, that whilst there is no desire on the part of my government further to agitate this matter, this course is not intended to imply any disposition to assent to the conclusion respecting it which appears to have been arrived at by her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your obedient servant,
 CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c. &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November 14, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, in which you submit for the consideration of her Majesty's government a copy of a letter from Admiral Bailey relative to the course pursued by Mr. Vice-Consul Butterfield in the case of a person named Edward F. Rich. You are pleased to say that there is no desire on the part of your government further to agitate this matter, and I beg leave to assure you, in reply, that her Majesty's government have no wish to carry the matter further.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 817.]

LEGATION OF THE UNITED STATES,
London, November 18, 1864.

SIR: I have received from Lord Wharnccliffe, the chairman of the British association organized to give aid and comfort to the rebel cause, a note, a copy of which is transmitted herewith. I append a copy of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

WORTLEY HALL, SHEFFIELD,
November 12, 1864.

YOUR EXCELLENCY: A bazaar has been held in St. George's Hall, Liverpool, to provide a fund for the relief of southern prisoners of war; it has produced a clear sum of about £17,000. In preference to any attempt to reach the intended object by circuitous means, a committee of English gentlemen has been formed to address you on the subject.

As chairman of this committee, I venture to ask your excellency to request the permission of your government that an accredited agent may be sent out to visit the military prisons within the northern States, and minister to the comfort of those for whom this fund is intended, under such supervision as your government may direct.

Permit me to state that no political end is aimed at by this movement. It has received support from many who were opposed to the political action of the south. Nor is it intended to impute that the confederate prisoners are denied such attentions as the ordinary rules enjoin. But these rules are narrow and stern. Winter is at hand, and the clothing which may satisfy the rules of war will not protect the natives of a warm climate from the severe cold of the north.

Sir, the issue of this great contest will not be determined by individual suffering, be it greater or less, and you, whose family name is interwoven with American history, cannot view with indifference the sufferings of American citizens, whatever their state or their opinions.

On more than one occasion, aid has been proffered by the people of one country to special classes under great affliction in another. May it not be permitted to us to follow these examples, especially when those we desire to solace are beyond the reach of their immediate kinsmen. I trust that these precedents and the voice of humanity may plead with your excellency, and induce you to prefer to the government of the United States the request which I have the honor to submit.

I am, sir, your obedient, humble servant,

WHARNCLIFFE:

His Excellency Hon. C. F. ADAMS, &c., &c., &c.

Mr. Adams to Lord Wharncliffe.

LEGATION OF THE UNITED STATES,

London, November 18, 1864.

MY LORD: I have the honor to acknowledge the reception of your letter of the 12th instant, asking me to submit to the consideration of my government a request of certain English gentlemen, made through your lordship, to send out an accredited agent to visit the military prisoners held by the United States, and afford them such aid, additional to that extended by the ordinary rules of war, as may be provided by the fund which has been raised here for the purpose.

I am very sure that it has never been the desire of my government to treat with unnecessary or vindictive severity any of the misguided individuals, parties in this deplorable rebellion, who have fallen into their hands in the regular course of war. I should greatly rejoice were the effects of your sympathy extended to the ministering to the mental ailment, not less than the bodily sufferings of these unfortunate persons, thus contributing to put an end to a struggle which otherwise is too likely to be only proerastinated by your labors.

Be this as it may, I shall be happy to promote any humane endeavors to alleviate the horrors of this strife, and in that sense shall very cheerfully comply with you lordship's desire, so far as to transmit, by the earliest opportunity, to my government, a copy of the application which has been addressed to me.

I beg your lordship to receive the assurance of my distinguished consideration.

CHARLES FRANCIS ADAMS.

LORD WHARNCLIFFE, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1153.]

DEPARTMENT OF STATE,

Washington, November 17, 1864.

SIR: I transmit herewith a copy of a despatch of the 10th instant, No. 95, from Mr. D. Thurston, vice-consul general of the United States at Montreal,

Canada, and of my reply thereto, of the 16th instant, No. 61, relative to the proceedings of the Canadian authorities in regard to prevention of hostile expeditions from the British provinces against the United States. I fear that after all, either through deficiency of the laws or error in application of them, the outrages may be continued, the consequences of which I have already sufficiently indicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Thurston to Mr. Seward.

No. 95.]

UNITED STATES CONSULATE GENERAL,

Montreal, November 10, 1864.

SIR: Some days since the Hon. G. E. Cartier, attorney general east, called at the Ottawa Hotel, and left his card for the consul general and myself. The consul general being absent, Mr. Cartier expressed the wish that I would call on him at his residence before he left the city. Accordingly, the next day I called at his house, but not finding him at home I left my card, with a request that he would do me the honor to call at the consulate previous to his leaving for Quebec. Saturday morning last Mr. Emmons of Detroit called at the consulate, and stated that the object of his visit was to obtain information in reference to the raid on St. Albans, the sentiment of the people of Canada, and the views which the government of Canada might entertain of its powers to render up the prisoners under the law; or, if the law was defective, whether the government possessed the right to increase its powers by additional legislation.

He explained to me that he had no official character, but that he had lately visited Washington, and had an interview with the honorable Secretary of State, and although he had received no authority to represent the government from the department, yet the honorable Secretary of State had sympathized with his efforts, and had freely conversed with him and his associate, Mr. Barnes, of Portland, on these subjects, as citizens, and had expressed the wish that they should visit Montreal on their way home. Mr. Emmons exhibited to me several documents establishing, as I believe, his position as a gentleman of position and respectability in his State, and referred me to parties in Montreal to whom he was well known.

While I was conversing with Mr. Emmons, Mr. Cartier and the Hon. Darcy McGee, minister of agriculture, came into the consulate. I introduced to them Mr. Emmons, and stated to them the object of his visit at Montreal, as explained to me, and remarked to Mr. Cartier that I presumed, from his calling on the consul general and myself at our hotel, and the expression of his wish that I should visit him at his residence, he desired to confer with me on the matter of the St. Albans raid. I had ventured to request him to call at the consulate, as I learned he was to leave for Quebec that evening, and I feared I should miss the opportunity of having an interview before he left.

* * * * *

I then informed him that explanations had been made to the Department of State of the immediate and earnest action of the authorities of Canada to secure the arrest of the raiders, and of the kindness and courtesy with which the representations of the consular officers had been received by the government of Canada, and of the satisfaction which had been expressed by the Secretary of State at the promptness and efficiency which the provincial government had manifested in this matter.

* * * * *

They also invited my frequent consultation with their officials in Montreal, and in other localities, and desired me freely to communicate with them whenever I had any matter of which I thought it proper they should be informed. They expressed their earnest desire to do everything possible under the law, and evinced much pleasure that the department had been informed of the steps taken in the St. Albans raid, and left.

* * * * *

This interview with three of the leading members of Lord Monck's ministry, unsolicited on my part, is certainly an evidence of the good faith of the government of Canada, and its earnest desire effectually to put in force all the requirements of the law, and to maintain all their obligations as a neutral power at peace with the United States. I should not have asked an interview of this kind, but as Mr. Cartier evidently sought the opportunity of conversing with me on the subject of the raid, committed on the territory of the United States, I deemed it my duty to talk freely with him, Mr. McGee, and Mr. McDougal on the subject, and have the honor to give you the foregoing narrative as a resumé of what was done.

I have the honor to be your obedient servant,

D. THURSTON,
United States Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Thurston.

No. 61.]

DEPARTMENT OF STATE,
Washington, November 16, 1864.

SIR: Your despatch, No. 95, has been received. The spirit manifested by the Canadian ministers at the conference to which it relates was just and friendly; we hope they may arrest the evil. Your own proceedings are approved.

I am, sir, your obedient servant,

FREDERICK W. SEWARD,
Assistant Secretary.

D. THURSTON, Esq.,
United States Vice-Consul General, Montreal.

Mr. Seward to Mr. Adams.

No. 1159.]

DEPARTMENT OF STATE,
Washington, November 21, 1864.

SIR: We have satisfactory information that the operations of the rebel Price against Missouri have failed, and that he has retired southward beyond the line where pursuit would be consistent with the strategy of our commanders.

The brief season of military repose on this side of the Mississippi seems to have come to an end. Direct communications with Major General Sherman have ceased. We hear through the rebel newspapers that he is advancing in Georgia, and they say that on the 17th instant he was at Jonesburg. General Gillen suffered a defeat at the hands of Breckinridge in East Tennessee, with the loss of four hundred killed, wounded, and missing. Hood is manœuvring in Alabama, on the borders of Tennessee river; but the com-

manding general in that region thinks himself able to maintain his position in Tennessee. It is understood that at least one column of the enemy's force which has so long been operating under Early in the Shenandoah valley has been withdrawn to Richmond. We have good grounds for believing that the report of the death of Major General Canby, which fills the morning newspapers, is erroneous, as I pray God it may be.

I give you for your information a copy of a despatch which I addressed, on the 11th instant, to Mr. Webb, our minister at Rio, on the subject of the capture of the Florida at Bahia. We have not yet received any communications, or indeed any information whatever relating to the transaction, from Rio.

The exigencies of civil war have at last brought the treasonable cabal at Richmond to a serious debate upon propositions for arming, and, of course, emancipating a portion of the slave population. Thus it is seen that the so deeply deprecated irrepressible conflict has at last broken out in the very seat and citadel of slavery itself.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to other ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 162.]

WASHINGTON, November 29, 1864.

SIR: The military situation in Shenandoah valley remains unchanged. The same is true of the siege of Richmond.

Our information from General Sherman, through rebel channels, is that he has advanced in a track covering the two great railroads beyond Milledgeville and Macon, thus far encountering no serious opposition.

It is understood that the rebels in Alabama and Tennessee are designing to pursue and harass Sherman. Dispositions have been made by General Thomas for such an emergency.

The rebel Florida was sunk in Hampton Roads. No communications on the subject of her capture have been received from Brazil.

The honorable Edward Bates has resigned the office of Attorney General of the United States. He will be succeeded by the honorable Joseph Holt, of Kentucky,

I give you a copy of a correspondence that has been held between Mr. Joseph Parker, of Manchester, England, and this department.

The Asia's mails are being opened, just at the moment when foreign mail is being closed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Parker to Mr. Seward.

WASHINGTON, D. C., November 26, 1864.

HONORABLE SIR: I beg to inform you that I have been deputed to convey to this country an address from the people of Great Britain and Ireland to the people of the United States of America. The address was presented to Governor Seymour for him to present through the proper channel. I was requested

by him to convey it to the President of the United States, as the authorized channel of communication between the people of other nations and the people of the United States of America. May I, therefore, ask the honor of an opportunity for so doing?

I am, honorable sir, yours, most obediently,

JOSEPH PARKER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Parker.

DEPARTMENT OF STATE,
Washington, November 20, 1864.

SIR: Your letter of this date, stating that you are the bearer of an address from the people of Great Britain and Ireland to the people of the United States, has been received. Before answering the question which your letter contains, it is desirable to be further informed whether you have authority from the government of Great Britain and Ireland for the purpose referred to, and whether your mission has been made known to the diplomatic agent of that government accredited to the government of the United States.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

JOSEPH PARKER, Esq., *Washington, D. C.*

Mr. Parker to Mr. Seward.

METROPOLITAN HOTEL,
Washington, D. C., November 26, 1864.

HONORABLE SIR: In reply to your letter of to-day, permit me to state that the address which I have had the honor of being deputed by the parties signing it to bring to this country, and containing the signatures of some three hundred and fifty thousand of my countrymen—from the peer to the artisan—is *not* from the government of Great Britain nor from any political party. It is simply an expression of the earnest desire of the masses of the people of Great Britain to see peace again restored to this continent.

Waiting your favor, I am, honorable sir, yours, most obediently,

JOSEPH PARKER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Parker.

DEPARTMENT OF STATE,
Washington, November 26, 1864.

SIR: The government of the United States cannot receive the address which was mentioned in your notes of this morning. Your request for an interview with the President to present the address is therefore declined.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOSEPH PARKER, Esq., *Metropolitan Hotel.*

Mr. Seward to Mr. Adams.

No. 1164.]

DEPARTMENT OF STATE,

Washington, November 29, 1864.

SIR: The enclosed copy of a communication, of the 25th instant, from the War Department, is transmitted to you with a view to a proper representation being addressed by you to Earl Russell in regard to the subject to which it chiefly relates, namely, the existence and movements of an organized body of enemies of the United States at Marysburg, in Prince Edward's county, Canada.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,

Washington City, November 25, 1864.

SIR: The Secretary of War directs me to transmit for your information the enclosed copy of a letter from Major General Dix relative to the disturbed condition of the northern frontiers.

I have the honor to be, sir, your obedient servant,

C. A. DANA,

Assistant Secretary of War.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Major General Dix to Mr. Stanton.

HEADQUARTERS DEPARTMENT OF THE EAST,

New York City, November 22, 1864.

SIR: I have the following reliable information: There are about forty rebels in Marysburg, Prince Edward's county, Canada, on the north side of Lake Ontario, and northwest of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the neighborhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organizations for hostile purposes, on Canadian soil, are so plainly in violation of all the obligations of neutrality, that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier, on account of the outrages on the Detroit river and at St. Albans; and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I am, very respectfully, your obedient servant,

JOHN A. DIX,

Major General, New York.

HON. E. M. STANTON,

Secretary of War, &c., &c., &c.

Mr. Seward to Mr. Adams.

No: 1165.]

DEPARTMENT OF STATE,

Washington, November 30, 1864.

SIR: I enclose herewith a copy of the correspondence which has taken place between Mr. Allen, United States consul at Bermuda, and the authorities of those islands, relative to the capture of the steamer Roanoke by the insurgents. You are instructed to make known to her Britannic Majesty's government the facts therein mentioned, and to protest against the proceedings at Bermuda in enlisting the men and discharging the accused parties; the protest to apply particularly to Braine, who was concerned in the affair of the Chesapeake, and whose delivery was refused.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Allen to Mr. Seward.

No. 142.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Bermuda, October 28, 1864.

SIR: I have the honor to enclose herewith copies of all the correspondence between myself and the authorities of these islands in relation to the Roanoke affair, numbered from one to five, with copies of the enclosures they contained annexed. It will, I trust, be obvious from this correspondence that all I could do under the circumstances was done to bring these men to justice.

The real facts of the case, though no doubt known from the first to many in this town, were studiously concealed from me; and even after the arrest was made, no official intimation was conveyed to me of the nature of the charge on which they had been arrested, nor was I requested to attend the examination. I was thus left to get at the matter as best I could, and under many disadvantages. It is, however, equally obvious that had I been in full possession of all the facts, from the first, and been able to make my application at an earlier stage of the proceedings, or to make any other kind or form of application, the result must have been precisely the same, as the decision came to by the authorities here was based, not on any deficiency or error in the steps taken by me, but simply on the isolated ground that the acts proved did not, in the opinion of the law officer of the crown, amount to enough to establish the charge made, and consequently could not come within the provisions of the treaty of August 9, 1842.

This is evident from the fact that the accused were liberated, not on a decision of the magistrates, but on the withdrawal of the complaint by the attorney general.

I am, sir, your obedient servant,

C. M. ALLEN, *Consul.*

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Allen to Mr. Hamley.

No. 1.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Bermuda, October 6, 1864.

SIR: I have the honor to enclose herewith the affidavit of one Robert Devine.

Believing the facts therein set forth to be in contravention of the foreign enlistment act, I would respectfully request your excellency to take such immediate action as to prevent all persons being enlisted in these islands for such belligerent purposes.

I have the honor to be, sir, your obedient, humble servant,
C. M. ALLEN,

United States Consul.

His Excellency W. G. HAMLEY,

Lieut. Governor, Commander-in-Chief, &c., Bermuda.

[Enclosed with No 1.]

Affidavit of Robert Devine.

I hereby declare that I have this day been shipped by and before Mr. Black, to join some confederate vessel now in the offing, to proceed to Wilmington. I signed articles, but the name of the vessel was not filled in. Some eighty or ninety other persons have also shipped for the same vessel. I was told by Mr. Black that he wanted no man who could not fight, or who was afraid of gunpowder, as they would have to fight their way to Wilmington.

ROBERT DEVINE.

Delivered before me this 6th October, 1864.

W. C. J. HYLAND, J. P.

[Reply to No. 1.]

Mr. Hamley to Mr. Allen.

MOUNT LANGTON, *October 6, 1864.*

SIR: In reference to the letter and enclosure which you placed in my hands this afternoon, I beg to inform you that, after giving the matter all the consideration of which the time has admitted, I do not find sufficient evidence of any fact on which I can exercise executive authority or interposition, although there is enough to excite that vigilance which I will take care to exercise with regard to it.

As I cannot, in a case like this, act without convincing written testimony, and as I must, of course, rely principally on your activity to obtain the required evidence, I must request you to furnish me, in writing, with as early and authentic information on this point as you can possibly obtain.

Although I thus claim your energetic assistance, be assured of my using every means in my own power to prevent a breach of the foreign enlistment act, or of the neutrality prescribed by her Majesty's government.

I have the honor to be, sir, your most obedient servant,

W. H. HAMLEY,

Lieutenant Governor and Commander-in-Chief.

C. M. ALLEN, Esq.,

Consul for the United States of America, St. Georges.

Mr. Allen to Mr. Hamley.

No. 2.

UNITED STATES CONSULATE,
Bermuda, October 7, 1864.

SIR: I have the honor to acknowledge the receipt of your excellency's letter, dated the 6th instant, in which you inform me that you do not consider the evidence I produced sufficient to enable you to exercise executive authority.

I labor under the disadvantage of not having access to any copy of the foreign enlistment act, and to some extent, therefore, write under obscurity; but if the fact of one or more confederate war-vessels being in the immediate neighborhood of these islands; of one or both making a nightly visit to Five Fathom Hole, and being there visited by the person acting as confederate agent; of coals and other supplies being sent out there to them by a well-known firm in this town; of men being enlisted for them by the so-called confederate agent, and, when reported as communicating with myself, being stripped in the presence of that agent, by his direction, and being searched for a protection or some other paper—if these circumstances, or any of them, notorious now in the town, constitute a breach of the act in question, I have to submit that such a breach has been palpably made. I shall persevere in my endeavors to obtain such further evidence as may enable your excellency to feel yourself justified in taking action; but I need hardly point out that, situated as I am here, with the general policy of the community adverse to the cause I have the honor to represent in these islands, every difficulty will be thrown in the way of my obtaining it, and I can hardly hope for any but circumstantial evidence.

I have the honor to be, sir, your most obedient servant,

C. M. ALLEN,
United States Consul.

His Excellency W. G. HAMLEY,
Lieut. Gov. and Commander-in-Chief, &c., Mount Langton.

Mr. Allen to Mr. Hamley.

No. 3.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bermuda, October 8, 1864.

SIR: I have the honor to enclose herewith evidence, which in my opinion is conclusive, to the extent of showing that an act of piracy has been committed on board an American vessel now in the immediate vicinity of these islands. Should your excellency deem the evidence enclosed sufficient to enable you to take action in the matter, I beg to request that the steamship in question may be brought into port here at the earliest possible opportunity, and a proper examination instituted.

I have the honor to be, sir, your obedient servant,

C. M. ALLEN,
United States Consul.

His Excellency W. G. HAMLEY,
Lieut. Governor and Commander-in-Chief, &c., Bermuda.

[Enclosure with No. 3.]

BERMUDA, ALIAS SOMERS' ISLANDS.

By Wm. Christopher John Hyland, a notary public, in and for the islands of Bermuda, and all other her Majesty's foreign dominions and territories, duly commissioned and sworn.

[L. s.] W. C. J. HYLAND,
Notary Public.

To all to whom this present writing or instrument of protest shall come, greeting :

Know ye, that on the day of the date hereof, personally appeared before me Edward Dingle Nichols, late chief officer of the steamship Roanoke, of the city of New York, in the United States of America, and Frank Edward Hawley, late purser of said ship, who on oath say, that on the 29th of September last they left the city of Havana, in Cuba, laden with an assorted cargo, and about forty passengers; that on the same day of the month, when they had been at sea about five hours, a man named Braine, alias Johnson, lately implicated in the seizure of the steamship Chesapeake, of New York, assisted actively by about nine other persons, violently and by force of arms, when Captain Drew and most of the other officers were asleep in their state-rooms, seized the steamship Roanoke, and placed the said Captain A. Drew, with the whole of the ship's company, (the firemen excepted,) in irons; that while so engaged they killed the carpenter of said steamship, by shooting, and also wounded the third engineer; that they then proceeded and made the island of Bermuda on the 4th day of October, instant, and took a pilot-boat on the evening of that day; that they proceeded to the east end of these islands and anchored in or near to Five Fathom Hole, about eight post meridian of that day, and there remained until about half past 3 o'clock of the following morning; that at about 9 o'clock, just after anchoring, the said Braine left the ship in the pilot-boat and proceeded on shore, in the direction of the town of St. George; that at about 3 o'clock on the following morning the said Braine again returned to the said steamship, accompanied by four or five other persons from the shore; that they soon after weighed anchor and proceeded seaward; that on the night of the 5th instant the vessel was again brought and anchored in Five Fathom Hole, or its vicinity; that at about 11 o'clock on the same night, five or six persons again came on board from the shore; that one of the said parties was recognized by a passenger, B. B. Blydenbaugh, as Joseph Johnson, a merchant of the town of St. George; that they heard one of these parties, whom they have every reason to believe is named Black, tell the present purser of the said ship, one Jashoop, that the brig would not be out with coals and provisions until the following day; that they shortly left the ship, and she again proceeded seaward, but again returned towards the land as night closed in; that at about 8 o'clock p. m. of the 6th of October they made a brig with a light at her foremast head, and they spoke her about eight or ten miles from the land off the light-house, and she was ordered to heave to until daylight; that a boat was sent on board of her from the said steamship, and she returned soon after with sundry provisions; that on that night and following morning about forty men were sent on board the steamer from the said brig, and which proved to be the Village Girl, of Whitehaven; that all day of the 7th October was employed transporting coals and provisions on board the said steamship from the said brig Village Girl; that the said Braine and other officers informed them on that day that a brig with a black ball in her fore-topsail would come and take off the passengers of the Roanoke, and proceed to Halifax with them; that they kept a look-out all that day, expecting said brig to appear; that at about 5 or 6 o'clock of the same evening a sail was made to the westward, when they stopped coaling, and immediately made for it; on getting near her they hailed her, and ordered her to heave to, and at the same time asked her name, and if she had a black ball in her fore-topsail. On finding it was not the vessel expected, the brig was told to proceed on her voyage, and the said steamship again returned to the Village Girl and took in further coal; that on or about 8 o'clock p. m. of that day they made another vessel, upon which they bore down to her; she also had a light at her foremast head; that at about 10 o'clock p. m. of same night they commenced putting the baggage of the passengers on board the said brig, and at 11

o'clock the same night the passengers and all of the crew of said steamship, with the exception of three who were in irons, were placed on board the said brig, which proved to be the Danish brig Mathilde, with a black painted ball in her fore-topsail; and at about 4 o'clock a. m. of the 8th October the brig proceeded eastward, and at 7 o'clock p. m. of the same day they anchored in or near the Five Fathom Hole; they further say, that the said steamship had not over ten tons of coal on board on the evening of this day.

And these said appearers, upon their oaths aforesaid, do further declare that, during the said voyage, they, together with others of the said ship's company, did all they could to preserve the said steamship from seizure.

Wherefore the said Edward Dingle Nichols and Frank Edward Hawley have protested, and I, the notary aforesaid, at their special instance and request, do publicly and solemnly protest against all and every person whom it doth or may concern, and especially against the seizure of the said steamship Roanoke, by the aforesaid Braine and others, and against all losses, damages, costs, charges, and expenses which have occurred, or may hereafter occur, by reason of the foregoing premises.

Thus done and protested in the town of St. George, the 8th of October, 1864.

In testimony whereof, these appearers have subscribed their names, and I, the notary aforesaid, have hereunto affixed my notarial seal.

E. D. NICHOLS.

F. E. HAWLEY.

Mr. Allen to Mr. Hyland.

No. 4.]

CONSULATE OF THE U. S. OF AMERICA,
Bermuda, October 10, 1864.

SIR: I herewith enclose an affidavit having reference to certain acts of piracy and murder committed by persons now in the town of St. George, Bermuda, and have respectfully to request the course of proceeding authorized by article 10 of the treaty of August 9, 1862, between the government I have the honor to represent and her Majesty's government, may be at once adopted.

I have the honor to be, sir, your obedient servant,

C. M. ALLEN,

United States Consul.

The Worshipful W. C. J. HYLAND,
Police Magistrate, Bermuda.

[Enclosure with No. 4.]

Affidavit of Mr. Allen.

I, Charles M. Allen, consul to the United States of America for Bermuda, do solemnly and truly swear that I have good reason to believe, and do believe, that an act or acts of piracy and murder has or have been committed on board the United States steam vessel Roanoke, at sea, on or about the 29th day of September last, by one — Braine, *alias* Johnson, assisted by one Dr. Parr, *alias* Anderson, and several other persons to this deponent unknown, and that the said persons have sought an asylum in the town of St. George, in Bermuda, aforesaid.

C. M. ALLEN.

Sworn to before me this 10th day of October, 1864.

JAMES H. THIES, *Mayor.*

Mr. Allen to Mr. Hamley.

No. 5.]

CONSULATE OF THE U. S. OF AMERICA,
Bermuda, October 12, 1864.

SIR: On the 10th instant I made a request to W. C. J. Hyland, esq., police magistrate of the town of St. George, that certain persons connected with and implicated in what I believed to be an act of piracy committed on board the United States steamer, Roanoke, of New York, said persons then being in the town of St. Georges within the jurisdiction of the said magistrate, be arrested, and dealt with in accordance with the 10th section of the treaty made August 9, 1842, between her Majesty's government and the government of the United States of America. With the said request I enclosed an affidavit setting forth the belief that such an act had been committed by the parties therein named.

I beg to inform your excellency that I am not aware any action has yet been taken upon the matter, and that the parties alluded to are now at large within the jurisdiction of the said magistrate.

I have the honor to be, sir, your most obedient servant,

C. M. ALLEN,
United States Consul.

His Excellency W. G. HAMLEY,

Lieut. Governor, and Commander-in-Chief, &c., Bermuda.

[Reply to No. 5.]

Mr. Hamley to Mr. C. M. Allen.

MOUNT LANGTON, *October 16, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you had requested Mr. Hyland, the police magistrate in St. George, to cause to be arrested certain persons connected with an implication in what you believe to be an act of piracy, and that these persons should be dealt with according to the 10th section of the treaty, made August 9, 1842, between her Majesty's government and the government of the United States of America; in which you also inform me that with your request to Mr. Hyland you had enclosed an affidavit setting forth your belief of the matters stated, and in which you conclude by saying that you are not aware that any action has yet been taken in the matter, and that the suspected persons are still at large.

Having referred to the attorney general your letter, and one from Mr. Hyland, of the same date, on the same subject, covering your letter to him of the 10th, with the accompanying affidavit, I am advised that the course adopted by you is not such as would warrant me in taking any proceedings under the treaty referred to.

It may, however, afford you some satisfaction to be informed that an investigation has been held by two magistrates, (of which you are probably not altogether ignorant,) the effect of which has been to show that even if you had, in every respect, complied with the requisites to an effectual application, and if I had, after the recent decision in England on a similar question, felt justified in issuing my warrant to the magistrates, the result must have been, after, perhaps, a more protracted inquiry, the liberation of the persons charged by you with piracy.

These persons were, after a hearing, and the production of a commission from the Confederate States authorities, dismissed on the 12th instant, as it was made

clearly to appear that, whatever opinion might be entertained of the propriety of their conduct, the commission and instructions relieved them from personal responsibility to neutral nations.

I have the honor to be, sir, your obedient servant,

W. G. HAMLEY,

Lieutenant Governor and Commander-in-Chief.

C. M. ALLEN, Esq.

Consul of the U. S. of America, St. George.

Mr. Seward to Mr. Adams.

No. 1171.]

DEPARTMENT OF STATE,

Washington, December 3, 1864.

SIR: Information has reached this department from William H. Dabney, esq., the consul of the United States at Teneriffe, to the effect that the British steamer Laurel, reported to have sailed from Liverpool with the pirate Semmes and one hundred picked men, met by appointment the English steamer Sea King (which left London on the 7th of October last for Bombay) at the Desertas of Madeira, and there transferred to the Sea King Semmes and crew, armament, munitions, and stores, and received from the Sea King Captain Corbett and crew, who brought her to the Desertas, and who, on the 22d of the same month, were landed at Teneriffe for passage home.

Thus it would seem that the notorious commander of the Alabama has again obtained command of a British-built vessel, which has been supplied by another British vessel with men, arms, and munitions, carried out from a British port, and is now at large on the high seas for the purpose of committing depredations upon the commerce of the United States.

I will thank you to bring the case under the attention of Earl Russell, protesting against any such arrangement as that above indicated, and informing his lordship that, if it is correctly stated, this government considers that her Majesty's government may be held justly responsible for any losses accruing to citizens of the United States through the depredations of the Sea King.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1173.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR: I have received your despatch of the 18th of November, (No. 817,) together with the papers therein mentioned, namely, a copy of a letter which was addressed to you on the 12th of November last by Lord Wharncliffe, and a copy of your answer to that letter.

Your proceeding in the matter is approved. You will now inform Lord Wharncliffe that permission for an agent of the committee described by him to visit the insurgents detained in the military prisons of the United States and to distribute among them seventeen thousand pounds of British gold is disallowed. Here it is expected that your correspondence with Lord Wharncliffe will end.

That correspondence will necessarily become public. On reading it the American people will be well aware that while the United States have ample

means for the support of prisoners, as well as for every other exigency of the war in which they are engaged, the insurgents, who have blindly rushed into that condition, are suffering no privations that appeal for relief to charity either at home or abroad.

The American people will be likely also to reflect that the sum thus insidiously tendered in the name of humanity constitutes no large portion of the profits which its contributors may be justly supposed to have derived from the insurgents by exchanging with them arms and munitions of war for the coveted productions of immoral and enervating slave-labor. Nor will any portion of the American people be disposed to regard the sum thus ostentatiously offered for the relief of captured insurgents as a too generous equivalent for the devastation and desolation which a civil war, promoted and protracted by British subjects, has spread throughout States which before were eminently prosperous and happy.

Finally, in view of this last officious intervention in our domestic affairs, the American people can hardly fail to recall the warning of the Father of our Country, directed against two great and intimately connected public dangers, namely, sectional faction and foreign intrigue. I do not think that the insurgents have become debased, although they have sadly wandered from the ways of loyalty and patriotism. I think that, in common with all our countrymen, they will rejoice in being saved by their considerate and loyal government from the grave insult which Lord Wharncliffe and his associates, in their zeal for the overthrow of the United States, have prepared for the victims of this unnecessary, unnatural, and hopeless rebellion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1174.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR: Your despatch of the 18th of November, No. 813, has been received. It presents the reflections which occurred to you while awaiting the unknown result of the late national election. These reflections are wise and just. The government did not begin the war, but waited after it was begun for a clear and unmistakable position of self-defence. Moreover, the government, in deference to the Constitution, declined to give to this defensive war the character of an aggressive one for the removal of slavery, although it well knew that slavery was the real cause of the rebellion. The government, pursuing this policy, has constantly made the maintenance of the Union the principal object of its military operations. Nevertheless, the course of events has been such as to justify the assumption that, in point of fact, the war is a principal force in a popular revolution against African slavery. At the beginning of the contest the people, even in the loyal States, were by no means united, much less were they unanimous in regarding that political revolution as necessary, wise, or lawful. Hitherto, therefore, our principal danger was that of counter-revolution, to be prosecuted in the interest of slavery as a recognized constituent of our national system. A counter-revolution was plotted, and preparations to some extent were secretly made to put it in execution. We have not only discovered the conspirators, but we have also seized arms and munitions which they have gathered. The late election brought the plot to the knowledge of the people, and their decision has rendered its execution impossible. Without the aid of counter-revolution

the rebellion must fail. We may therefore conclude that the country has safely passed the turning-point in the revolutionary movement against slavery, and that henceforth we shall see the Union rapidly recovering its moral strength and vigor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1177.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR: Your despatch of the 18th ultimo, No. 814, has been received. It is accompanied by a copy of your note of the 10th of that month to Earl Russell, on the subject of the conduct of the commander of the Deerhound in rescuing and bearing off the commander and a portion of the crew of the Alabama, after that vessel was sunk by the Kearsarge, which note is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1178.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 18th ultimo, No. 815, in relation to the fitting out of the Sea King, and transmitting a copy of your note of the 18th of that month to Earl Russell upon the subject, and its bearing upon the intervention of the Deerhound.

I am happy to observe that you have well anticipated and executed my instructions on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1180.]

DEPARTMENT OF STATE,

Washington, December 5, 1864.

SIR: Lord Lyons, suffering much from neuralgia, goes home on a leave of absence. I am desirous that Earl Russell shall understand how deeply this incident is regretted by this government, and how desirous we are for Lord Lyons's recovery and return to our country. I give you a copy of my note to him in reply to his letter informing me of his purpose.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Lord Lyons

DEPARTMENT OF STATE,
Washington, Sunday morning, December 4, 1864.

MY DEAR LORD LYONS: I agree with you that it is best that you go away for a time—I hope not a long one. And yet I feel that my cares and difficulties will be seriously increased by your withdrawal.

I shall be happy to see you to-morrow at twelve o'clock, and I will then attend you to the Executive mansion, where the President will receive you, I am sure, with sincere kindness and sympathy.

Very truly your friend,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1182.]

DEPARTMENT OF STATE,
Washington, December 5, 1864.

SIR: The military situation is exciting much interest. Major General Thomas, upon whom the conduct of operations in Tennessee has devolved by the departure of Major General Sherman, has been, during the last week, withdrawing his forces from advanced points of observation to the lines of Nashville, writes that on the 30th day of November the enemy attacked Major General Schofield at Franklin, and was repulsed with a loss the enemy variously stated at thirty to forty flags, and four to five thousand men. After thus defeating the enemy General Schofield retired without serious molestation to the defensive position towards which he was marching when the interruption occurred. On the 3d instant there was skirmishing on the Cumberland river below Nashville, at first with advantages to the enemy, but in the end the advantages reversed.

We glean from the meagre reports of the insurgent press that Major General Sherman is advancing, as yet practically unresisted, towards the Atlantic coast. The most definite account is that he was on the 30th ultimo at or on the borders of Millen, on the Southern or Georgia Central railroad.

Affairs are unchanged in front of Richmond. It is understood that Early is at last sending troops up the valley to re-enforce Lee.

Congress assembles to-day. The message will be communicated to-morrow.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

APPENDIX.

Mr. F. W. Seward to Mr. Adams.

No. 794.]

DEPARTMENT OF STATE,
Washington, December 27, 1863.

SIR: Referring to instruction No. 791, of the 26th instant, I enclose a copy of a despatch of the 12th instant, No. 70, from the consul at Cork, in regard to the alleged violation of the foreign enlistment act of Great Britain in the case of the Kearsarge, and which was received subsequent to the writing of No. 791.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq.

No. 70.]

UNITED STATES CONSULATE,
Queenstown, Cork, December 12, 1863.

SIR: I have the honor to inform you that on the 7th instant the United States steamer Kearsarge called off this harbor and sent ashore sixteen men in a pilot-boat, with a note to me. I returned on board the Kearsarge in the pilot-boat, saw the captain, and from him I obtained a statement, a copy of which I enclose. These men, it seems, stowed themselves away on board the Kearsarge, while in this port, in hopes to be shipped when at sea, instead of which the captain took them to Brest, sent them ashore, and then retook them on board and enlisted them in the service of the United States for the term of three years, as I understand.

It seems then he feared he had done wrong, and, afraid of trouble, when he got up steam, came across here, and put these men ashore, with scarcely any explanations.

I have the honor to be, sir, your obedient servant,

Hon. WILLIAM H. SEWARD,
Secretary of State.

EDWIN G. EASTMAN.

I certify that the United States steamer Kearsarge arrived in Queenstown on the night of the 2d of November, 1863, and that on the following day I left the ship for Cork. On my return to Queenstown, accompanied by the American consul, I called upon the admiral in command, and in course of conversation reference was made to a paragraph in the papers that the Kearsarge had come in for the purpose of enlisting men, when I informed the admiral that I had received notice from the executive officer of the Kearsarge that many persons had applied to be shipped, and in response I had directed him to notify all persons that no enlistments would be made, and instructions were given in accordance. On the night of the 5th of November, 1863, while blowing heavy, with thick rainy weather, the Kearsarge went to sea. On the following day report was made to me that several men had been discovered on board, and investigation showed that they had concealed themselves in the ship during the thick

and rainy weather of the day or night previous, and, disguised in this way, proceeded in the ship, hoping to be enlisted in the service of the United States after she got to sea. The Kearsarge was on important duty, watching the Florida at Brest, and it was therefore impracticable to return the men to Queenstown immediately. I directed the men to be held at Brest, in apprehension, if they were turned ashore, they would join the Florida, resolving as soon as the Kearsarge left Brest again to put them ashore at Cork. The Kearsarge left Brest again on the 5th of December, 1863, and, in accordance with my resolution, I have this day sent sixteen men ashore in the pilot-boat Petrel, with a list of their names as given to the American consul.

JOHN A. WINSLOW, *Captain.*

U. S. STEAM-SLOOP KEARSARGE,
Off Queenstown, December 7, 1863.

UNITED STATES STEAMER KEARSARGE,
Off Cork Harbor, December 7, 1863.

SIR: I beg leave to state, in accordance with your request, that on or about the 3d of November, 1863, several men from Queenstown came on board of this ship as applicants for enlistment in the naval service of the United States. In the absence of yourself and of any definite instructions in regard to such applications I told the men that if they were physically qualified for enlistment they might remain on board until your return, when you would decide. Upon your return your instructions were not to enlist them; they were accordingly sent out of the ship.

Many applications of a similar nature were made, but their enlistment was in every case refused, in accordance with your instructions. During the time we were at anchor the ship was surrounded by boats filled with men desiring to enlist. Orders were given and executed not to allow them alongside. On the evening of the 5th this was the case until after dark, and until the ship was under way. The ship went to sea on the evening of the 5th of November. It was storming and blowing hard. In accordance with the usual custom of the ship and with the necessities of the case, (as I thought,) before tripping the anchor, all strangers were ordered out of the ship. The master-at-arms, with the ship's corporal, and others of the police force, executed the order, finding men stowed away in the hold, in the carpenter's locker and elsewhere. These men were put out of the ship, in some cases by force. As soon as the ship was reported cleared, the anchor was tripped, and the ship went to sea. On the next day several men were discovered who were strangers in the ship. These men, probably with the connivance of the crew, had been so securely concealed as to elude the vigilance of the police force. Upon receiving this information you decided to land these men at Brest, whither you were bound. The men were sent out of the ship at Brest, in accordance with this determination, but pleading destitution they returned, and were permitted to remain on board till this morning, when they were landed at Queenstown by the pilot-boat Petrel.

I would add that the names of these men upon their return to the ship while in Brest harbor were placed upon the ship's books for the purpose of their support and comfort, they being otherwise utterly destitute.

Very respectfully, your obedient servant,

JAMES S. THORNTON,

Lieut. Com'der U. S. N. and Executive Officer.

Captain JOHN A. WINSLOW.

Mr. F. W. Seward to Mr. Adams.

No. 792.]

DEPARTMENT OF STATE,

Washington, December 28, 1863.

SIR: I transmit herewith a copy of a letter of the 16th instant, and of the documents which accompanied it, from Elisha H. Ryder, esq., of Boston, relative to the claim of the owners of the bark Sea Bride, of that city, against the British government.

I also transmit a copy of a letter of the 17th instant from Messrs. Rufus Greene & Co., of Providence, Rhode Island, and of the papers therein referred to, setting forth their claim on account of the capture, seizure, and loss of the cargo of the same vessel.

It is affirmed, in the accompanying depositions, that the Sea Bride was captured within the maritime jurisdiction of Great Britain, in Table bay, at the Cape of Good Hope, by the piratical vessel Alabama, and it is presumed that if this be not disproved, her Britannic Majesty's government will not hesitate to accord that full reparation for all the losses occurring to citizens of the United States, from this lawless proceeding, which is justly due to them. But even if the capture had not been made within the jurisdiction of Great Britain, it is nevertheless claimed by the United States, as set forth in the instructions addressed to you on the 6th of October last, No. 730, that her Majesty's government is bound to indemnify the parties in question.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

PROVIDENCE, RHODE ISLAND,

December 17, 1863.

SIR: Accompanying this we forward, for the attention of the department, documental evidence of the capture, seizure, and loss of the cargo of the bark Sea Bride, of Boston, an act we believe to have been committed within neutral limits of the waters at Table bay, to wit, within three miles of land, and our loss and damage we believe the government of Great Britain to be liable and responsible for, by their authorities at the Cape disregarding the protest of the master and mate and officers of said vessel, and also of the American consul, against the illegal seizure of said vessel and cargo.

We (shippers of the cargo) therefore beg the attention of the department, and pray that the facts set forth and sworn to in the papers, with our demand and claim for loss and damage sustained in consequence thereof, may be made on the government of Great Britain through the proper department of the American government.

All of which is respectfully submitted by your obedient servants,

RUFUS GREENE & CO.,

Providence, Rhode Island.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

UNITED STATES OF AMERICA,

Commonwealth of Massachusetts, Suffolk, ss:

Be it known to all whom it doth or may concern, that on this 15th day of December, A. D. 1863, before me, George Howland Folger, a notary public, duly commissioned and sworn, in and for the county aforesaid, personally appeared Rufus Greene, of the city of Providence, in the State of Rhode

Island, one of the partners, and representing the mercantile house or firm of Rufus Greene & Co., transacting and having their place of business in Providence aforesaid, the said mercantile firm consisting of Rufus Greene, Wm. S. Arnold and Benjamin R. Arnold, copartners, who did on oath declare that the said firm did ship from the port of New York, on board of the bark Sea Bride, belonging to the port of Boston, and commanded by Charles F. White, and bound to Cape Town and Zanzibar, a cargo of assorted merchandise of the value of \$36,945 12, as will be seen by the invoice, a certified copy of which is hereunto annexed, marked A; that the said bark proceeded on the voyage aforesaid, having sailed from New York on the 28th day of May last past, meeting with no particular occurrence until noon of the third day of August, when they sighted Table mountain, and made for Table bay, but on the night of the 4th day of said month, on account of the darkness, it was deemed advisable for the vessel to keep off for the night. On the morning of the 5th they again stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they supposed to be the English mail steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired from the steamer, and a demand made for the Sea Bride to heave to, which not being complied with, another gun was fired, and the commander of the steamer threatened to shoot the crew of the Sea Bride if they refused. The bark then hove to, and two boats were then lowered from the steamer and sent on board the bark. The officer in charge of the boats, on his arrival on board the bark, directed one of his crew to haul down the flag, and ordered the captain of the bark to take his papers on board the Alabama, which was done at about a quarter before 3 p. m., when the position of the bark within Table bay was as follows: Green Point light-house bearing south by east, Robin Island light-house bearing northeast, the bark being at the time of her capture in neutral waters, or, according to bearings, within three miles of the land, when she was seized, captured and taken possession of, in the port of a friendly power, where she was bound, one of the colonies of the kingdom of Great Britain, by the piratical confederate steamer Alabama aforesaid, as will be seen by reference to the protest of the master, made before the United States consul at Cape Town, a certified copy of which is hereunto annexed, marked B; that by this seizure this appearer, and those whom he represents, have suffered injury and loss to the amount of \$45,445 12, as follows: by the seizure of the cargo aforementioned, of the invoice value of \$36,945 12, and a further loss in consequence of the non-arrival of the cargo at its ports of destination, of the sum of \$8,500, making the aforesaid sum of \$45,445 12.

And now, the said Rufus Greene, in behalf of himself and the other members of his mercantile firm, whom he represents, prefers a claim against the government of the kingdom of Great Britain, holding them responsible for all losses and expenses arising from the seizure of the cargo aforesaid; this appearer and those he represents holding themselves ready to furnish any additional proof desired in the premises, and the said appearer believes and claims that, according to the law of nations and in equity, the government of the kingdom of Great Britain is bound to indemnify and hold them harmless for all losses, together with interest and expenses in consequence of the seizure herein set forth.

RUFUS GREENE.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, the year and day above written; and the said Rufus Greene hath [SEAL.] affixed his name, having solemnly sworn to the truth of the foregoing declaration.

GEORGE H. FOLGER,
Notary Public, Justice of the Peace.

{ Revenue }
{ stamp. }

HER BRITANNIC MAJESTY'S CONSULATE,
States of Massachusetts and Rhode Island.

I, Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, do hereby certify that George H. Folger, esq., of Boston, is a notary public for the county of Suffolk, Massachusetts, duly qualified, and that to his acts and attestations as such full credit and faith is due and must be given. And I further certify that the within annexed is his genuine signature and notarial seal.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Boston, this 16th day of December, in the year of our Lord
 [SEAL.] 1863.

F. LOUSADA,

Her Britannic Majesty's Consul for Massachusetts and Rhode Island.

A

Invoice of cargo laden on board bark Sea Bride, White, master, bound to Cape Town and Zanzibar. Henry Spaulding, supercargo, on board.

NEW YORK, May 25, 1863.

200	barrels flour, Mt. Vernon, for Zanzibar, at \$9	\$1, 800 00
100	barrels flour, La Favorita and Oscawama, at \$7 50	7, 500 00
95	boxes N. cheese, 1,034 pounds, at 16 cents	163 84
35	boxes E. D. cheese, 705 pounds, at 15 cents	105 75
346	boxes candles, adamantine, 20 pounds each, at 20 cents	1, 384 00
500	boxes extra family soap, 16 pounds each, at \$1 20	600 00
28	bales hops, 5,833 pounds, at 22 cents	1, 283 26
10	tierces smoked hams, 2,899 pounds, at 12 cents	347 88
50	barrels prime pork, at \$12	600 00
50	barrels excelsior beef, at \$13 50	675 00
2	cases, 120 pairs, men's split brogans, at \$1 25	150 00
1	case, 60 pairs, men's goat brogans, at \$1 40	84 00
2	cases, No. 1, 24, 300 pounds beams, at \$3 each	72 00
2	cases, No. 2, 18, beams	81 00
2	bundles frames for do	12 00
2	bottoms frames for do	13 00
2	cases, 50 beams and weights	93 75
2	cases, platform scales, 2	28 90
100	kegs white lead, 25 pounds each, 2,500 pounds, at 8 cents	200 00
4	cases glass beads, 1,440 bunches, at 21 cents	302 40
4	iron barrels caustic soda, 2,399 pounds	175 13
1	case, 8 reams paper, order	121 75
48	boxes and 2 packages, 297 clocks	1, 078 75
2	casks composition nails, 200 pounds, order, at 29 cents	58 00
1	case, 115 sheets yellow metal, 615 pounds, at 29 cents	178 35
1	silver hunting watch, order	15 00
1	gold hunting watch, order	58 00
1	barrel, containing lamp fixtures and oil, order	19 50
1	box, 30 gallons coal-oil, order	13 00
1	case, 2 lamps, fixtures, &c., order	19 50
1	package, 3 dozen knives, order	24 50
27	boxes crackers, assorted, 8,000 pounds	1, 102 17
2	walking-canes, order	15 00

31 half boxes tobacco, H. Buckles & Co., 2,493 pounds, at 55 cents.....	1, 371 15
100 $\frac{3}{4}$ half boxes tobacco, our own, 11,715 pounds, at 40 cents....	4, 686 00
75 $\frac{3}{4}$ half boxes tobacco, Fairmount, 9,013 pounds, at 35 cents....	3, 154 55
26 cases tobacco, excelsior, 4,063 pounds, at 45 cents.....	1, 828 35
41 M hogshead staves, at \$80 per M.....	3, 280 00
10 M hogshead heading, at \$80 per M.....	800 00
1 case brushes.....	60 25
1 case stationery, order.....	29 25
2 down triers.....	1 50
	<hr/>
	33, 586 48
10 per cent. advance.....	3, 358 64
	<hr/>
	36, 945 12
	<hr/> <hr/>

Invoice of cargo for Sea Bride, Charles F. White, master, consigned; Henry Spaulding, supercargo on board, to proceed to Cape Town; transact the business according to memorandum, using despatch for the vessel, and consigning all proceeds of sales and advances, with remainder of cargo, to Wm. E. Hines, the shipper agent at Zanzibar.

RUFUS GREENE & CO.

NEW YORK, *May 27*, 1863.

UNITED STATES OF AMERICA,

Commonwealth of Massachusetts, Suffolk, ss:

Before me, George H. Folger, a notary public, commissioned and sworn, in and for the county aforesaid, personally appeared Rufus Greene, of the mercantile house of Rufus Greene & Co., of the city of Providence, in the State of Rhode Island, and made solemn oath that the foregoing is a true and correct copy of an invoice of cargo shipped by their firm on board the bark Sea Bride, which vessel was seized and captured by the confederate steamer Alabama, in Table bay, Cape of Good Hope, one of the colonies of the kingdom of Great Britain; that the said firm lost thereby the property above set forth, and that they were worth to said firm, at the time of the capture, a sum exceeding the amount stated in the invoice.

RUFUS GREENE.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, this 15th day of December, A. D. 1863; and the said [SEAL.] Rufus Greene has also affixed his name, having solemnly sworn to the truth of the foregoing declaration.

{ Revenue }
{ stamp. }

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

PORT OF CAPE TOWN.

On this 6th day of August, in the year of our Lord 1863, before me, Walter Graham, consul of the United States of America for Cape Town and the dependencies thereof, personally appeared Charles F. White, master of the bark Sea Bride, of Boston, of the burden of 447 $\frac{2}{5}$ tons or thereabouts, and declared that on the 2d day of May he sailed in and with the said ship from the port of New York

with general cargo, and arrived off Table bay on the evening of the 4th instant, and having been captured so close to the shore by the confederate steamer Alabama, hereby enters this note of protest against said capture as illegal, reserving his right to extend said protest at time and place convenient, if found necessary.
 MASTER OF BARK SEA BRIDE.

Attested:

WALTER GRAHAM,
United States Consul.

And be it further made known, that on this 7th day of August aforesaid, together with the above-named Charles F. White, master, also came John Schofield, chief mate, and Richard White, 2d mate, of and belonging to said bark, who declared, on oath, that on the 28th day of May last past, in their capacity aforesaid, they sailed in and with the said bark from the port of New York, laden with general cargo, and bound to the port of Table bay; that they proceeded on their voyage without any particular occurrence until noon of the 3d instant, when they sighted Table mountain and made for Table bay, but on the night of the 4th instant, on account of the darkness, they deemed it advisable to keep off for the night, but on the morning of the 5th they stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they considered to be the English mail steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired and a demand was made to heave to, which as they, the said appearers, did not comply with, another gun was fired, and the commander of said steamer threatened to shoot them if they refused. The bark was then hove to. Two boats were lowered from the steamer and sent on board the boat, when the officer in charge of them ordered one of his crew to haul down the flag, and ordered the captain to take his papers on board the Alabama, which was done at about a quarter before three, when the position of the bark was as follows: Green Point light-house bearing S. by E.; Robben Island light-house bearing NE.

The said appearers did further protest against the said capture as illegal. Said bark was at the time in neutral waters, or, according to bearings, within three miles of the land.

And these appearers did further allege, declare, and say, that they, together with others of the ship's company, used their best endeavors to bring the said bark into Table bay, but were prevented by said capture.

CHARLES F. WHITE, *Master.*
 JOHN SCHOFIELD, *1st Mate.*
 RICHARD R. WHITE, *2d Mate.*

Thus done and protested before me, Walter Graham, United States consul at Cape Town, this 7th day of August, 1863.

[L. s.]

WALTER GRAHAM,
United States Consul.

UNITED STATES OF AMERICA,

Commonwealth of Massachusetts, Suffolk, ss:

I, George H. Folger, a notary public, duly commissioned and sworn, in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the protest of bark Sea Bride, with the signature and seal of the United States consulate at Cape Town, now before me.

[SEAL.] In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, this 15th day of December, A. D. 1863.

{ Revenue }
 { stamp. }

GEORGE H. FOLGER,
Notary Public.

[From the Cape Argus.]

The Alabama again in Simon's bay.—Her doings on her recent cruise.—Sale of the Sea Bride and her cargo.

FROM OUR SPECIAL CORRESPONDENT.

SIMON'S BAY,

Friday Morning, September 18.

Here we have the Alabama once more lying at her anchorage, within 300 yards of Grout's hotel; and within pretty nearly the same distance off Hout bay, just on the other side of the point, we have the federal Vanderbilt, cruising about in search of the famous confederate. So it would appear that if there had not been actual fighting outside, as it was reported there had been, the steamers have been within an ace of coming into collision.

The arrival of the Alabama has created quite a stir throughout the place. It seems as if there was something doing once more. The officers are on shore stretching their legs a bit, and enjoying themselves in various ways; and on board all hands are at work cleaning, painting, and trimming the ship. There have been a hundred stories afloat since the Alabama left, and the Vanderbilt arrived, as to the movements of the ships. And although there was no truth in the rumor of a fight having taken place a day or two ago, nor in a good deal, besides, that has been said about the Alabama, it appears that rumor was pretty well informed on a few points, and especially with regard to the Sea Bride and the Tuscaloosa. With a view of ascertaining the exact state of the facts, I took a run down here on Thursday evening, found Captain Semmes on board his ship, and heard from his own lips an account of what he had done since he left the bay, what has become of his prizes, and what his future movements are likely to be.

It appears that when he left False bay he resolved to spend a few days in looking after federal merchantmen coming from the east, and thinking L'Agulhas bank the most likely place to fall in with them, he took up a position off that point. The Tuscaloosa and Sea Bride had been previously ordered to go to Angra Pequena. The object of sending the Tuscaloosa there was to get the wool taken out of her, and replaced by ballast, and then to send her cruising as before. Captain Semmes had previously had an offer for the Sea Bride, which he resolved to accept. He says that his desire was and is to observe strictly the laws of neutrality, and to do nothing which can possibly give offence to the British authorities. Angra Pequena belongs as much to Captain Semmes as to the British government, or perhaps anybody else, and any transaction there could give no ground of complaint to Governor Wodehouse, Admiral Walker, or the imperial government. A day was fixed for both the Tuscaloosa and the Sea Bride to be at anchor in the harbor of Angra Pequena. Upon that day Captain Semmes took in the Alabama, met the parties who had made him the offer for the Sea Bride, and completed the sale of her. When sold, the Sea Bride was taken away. The wool was then taken out of the Tuscaloosa and landed. The Tuscaloosa was ballasted, went to sea again, and is now cruising not very far off the land. Captain Semmes then returned to his position off L'Agulhas bank, but not a single federal merchantman made her appearance. He boarded, whilst there, sixteen ships, but all were English, with English cargoes. The following is a list of them: August 15, English bark Saxon, Algoa bay to Cape Town. August 17, English ship Broughton Hall, Bombay to Liverpool; medical aid being required on board of her, Assistant Surgeon Llewellyn was sent to render it. August 19, English ship Camperdown, Madras to London. August 20, English bark Dunbar, Natal to London. August 22, overhauled a bark showing Dutch colors. August 23, English ship

Sarawak, Bombay to Liverpool. August 24, Dutch bark Maria Elizabeth, Batavia to Amsterdam. August 25, Dutch bark Minister Van Hull, Batavia to Amsterdam. August 28, English schooner Flower of Yarrow, Ichaboe to Cape Town. September 3, English ship Panjaub, Kurrachee to London. September 4, English bark Isle of May, Bombay to Liverpool. September 9, saw a bark showing English colors, English ship Cameronian, Calcutta to London, by signal. September 10, English bark, Calcutta to London. English ship Flora, Manilla to Liverpool. September 12, exchanged colors with an English bark.

The wool taken out of the Tuscaloosa at Angra Pequena is now on its way to a market—where, Captain Semmes did not tell me, and it being no business of mine, so far as I am aware, or of any one else, except himself, I did not think fit to inquire. He does not himself know precisely where the Sea Bride is gone, but he made no secret as to her purchaser.

Captain Semmes further told me, that he was particularly annoyed that certain parties should have endeavored, immediately his back was turned, by means of false statements, to bring him into collision with the naval authorities at Simon's Town, and the governor of the colony. He says, that so far from having done anything that could possibly give offence, he has studiously avoided every act that could possibly be construed into a breach of the law.

The story told by the person who piloted the Alabama into Saldanha bay, on the occasion of her first visit, is contradicted, both by Captain Semmes and the officers of the ship. The pilot stated that Captain Semmes had agreed to give him £20 to take in the ship, and afterwards refused to pay him more than £3. The truth is, that when Captain Semmes saw the little coasting vessel, commanded by the person who acted as pilot, he sent an officer on board her to ask where Saldanha bay was. The captain of the coaster asked the officer to take him on board the steamer, which the officer consented to do. Nothing was said about pilotage, but when the captain of the coaster got on board the Alabama he began to give such directions as a pilot would have given, and was allowed to take the ship into the bay. When the ship was at anchor Captain Semmes asked him what was his charge for pilotage. That was the first time payment was spoken of. Neither £20 nor any other sum had been promised. The man replied that he did not know. Captain Semmes then asked, what was the charge for pilotage at Table bay or Simon's bay. The man said he did not know. He was repeatedly asked to name a sum, but declined to do so. Captain Semmes then called an officer who had been the commander of an English ship on the English coast, and asked him what would be the charge for piloting the Alabama into an English port. The officer replied, it would be about £2 5s. Captain Semmes then said to the pilot, "Suppose we say £3." The man made no reply but went below with an officer, who was to take a receipt for the money. When he got below, the man seemed to take second thought, for he said he would not take so small a sum as £3; a federal commander, a little while before, had paid him £20, and he did not see why he should not have £20 now. That sum Captain Semmes declined to pay; but says that if the man had asked for £5, £6, £7, or £8, he would have given it at once, and would never have thought of fixing the amount himself, if the pilot had not declined to do so.

Up to the time that he came into Simon's bay, Captain Semmes did not know that the Vanderbilt had arrived here. He had been within sight of the land for four days, but saw nothing whatever of her. He thinks the Vanderbilt much too heavy for him, but is by no means alarmed at finding himself so near her. He says he is pretty comfortable where he is, and expects the Kadie round from Table bay with about 200 tons of coal which he intends to take in. If the Vanderbilt should happen to come in while he is here, he will insist upon his right to have twenty-four hours start. If she stops outside, she must keep

a proper distance from the headlands of False bay, and as False bay is sixteen miles across he thinks there will be plenty of room for him to get out, without running foul of the Yankee.

In commenting upon the probable consequences of an encounter with the Vanderbilt, Captain Semmes spoke with much modesty of the power of his own ship. He said that although the machinery of the Vanderbilt would be a good target, in fighting with the steamer it is not easy to escape from having a broadside. He found that to be the case with the Hatteras. Although he disposed of her pretty easily, it was as much as he could do to prevent her from giving him a broadside. The plan he adopted with the Hatteras was to use his large Blakely gun from the stern of his ship, and that gun did the work. The gun is an 85-pounder, and he thinks that his only chance with the Vanderbilt will be to use it upon her machinery. His opinion is, that the Vanderbilt has very much greater speed than the Alabama, and that it will be impossible for him to get away from her. He does not intend to go and look for her, but he says that, if he has to fight her, he will do his best.

He expects to leave False bay about Monday next. He would not have come back to Simon's bay now, but his condensing apparatus got out of order, a few days after leaving Simon's bay, and when about four days at sea he found that the condenser did not act properly. It did not take more than one-third of the salt out of the water. Captain Semmes was consequently compelled to put the men upon an allowance. Upon arriving at Angra Pequena he obtained from a person there sixteen casks of water, and that quantity sufficed for the return voyage to Simon's bay. The repairs of the condenser are nearly completed, and as soon as the coal is on board the Alabama will be ready to take her final departure for the Cape of Good Hope. Captain Semmes says that it is not probable that when once he gets away we shall see his face again for some time to come.

It was rumored in town yesterday that the Hon. Mr. Field, the collector of customs, had received a letter from Saldanha bay, stating that the Vanderbilt had anchored there. On inquiry we found that this was not true. She is still cruising just outside the cape.

[From a Cape Town paper.]

THE ALABAMA'S LAST PRIZE.

A very nice and knotty point is now under consideration, whether the Sea Bride is or is not a lawful prize to the Alabama, or whether the confederate has not been guilty of a breach of neutrality in capturing the federal bark at a point so near to British land. We understand, indeed, that two or three somewhat puzzling points are raised—some of them depending on mere ordinary evidence for settlement, and others requiring for their solution a reference to Vattel and the laws of nations. First, then, what is the range to which extends the territorial waters of British possessions? To this the general reply is a league; based on the fact, as Vattel declares, that it was considered the utmost range of cannon-shot in the olden times when he wrote. Has this in any way been affected by the greater projectile force of Armstrong's and Whitworth's? The second question is, assuming the legal distance to have been three miles, was the Sea Bride, at the time of her capture, within that range of the nearest British land? This is entirely a case of evidence, and the governor has been yesterday engaged in obtaining the best testimony bearing on the subject. The third is a nicer problem than either of the two. On Wednesday night the bark is alleged by some of her crew, who were still on board, to have drifted in within two miles of the light-house, while on Thursday she stood in again, and, as alleged, was

clearly within British waters. How far, then, does this constitute a breach of neutrality, or how far does it support a claim to have the validity of the capture impugned?

What answers will be given to all these queries by the governor, or what further steps he may think fit to take in consequence of them is unknown. Both sides, however, may rely upon it that he will exert himself to the utmost to maintain a strict neutrality, and to secure fair and even-handed justice to all the parties concerned.

THE ALABAMA AND THE LAW OF NATIONS.

To the Editor of the Advertiser and Mail:

SIR: The capture of a federal vessel by a confederate steamer within sight of a British port, and, as some contend, even in British waters, raises an interesting discussion as to the international legality or illegality of the proceeding. It is to be hoped that some of your numerous correspondents, legal or mercantile, interested, whether theoretically or practically, in the important point at issue, will not fail to enter on the inviting field of inquiry. Will any one, having access to the authorities and the ability to deal satisfactorily with the task, kindly oblige your readers by letting them know the exact state of the law on the question? We hear on all sides that three miles is the limit from shore within which the *Sea Bride* could have claimed the protection of the British flag; but is this undisputed, and where is this precise distance laid down in black and white? Or is it derived merely by reasoning from analogy, by varying "cannon-range," for instance, hereafter mentioned.

I do not propose to enter into the matter to advocate one side or the other, but in answer to the question just put, "Is this an undisputed rule?" would take the liberty of referring to a work published by Lord Mackenzie (one of the judges of the court of session in Scotland) late in 1862, late enough, in fact, to have the advantage of treating also of the other international question, arising out of the seizure of the *Trent* by the federal *San Jacinto*, in November, 1861. Lord Mackenzie there says, page 152: "The ports of the sea near the coast being in some degree susceptible of property and of great importance to the safety of the country, are held by the modern law of nations to be comprehended within the territory of the state to which the coast belongs. To what distance a nation may extend its rights over the sea by which it is surrounded is a problem which has been a fruitful source of controversy, and is not easily determined. By most publicists the whole space of sea within cannon-shot of the coast is considered a part of the territory of the state, and for that reason a vessel captured within range of the cannon of a neutral fortress is not a lawful prize."

According to this legal authority, then, the latest as far as we know, the limit is not reckoned by miles, but a limit of power reckoned by "cannon-range." And this seems in accordance with the doctrine of property in the sea, laid down by Grotius, (*De Jure Bell. et Pac.*, bk. 2, ch. 3, sec. 13-2,) who says that "the empire of a portion of the sea belongs to a territory in so far as those who sail on that part of the sea can be compelled from the shore as if they were on land."

This would seem materially to alter the feature of the case. It raises the question, could a cannon planted at the furthest point of British dominion at the Cape, whether that point be (in theory) the stoop of the most projecting marine villa at Sea Point or the opposite coast of Robben island, have thrown a ball, not alone into the *Alabama* (for she may have kept out of reach) but into the *Sea Bride*, at any moment from the commencement of the chase to the capturing close?

I may mention that in course of conversation subsequently on board the *Alabama* I put the question directly to Captain Semmes, as to what the limit was.

His reply was: "Three miles." Is it not rather, I asked again, "within cannon-range?" "That is just it," was his significant reply; "in the olden days the cannon-range was taken as three miles."

But cannons have improved and cannon-ranges much increased since those "olden days"—see Blakeley's rifled five-miler on the Alabama's very decks—and thus in now interpreting the terms cannon-range must we not, making allowances for this, assume the case of the most powerful piece of artillery modern science has invented. The question, then, if Mackenzie is to be relied on, comes to this: would such a cannon, placed on the furthest projecting point of Anglo-African soil in the vicinity of the scene of capture, have rescued the fair Sea Bride.

I am sure I only speak the sentiments of many who are anxious to get exact and reliable information on an interesting subject, when I express the hope that some local "Vattel" will take up the question, treating it first on general principles of *dominion* in the sea, and then with reference to the particular subordinate case of the Alabama and the Sea Bride.

WILKES.

[From the Advertiser and Mail.]

CAPE TOWN, *Monday p. m., August 10.*

CONFEDERATE CAPTURES.

The governor has denied, in reply to the representations of the American consul, that the bark Sea Bride was a legitimate prize to the confederate cruiser Alabama. This decision has, of course, dissatisfied the protesters, and some of them indulge in rather tall talk of the manifest one-sidedness of British authorities, and of the terrible retribution that will one day befall them for it. That they should be dissatisfied is natural enough, and no one can refuse his sympathy to men who have lost so much, so unexpectedly, and within so near a reach of perfect safety. But we cannot see how his excellency could have acted in any other way. He had, in the first place, the conflicting testimony of the captors and the captured; the former declaring that they were more than three miles distant from the shore, and the latter less. He therefore discarded both, and determined to rely upon the best official evidence he could procure, from competent professional eye-witnesses on shore. Those whom he selected for that purpose, we believe, were the signal-man on the Lion's Rump, and the keepers of the two light-houses at Green Point and the Monelle. The former had a perfect bird's eye view of the whole affair, and it is his daily business to estimate and report to town the distance of vessels entering the bay. The two others, though not quite so practiced as the signal-man in such matters, have had frequent experience in the same judging distance sort of drill. And all three concurred in the opinion that the Sea Bride, at the time of her capture, was about four or five miles from the nearest Green Point shore, and that she was between four and six miles from the nearest point of Robben island. With facts like these the governor could hardly have done otherwise than to adjudicate as he did, and yet it must be remembered that his adjudication is by no means final. If the American representatives can procure reliable evidence assigning a position to the bark within the territorial waters of the colony, it is quite within their power to avail themselves of it, and through their government to adduce it before the court of St. James in London. The imperial government will thus have the whole case fully before them, and should it then appear that injustice has been done, there can be no doubt that ample redress will be given, and the question be fairly and equitably disposed of. The whole affair, however, it must not be forgotten, is

one simply of evidence, and as far as the evidence taken hitherto has gone, it seems to point very clearly against the claimants. The Americans, residents here, naturally complain, and with some bitterness, of what they consider the manifest sympathy which was shown with the confederate cause, in the person of the confederate commander (Semmes,) to an extent inconsistent with the neutrality which we profess. On this it must be remarked, that much if not most of the enthusiasm shown was the result of mere curiosity, combined with that hero worship which, for all sorts of apparent heroism, whether true or spurious, springs up instinctively in the human breast. At the same time, however, it cannot be denied that the extraordinary pluck displayed by the confederate States, while fighting for their own independence, has gained for them a sympathy which wholly overlooks the original grounds and origin of the strife. Such sympathy as this it is impossible to repress. Proclamations and decrees are powerless to oppose it, and are never intended to interfere with it. When we say, therefore, that we are neutral, we mean that our government in its official capacity and official acts is neutral, and such undoubtedly the government of the Cape of Good Hope has in the present instance shown itself to be. It is true that a few official persons were foolish enough to show their own excessive sympathy with the confederate commander, but their indiscretion was quickly checked by the governor personally, who felt that by some of the steps proposed to be taken by them the neutrality of his government might be seriously compromised. Since the departure of the Alabama yesterday morning, two American vessels entering Table bay had a narrow escape. They were, however, warned off by some boats in the offing, and were wide awake enough to hug the shore so closely as to put the neutrality of their position beyond dispute. While entering False bay again, yesterday, another American, the Martha Wentzel, was seized, but was quickly liberated on its being clearly shown that, at the time of her capture, she was within the protection of the claimed league from shore.

The confederate sailing cruiser Tuscaloosa put into Simon's bay yesterday, after effecting a capture off the coast within the last week or two. This was a China vessel, the Santee, bound to England, but having a British cargo on board she was released on giving bond for a ransom of \$150,000. The Tuscaloosa gave chase to another clipper ship, the Snow Squall, and got near enough to fire into her. The fugitive, however, outstripped her in speed, and got clear away.

In connexion with this, it will be interesting to the commercial world to know that Captain Semmes lays it down as a rule, that whenever a *bona fide* British cargo is found on board an American bottom, the vessel is always released on payment of a ransom. In every other case the prize is remorselessly burnt and sunk. In addition to this, it may be stated that for all his numerous captures he has to give account, and establish a condemnation before an admiralty prize court in the Confederate States. It is, therefore, his invariable rule to make a provisional but formal inquiry into each individual case as it arises, to investigate and record all the circumstances of it, and to register and preserve the evidence on which his provisional condemnation is based. Some of these judgments and other matters we shall publish in our Mail issue next week.

[From a Cape Town torn paper.]

THE STEAMER ALABAMA AND THE PRIZE BARK SEA BRIDE.

The confederate steamer Alabama still remains in Table bay, but probably, if the weather moderates, will leave for Simon's bay this morning. She has taken in some supplies, such as biscuits, &c., and Mr. Conebrink is preparing some

boiler plates, and other articles which are necessary for the repair of her machinery. Captain Semmes has not left his vessel (except to pay a complimentary visit to H. M. Steamer Valorous, and the East India and London Company's steamer Lady Jocelyn) since his arrival here, and will not land at Cape Town. He is thoroughly alive to the paramount importance of the work he is engaged in, and puts off all idea of relaxation and repose until the war is over, and he may be able to draw a long breath. It was his intention to proceed to sea yesterday morning, to take out of the Sea Bride such supplies as he wants, and then burn her, but the severe weather of yesterday has prevented this. The American consul and the colonial government are meanwhile in correspondence respecting the legality of Captain Semmes's proceedings on Wednesday. The consul has put in the protest of the captain and mate of the Sea Bride to prove that he was within two miles and a half of land, and therefore in neutral waters when seized by the Alabama. The government, on the other hand, has got the statement of the signal-man on the Lion's Rump that the bark was four miles off land, and of Captain Bisset, Mr. Wollaston, and others, that she was more than three miles distant, and therefore beyond the neutral line. The consul, in addition to the protest alluded to, has received the evidence of the steward and seamen of the Sea Bride, who were left on board at the capture until Thursday. They state that on Wednesday night a signal was made from the Alabama to burn the bark, and that tar barrels were placed at different parts of the vessel, and ammunition piled in the cabin and fore-castle for that purpose; but a subsequent signal from the Alabama seemed to countermand the order, and the bark lay on and off the port. At one time she was within one mile of Green Point light-house, and at another time about two miles from land, which is also considered contrary to the rules of neutrality, which provide that no prize is to be taken into British waters. The consul has asked that the prize be taken possession of by the Valorous, until the question of legality is decided. The government, however, does not feel at present disposed to attempt any interference either with Captain Semmes or his prize.

BRITISH LEGATION.

Lord Lyons to Mr. Seward.

BRITISH LEGATION,
Washington, July 3, 1863.

SIR: I have the honor to submit to you a protest made by Mr. E. J. Locke, master of the brig *Isabella Thompson*, of Halifax, Nova Scotia, against the capture of his ship by the United States vessel-of-war *United States*.

I shall be much obliged if you will return the protest to me after taking cognizance of it.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

Hon. WILLIAM H. SEWARD, &c., &c., &c.

LYONS.

Protest.

UNITED STATES OF AMERICA,

State of New York, City and County of New York, ss:

By this public instrument of protest be it known and manifest: That on this twenty-ninth day of June, A. D. 1863, personally came and appeared before me, Henry W. Johnson, a notary public, duly commissioned and sworn, in and for the State of New York, and dwelling in the city of New York, Eben J. Locke, master of the brig *Isabella Thompson*, belonging to Halifax, in the province of Nova Scotia, who, being by me duly sworn, did solemnly declare and state as follows: That he, the said appearer, did, on the twenty-seventh day of April, A. D. 1863, set sail and depart from Halifax aforesaid, in and with the said brig, as master thereof, having on board a cargo, consisting of lumber and fish, consigned to Messrs. Saunders & Sons, of Nassau, New Providence, for which port said brig was bound; that the officer and crew of said brig consisted of five persons, besides this appearer. That said brig arrived at Nassau, with said cargo, as nearly as he can now recollect, on or about the twentieth day of May last past; that on her arrival there the cargo was discharged in said port, on board of lighters, and was taken on shore; that after said cargo was so discharged, this appearer was informed by the said consignees that they had engaged a return cargo of cotton and turpentine, to be transported in said brig to Halifax; that shortly thereafter a vessel, which appeared to this appearer to be a lighter, and which he believes was a lighter, but the name of which he does not know, came from the shore out into the harbor or stream, where said brig then lay, the said lighter having some turpentine on board; that said lighter came alongside of said brig, and the said turpentine was then transferred to said brig; that said lighter then returned to the shore, and soon after returned to said brig with a quantity of cotton, which was then transferred to the brig. That after said brig had so received said turpentine and cotton, this appearer then went on shore, and obtained a clearance, from the proper authori-

ties, for Halifax, for which port he sailed, with said brig and cargo, on the sixth day of June instant; that said brig did not receive or have on board, for her return voyage from Nassau, any other cargo than that above mentioned, and that the same was received on board of said brig in the manner and under the circumstances hereinbefore stated, and not otherwise. That after this appearer had so sailed from Nassau, he sailed direct for Halifax aforesaid, and when within about three hundred miles from that port said brig was boarded by the United States vessel-of-war United States, and she and said cargo was then seized by the officers in command of the United States, and brought into the port of New York; that this appearer, and all his papers relating to the vessel and cargo, and all of the crew, were likewise seized and brought to said last-mentioned port. That the alleged ground of such seizure, as this appearer was informed and believes, was that said brig had on board a cargo which had run the blockade at Wilmington, North Carolina, and that said brig had received said cargo in violation of a blockade of said last-named port, then lawfully made and maintained by the government of the United States. And this appearer declares and solemnly states that at the time he received said cargo on board of said brig, at Nassau aforesaid, he had no knowledge by what means or when the same had been brought into said port, or where the same came from; that the said brig was actually moored and anchored in the harbor at Nassau at the time she received said cargo, and that the same was received in the usual manner of receiving cargo in said port.

Wherefore the appearer, in behalf of the owners of said vessel and cargo, and for all persons who are or may be interested therein, doth declare and protest before me, the said notary; and I, the said notary, at the request of the said appearer, do also protest against the United States, and against all and every person or persons whomsoever, responsible or liable, or whom these presents do, shall, or may concern, and hold them responsible and liable for all demurrage, damage, injury, loss, wages, costs, and expenses incurred or sustained, or which may be incurred or sustained, by reason of the premises.

EBEN J. LOCKE.

This done, declared, and protested, in due form of law, at my office, in the city of New York, the day and year first above written.

[L. s.]

HENRY W. JOHNSON,
Notary Public.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 10, 1863.

MY LORD: In response to your note of the 3d instant, enclosing a protest made by Mr. E. J. Locke, master of the brig *Isabella Thompson*, of Halifax, Nova Scotia, against the capture of that vessel by the United States ship-of-war *United States*, I have the honor to enclose to you the copy of a letter of yesterday, addressed to this department by the Secretary of the Navy.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, July 9, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th

instant, inviting my attention to a copy of a communication from Lord Lyons, accompanied by a copy of a protest made by E. J. Locke, master of the English brig *Isabella Thompson*, relative to the capture of that vessel by the United States steamer *United States* on the 19th ultimo.

The *Isabella Thompson* has doubtless ere this passed into the hands of the prize court at New York, to which she was sent for adjudication, and the parties interested must abide the decision of that court; which tribunal will, without doubt, give a just decision upon the seizure, and award ample damages, should the seizure have been illegal and wanton.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

[Accompaniment to note of the 18th July, 1863, omitted in former publication.]

Mr. Seward to Senor Don Gabriel Garcia y Tassara.

DEPARTMENT OF STATE,
Washington, July 10, 1863.

SIR: I have the honor to acknowledge the reception of your note of the 7th instant, which was delivered to me yesterday, together with its accompaniments, being communications with documents from her Catholic Majesty's consul at Key West.

In these papers John J. Pearce represents himself to be a British subject, and master of the British steamer *Victor*. He also represents that the said vessel, being a neutral, engaged in a lawful voyage, without even contraband of war on board, was, on the 28th day of May last, brought to and captured within the limit of two and a quarter miles of the island of Cuba, and so within the unquestioned maritime jurisdiction of Spain, by the United States war steamer *Juniata*, Captain Stevens, and was taken as a prize into Key West. That the United States boarding officer who made the seizure, while engaged in the capture, conducted himself not only in a rude and extravagant, but in an illegal, manner; and that he stated to the aforementioned John J. Pearce, in justification of the seizure, that the orders of Admiral Wilkes were to detain and make prize of any English vessel that should come out from the Havana and should shape her course for Key West. It is also represented in the same paper that the captain and crew of the *Victor* were rigorously imprisoned at Key West, and that Mr. Maxwell, executive officer of the *Juniata*, having been presented to a certain Mrs. Beckwith, residing at Key West, stated to her that the capture was made two and a half miles from the coast of Cuba; but that, for the reason that this might give rise to a reclamation by the Spanish government, he had noted in the captain's minutes that the *Victor* was taken at a distance of ten miles from the coast; which statement of Mr. Maxwell had been brought by the aforesaid female to the knowledge of Rear-Admiral Bailey and Captain Temple.

If these representations are true, then the capture and all the proceedings following it are not only illegal, but they are in violation of the sovereignty of Spain, and equally in violation of the known and express directions of this government. In that case they will be disavowed. The officers who committed them will be visited with severe punishment, and full satisfaction will be promptly

awarded by this government to her Catholic Majesty's government, together with indemnity to all the parties who have been aggrieved. This government will lose no time in inquiring into the truth of these representations, and when the facts are ascertained I shall at once make them known to you, together with the decision of the President of the United States thereupon, for the information of your government.

In the mean time I have it in my power to relieve the case of its aggravations. Rear-Admiral Wilkes accidentally came into my chamber when I was reading your note. I submitted it to his perusal, and he informed me that no such orders as are there attributed to him were ever given by him or by his authority or permission. Although not specially informed of the capture in question, he has indirectly received some information on the subject, and his statements induce a presumption that other and material portions of the representations are erroneous.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Senor Tassara.

[Accompaniment to note of the 18th of July, 1863; omitted in former publication.]

DEPARTMENT OF STATE,

Washington, July 18, 1863.

SIR: Referring to your note of the 7th instant, and to my reply of the 9th instant, relative to the capture of the Victor, I have now the honor to inform you that it appears that a report upon the subject had previously been received by the Secretary of the Navy from the commander of the Juniata, which represents that the Victor, at the time of her capture, was distant about eight miles from the Cuban coast, and that, although her papers were mainly correct, yet by the admission of one of the crew, as well as from the nature of the circumstantial evidence connected with the case, the vessel was undoubtedly intended to run the blockade. Though bound ostensibly for Matamoros, her cargo is stated to have been entirely unsuited for that place.

Mr. Welles will, however, require a further report upon the subject, which, when received, may enable this department to address to you an additional communication in regard to it.

I avail myself of this occasion to offer to you renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 1, 1863.

MY LORD: Referring to my note of the 18th ultimo* relative to the capture of the British steamer Victor by the United States steamer Juniata, I have the honor to enclose to you the copy of a communication of the day before yesterday, addressed to this department by the Secretary of the Navy.

* 38th Congress, 1st session, House Ex. Doc. No. 1, page 670.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward

NAVY DEPARTMENT, *July 30, 1863.*

SIR: Referring to my communication to you, dated the 16th instant, on the subject of the complaint of the Spanish minister that the Juniata had committed an aggression within the jurisdictional waters of Cuba, in the seizure of the steamer Victor, on the 28th of May last, I have the honor to transmit herewith an additional report from Commander T. H. Stevens, made in compliance with an order of the department, in which he reiterates his statement that the capture was made eight miles from Moro Castle, and refers to other matters complained of.

I am, very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Commander Stevens to Mr. Welles.

ERIE, *July 24, 1863.*

SIR: In reply to your communication of the 16th instant, concerning the seizure of the English steamer Victor by the Juniata, under my command, I beg leave to state that the capture was made on the evening of the 28th May, Moro Castle then bearing E.S.E., (true,) distant 8 miles, and that this result was arrived at from numerous cross bearings, taken for the purpose of determining the exact position of the vessel, by the master of the Juniata, Mr. Kautz, by my orders. I was thus particular, as I thought it not unlikely the question of jurisdiction might arise, to be prepared for it. In addition to this, I directed the first lieutenant of the Juniata to get the opinion of the officers upon the subject, all of whom agreed upon the distance being as great at least as reported; and, moreover, when I inquired of Captain Pearce, upon his coming on board the Juniata, how far he thought the nearest land was distant, he replied about five miles, which nearly agrees with the bearing and distance of Moro Castle, as reported.

In regard to the conduct of Mr. Simpson, the boarding officer of the Victor, as charged in the statement of Captain Pearce, I have only to say this is the first intimation I have had of any such complaint; if Captain Pearce had any ground for just complaint, he had ample opportunity to have made known his grievance before.

The officers and crew of the Victor were kept in confinement at the request of the prize commissioner, to prevent their being tampered with until he could procure their evidence according to law.

Very respectfully, your obedient servant,

T. H. STEVENS, *Commander.*

Hon. SECRETARY OF THE NAVY.

From British Legation.

Memorandum.—Case of the Mont Blanc.

AUGUST 10, 1863.

In a note dated the 16th of July Lord Lyons observed that on being informed by Mr. Seward that directions to proceed to the assessment of damages in this case would be given to Rear-Admiral Bailey, he would, on his part, take care that proper directions should be sent to Mr. Vice-Consul Butterfield.

Lord Lyons is waiting for this information before taking any further steps.

Mr. F. W. Seward to the Hon. William Stuart.

DEPARTMENT OF STATE,
Washington, August 26, 1863.

SIR: With reference to Lord Lyons's note of the 3d of this month,* relative to the complaint of Messrs. Tootal, Broadhurst & Lee, British merchants, residing at New York, and to the subject of the interference of the United States government generally with the trade carried on between New York and the Bahamas, I have the honor to enclose to you the copy of a communication of the 22d instant, addressed to this department by the Secretary of the Treasury.

I have the honor to be, with high consideration, sir, your obedient servant,
FREDERICK W. SEWARD,
Acting Secretary.

HON. WILLIAM STUART, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT,
August 22, 1863.

SIR: I have the honor to return to you the letter of Lord Lyons, covering the complaint of Messrs. Tootal, Broadhurst & Lee, transmitted with your letter of 7th instant. This correspondence was sent to the collector at New York for his report, of which I send a copy.

The question at issue is the expediency and propriety of the Treasury instructions to Collector Barney, of May 23, 1862, of which I send you a copy. It is difficult to perceive upon what grounds British merchants can claim in American ports any rights not conceded to American merchants. It may be, however, that some merchants of every nation may hesitate to give the bond required on the supposition that the last clause of the second paragraph of the Treasury Circular may impose responsibility for acts of parties not employed by them, and not in any way under their control. Such is not the construction given to the requirement in this department; and to remove all pretext of complaint, the collector at New York and other ports will be instructed to require only substantial security that such goods, wares, or merchandise shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents with or by the consent, permission, or connivance of the owners, shippers, carriers, or consignees

* 38th Congress, 1st session, House Ex. Doc. No. 1, page 682.

thereof. This will exonerate exporters after the goods have arrived at the port of destination and have been disposed of in good faith, otherwise than in aid of the rebellion by the consignees, from all responsibility for the acts of persons who do not derive their control over the goods directly from the exporter.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

COLLECTOR'S OFFICE, CUSTOM HOUSE,
New York, August 11, 1863.

SIR: I am in receipt of your letter of the 8th instant, enclosing to me a letter to you from the Secretary of State, which last covered a despatch from Lord Lyons in regard to shipments, or proposed shipments, of goods from this port to Nassau, by Messrs. Tootal, Broadhurst and Lee, and at your request have the honor to report thereon.

I have caused inquiry to be made at the proper bureau of this office, and cannot learn that those gentlemen ever shipped, or proposed to ship, any goods from this port to Nassau, or elsewhere in the Bahamas. It is possible, however, that they may have done either the one or the other. At all events, if they have, (and this will meet the main point of your inquiry,) no unusual terms have been imposed, or suggested, in respect to any shipment of goods, either made or proposed to be made by those gentlemen to the Bahamas or elsewhere.

I return herewith the letter of the Secretary of State.

Very respectfully, your obedient servant,

C. P. CLINCH,
Assistant Collector.

Hon. S. P. CHASE,
Secretary of the Treasury.

Lord Lyons to Mr. Seward.

WASHINGTON, October 29, 1863.

SIR: Her Majesty's government have considered the note which you did me the honor to address to me on the 4th of August last,* respecting the case of the *Blanche*, and they have instructed me to express to you their regret that they cannot accept that note as a satisfactory answer to the representation which I had the honor to make to you by their order, on the 1st of the same month.†

Your note states that Commander Hunter has been visited with the censure of the United States government for having intentionally violated the maritime jurisdiction of Spain, but it alleges that this outrageous and indefensible proceeding on the part of a United States officer imposes no obligations on the government of the United States to indemnify those upon whom that officer, acting in the name and under the flag and authority of his government, has inflicted a very grievous injury.

* 38th Congress, 1st session, House Ex. Doc. No. 1, page 685.

† *Ibid.*, page 680.

To this her Majesty's government feel bound to reply, that the censure of Commander Hunter, or even his dismissal from the United States navy, for a gross and deliberate violation of international law, can constitute no substantial redress to the owners of the *Blanche* and of her cargo; and that the proposition that the United States government is under no obligations to indemnify those whom that officer has injured is one which no neutral state, sensible of the duty of protecting its subjects, can be expected to admit.

As to the actual burning of the *Blanche*, and the other facts in the case, an attentive consideration of your note has not changed the views of her Majesty's government. They have already fully expressed their opinion with regard to this part of the subject, and to that opinion they adhere.

Her Majesty's government observe that it was from the first obvious that there would be conflicting statements as to who the persons were who actually set fire to the vessel, but they maintain that the true cause of the vessel being set on fire, whoever did that act, was the unlawful aggression of Captain Hunter, and for that act, and its consequences, they but regard the United States government as responsible. They consider that, independently of all other evidence, the original protest made before the British consul at the Havana, on the 10th of October, 1862, though it does not state who set fire to the *Blanche*, ought, in the peculiar circumstances of this case, to satisfy the United States government that the burning of the ship was either the act of the wrong-doer himself or the consequence of his aggression.

With respect to the suggestion that they ought to have produced before the court-martial evidence rebutting Captain Hunter's statements, her Majesty's government observe that it is obvious that they could not, with any regard to the Queen's dignity or to international usage, have taken part in the proceedings of the court-martial holden by the United States government upon the conduct of its own officer.

But the second position upon which your note rests the refusal to indemnify the victims of this outrage involves considerations which are, in the opinion of her Majesty's government, of the most serious and important character. That position appears indeed to her Majesty's government to be partly and ostensibly one of fact, but to be principally and in truth one of law. It is maintained in your note that the government of the United States is entitled to treat the *Blanche* either as a United States ship or as a confederate vessel, never validly transferred to any British owner. The words are: "The General Rusk was notoriously an American vessel, and it is not satisfactorily shown in the case that the title in her has ever been in good faith and lawfully vested in any subject of Great Britain;" and further on it is stated, "that the judge of the United States for the southern district of Florida has recently decided in two cases very similar in their circumstances, namely, that of the *Emma* and her cargo, and that of the *Florida*, that such a transfer, though apparently regular, is, in point of fact, collusive, and therefore a fraud upon the belligerent right of this government under the law of nations."

Her Majesty's government find it difficult to suppose that the judgments in the cases mentioned can affect the demand made by them for compensation to the owners of the *Blanche* and her cargo. In those cases the question of title was, her Majesty's government presume, raised before prize courts, competent to adjudicate thereon according to the rules of prize law applicable to the case of ships captured on the high seas, and claimed against the captors on the ground of transfers from belligerents to neutrals. Such transfers during war are not generally unlawful, though prize courts are entitled to require strict evidence of their *bona fides* in all respects. But her Majesty's government cannot look upon the present case of the *Blanche* as one of lawful capture or destruction, nor as one in which the United States government is entitled to throw upon the registered British owners the burden of establishing, by any evidence beyond and in

addition to the documents which have been produced, the validity of his title. Her Majesty's government consider that no American prize court has any jurisdiction in this case, and that even if the *Blanche* were the property of the enemies of the United States, it would be the duty of the Spanish government, in the due observance of the obligations of neutrality, to protect her owners from the loss consequent upon the unlawful attack upon her within Spanish waters, and her Majesty's government are of opinion that it would be no answer to the demand of the Spanish government for redress to say that, if she had been captured beyond those waters, she might have been condemned as good prize.

In point of fact, however, the attack was made upon the *Blanche* while she was sailing under the British flag and with a lawful British register, and the title of her British owners is, and according to law ought to be, recognized of her Majesty's government as valid. Her Majesty's government observe, moreover, that no evidence whatever has been produced on the part of the United States government to throw the slightest doubt upon the title, and her Majesty's government consider that it is for the government of the United States to displace, if it can, by sufficient evidence, the title of the registered owner, which is valid according to English law, and which, till displaced, gives that owner a right to British protection, the attack upon the ship having been confessedly unlawful, to whomsoever she might belong. Her Majesty's government cannot, therefore, admit that it is incumbent on them to trace the earlier history of the title to this ship, or to produce the sentence of any confederate prize court by which she was condemned, though there probably might be no difficulty in doing so, if the General Rusk was in fact a federal vessel captured by the so-styled confederates.

It is true that no such "sentence or judgment has been thus far shown to have been passed, and no such court has been shown to exist;" but neither has it been shown that this vessel ever belonged to any citizen of the States adhering to the United States government, or to any other person than Mr. W. L. Smith, of Galveston, by whom she was transferred on the 31st of July, 1862, by regular bills of sale, to Mr. Wigg, her British owner. "Notoriety," whatever meaning that word may be held to convey, cannot be accepted by her Majesty's government in lieu of proof, and her Majesty's government maintain that it is not for them, but for the government of the United States, to lay the ground, by proof of the necessary matters of fact, for the discussion in this case of the question of the validity of a sentence of condemnation by a confederate prize court, if it be really intended to raise that question.

Her Majesty's government cannot, however, but remember that while it is observed in your note that no such facts at present appear in this case, and that it is not necessary to decide the question, which it is erroneously said that her Majesty's government have indicated as arising in it, yet it is plainly enough intimated that the government of the United States is prepared, if necessary, to maintain the position that the United States are entitled to deny the competency of all confederate prize courts, and the validity of all their sentences in all questions as to title to ships arising between the United States and any neutral government.

Stripped of all ambiguous and superfluous language, the position thus assumed appears to her Majesty's government to be truly and simply this, namely: That the United States government having demanded and obtained for itself and incident only to a belligerent, and having exercised these rights to the detriment of all neutral states the peculiar rights accruing only during a state of war, great annoyance and distress of neutral commerce, now declares that it will not discharge the corresponding duties of a belligerent; now denies that its enemy has any right to establish a prize court, and announces its determination not to respect any title to property condemned by such court, though such a title be one which is universally recognized by civilized states, and though neutral

states have a right to insist that such a court shall be established in the territory *de facto* occupied by the so-styled Confederate States. Upon these principles it is, in the opinion of her Majesty's government, manifest that the maintenance of a blockade, the search, visit, detention, and condemnation of neutral ships, put in practice by the United States, instead of being lawful acts, would be so many acts of unjustifiable violence, insult, and wrong.

In the event of such a position being seriously maintained by the United States government, her Majesty's government will feel bound to address to that government a further and fuller remonstrance on the subject. They have, in the mean time, instructed me to ask your attention to the arguments and considerations set forth in the present note.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr Seward.

WASHINGTON, October 30, 1863.

SIR: Her Majesty's government have again considered the correspondence on the subject of the restrictions imposed by the United States authorities upon the trade carried on between New York and the Bahama islands, and they have given their special attention to the note which was addressed to Mr. Stuart by the acting Secretary of State on the 26th of August last, in answer to the remonstrance made by me in execution of the orders of her Majesty's government, in my note to you of the 3d of the same month.*

Her Majesty's government are willing to hope that so far as the particular question of cancelling the bonds is concerned, that special grievance may be considered to be now redressed. But her Majesty's government retain their former opinion with respect to the original unlawfulness of requiring such bonds to be entered into by British merchants, and to the inconsistency of such a proceeding with the treaty obligations subsisting between Great Britain and the United States; and further, they continue to think that the real object and tendency of this measure is to innovate upon the established principles of international law, and to supply the deficiencies of an inadequate blockade by domestic legislation extended beyond the due limits, to the injury of the rights of neutrals under commercial treaties. Notwithstanding the disclaimers of the United States government as to this latter point, her Majesty's government find it impossible, after reading the several reports of the collector at New York to the Secretary of the Treasury, as well as the note which you yourself did Mr. Stuart the honor to address to him on the 18th of August, 1862,† to doubt the direct connexion between this measure and the blockade.

Her Majesty's government are unable to accept the last replies of the government of the United States as sufficient and satisfactory, because those replies express the determination of the government still to insist on exacting bonds, by which the carriers of goods on shipboard, for bona fide delivery to consignees at Nassau, are made responsible for any subsequent acts of those consignees with regard to such goods. Her Majesty's government still conceive the exaction of such bonds to be a denial to British subjects concerned in the trade with the Bahamas of the rights secured to them by treaty, and they cannot consider that

* 38th Congress, 1st session, House Ex. Doc. No. 1, p. 682.
 † 37th Congress, 3d session, House Ex. Doc. No. 1, p. 274.

it is any justification to say that if the citizens of the United States were to engage in the same trade, similar bonds would be exacted from them also. Her Majesty's government have deemed it to be unnecessary to repeat the arguments or enter again into the reasons for the opinion entertained on this subject by her Majesty's government, which have already been fully made known to the government of the United States; but her Majesty's government have instructed me to state to you that they consider that those arguments have not been refuted.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *October 31, 1863.*

SIR: Her Majesty's government have had under their consideration the case of the British steamer *Victor*, which was captured by the United States cruiser *Juniata*, in the vicinity of the island of Cuba, in the month of May last. Her Majesty's government have given particular attention to the note which you did me the honor to address me on the 18th July,* and to the copy which was annexed to it of a note addressed by you to my Spanish colleague on the 10th of the same month; and her Majesty's government regard the promises made in those notes as fair and just, and do not doubt that they will be faithfully performed.

It is, however, my duty to state to you that her Majesty's government look upon the case of the *Victor* as one of a most serious character.

The information which has reached her Majesty's government would lead to the conclusion that the *Juniata* lay in wait for the *Victor* in a neutral harbor, and followed her thence with the intention of capturing her. It has, moreover, been represented to her Majesty's government that the *Victor* was even captured within neutral jurisdiction, and that the crew were treated not only as prisoners of war, which was unjustifiable, but even as felons, which was still more unwarrantable.

Her Majesty's government have accordingly instructed me to insist that the wrongs complained of shall be speedily investigated, and that if the truth of the complaints shall be established, prompt redress shall be given. And her Majesty's government have directed me to declare, in the most distinct and positive manner, that subjects of the Queen are not, because they happen to be the crew of a vessel captured on suspicion of breaking a blockade, to be treated as prisoners of war, and that still less are they to be subjected to a confinement which injures their health, or to indignities which degrade their character.

The notes which you were so good as to write to me on the 1st of August last, and on the 9th instant,† were not before her Majesty's government when they issued the instructions; in pursuance of which I have done myself the honor to submit to you the preceding observations. These additional notes and papers accompanying them will, without doubt, be carefully considered by her Majesty's government. I deem it right, however, to lose no time in reminding you of the complaint made by the master, mate, and engineer of the *Victor*, that they were cruelly treated in Fort Taylor, at Key West, as I do not find any information on this very serious part of the case in your two last notes or their enclosures.

* 38th Congress, 1st session, House Ex. Doc. No. 1, p. 670. The accompaniments to this note appear in this correspondence under their dates of July 10th and 18th, 1863.

† 38th Congress, 1st session, House Ex. Doc. —, p. 699.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 2, 1863.

SIR: I deem it to be my duty to call the attention of the government of the United States to representations which have been made to me that the British ship *Sir William Peel* was captured on the 11th of September last, while at anchor in Mexican waters near Matamoras, by the United States gunboat *Seminole*.

In order to put you in possession of the information which has reached me on the subject, I have the honor to transmit the following documents to you:

1. Copy of a despatch from the acting British consul at New Orleans, dated September 30, 1863.

2. Protest of the master, first officer, and second steward of the *Sir William Peel*, dated September 29, 1863.

3. Chart stated to show the position of the *Seminole* at the time she was captured.

4. Copy of letter from Mr. Mirrieles to the acting consul, dated September 30, 1863.

5. Extract from a report from Commander Martin, of her Majesty's ship *Buzzard*, to Vice-Admiral Sir Alexander Milne, dated October 2, 1863.

I beg you to be so good as to send the protest and the chart back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Coppel to Mr. Stuart.

BRITISH CONSULATE,
New Orleans, September 30, 1863.

SIR: I have the honor to transmit herewith a protest made before me by the master and two of the crew of the British steamship *Sir William Peel* against seizure, &c., by the United States gunboat *Seminole*.

From the protest it will be seen that the *Sir William Peel* at the time of capture was at anchor in Mexican waters, off the mouth of the Rio Grande, taking in cargo of cotton from Matamoras, and seized on suspicion of having an unusually large crew, and of having 11-inch guns on board.

With regard to the crew, it consists of between forty and fifty officers and men—a proper complement for a steamship the size of the *Sir William Peel*. As to the guns, the master of the steamship informs me, and it is stated in the protest, that he offered to take out the cotton, then on board, in order to convince the commander of the *Seminole* of his mistake, but to no purpose, the vessel being kept possession of without search having been made.

As to any other probable causes that would tend to the capture of the steamship *Sir William Peel*, I beg to state that, from information derived from the master, I learn that the cargo taken into Matamoras was shipped by Messrs. A. & T. Henry & Co., of Manchester; that there was not shipped a package

that could be considered contraband, legal opinion having been taken previous to its shipment on the Peel at Liverpool, and the master has handed me receipts for the cargo, being delivered at Matamoras. The cotton that was on board at the time of seizure had been shipped from Matamoras by Messrs. Milleño & Co., merchants of that place, and they had taken the precaution to have certificates from the United States consul there to the effect that the cotton was shipped from Matamoras.

Some time before the Sir William Peel was seized by the Seminole, the master having been informed by parties on shore that the commander of the United States gunboat Princess Royal was making inquiry about his vessel, and intended taking the bearings of the Sir William Peel to ascertain if she was in Texas waters, and as his vessel was then in shallow water he thought it prudent to move the Peel into deeper, and consequently further into Mexican waters. The position of the vessel at the time of seizure is shown by the chart which I have the honor to enclose herewith.

By the first opportunity it is my intention to write to her Majesty's vice-consul at Matamoras for the ship's papers, and to request him to obtain from the Mexican authorities documents in corroboration of the statement of the master of the Sir William Peel.

The acting Mexican consul here communicates with the minister in Washington on this subject, and also of the seizure of another vessel, The Flying Scud, which was taken under circumstances of a similar nature.

I have the honor to transmit herewith an original letter written at my request by Mr. Mirrieles, which gives the purport of a conversation between him and Captain Woolsey, of the United States navy, on the subject of the seizure of this vessel.

Commander Martin, of her Majesty's ship Buzzard, now in this port, will inform Vice-Admiral Sir A. Milne of the particulars of the seizure as he learned them at Matamoras and from the master here, and I transmit another copy of the protest in order that it may reach Sir A. Milne, with such remarks as you deem proper.

I have the honor, &c.

GEORGE COPPELL, *Acting Consul.*

Hon. Mr. STUART, &c., &c., &c.

Extract of a letter, dated October 2, 1863, from Commander Martin, her Majesty's ship Buzzard, to Vice-Admiral Sir A. Milne, K. C. B.

"At Matamoras Captain Hunt informed me that the Sir William Peel, English steamship, had been seized by the United States gunboat Seminole and sent to this port as a prize. At the time of her capture she was in Mexican waters; her papers in possession of the English consul at that port, and she was taking in cotton, having 904 bales already on board, expecting to take in 300. No preliminary investigation was made by the United States officer.

"On my arrival here I found the vessel already in the prize court; her master gives me her position when captured, as in the enclosed chart.

"Her Majesty's consul is forwarding through the embassy a copy of the protest of the master of the vessel.

"I called on Commodore Bell, the senior officer of the United States navy at this place, on my arrival, and told him I was surprised that the Sir William Peel had been placed in a prize court. His answer was to the effect that his government had particular information about this vessel, which he supposed I was unaware of. I told him no preliminary investigation had been made by her captor. He said in such a position it was impossible to make a proper examination."

Mr. Mirrilees to Mr. Coppell.

NEW ORLEANS, *September 30, 1863.*

SIR : At your request I subjoin the substance of a conversation which passed between Captain Woolsey, of the United States gunboat *Princess Royal*, and myself, on Saturday evening, the 26th instant, in the *St. Charles Hotel*, in this city.

The capture of the British steamship *Sir William Peel* having been introduced, Captain Woolsey said that he regretted it very much, as he was satisfied that when captured by the Seminole there existed no just cause for such a proceeding, and that the United States had no plea for detaining the vessel, and would have to pay heavy damages ; that the captain of the Seminole would or ought to be cashiered, as he had behaved in a most violent and unjustifiable manner, inasmuch as he knew that he (Captain Woolsey) had previously overhauled the *Peel* and found her all right.

It was further stated by Captain Woolsey that subsequent to the time that he had overhauled the steamer she had removed her position a mile or more further into Mexican waters, where she lay when captured.

I am, &c., &c.,

JOHN D. MIRRILEES.

J. COPPELL, Esq.

BRITISH CONSULATE,
New Orleans, September 30, 1863.

The above statement, his voluntary act, was signed by the above-named John D. Mirrilees, a person to me known, and worthy of credit, in my [l. s.] presence.

J. COPPELL,
Her Britannic Majesty's Acting Consul.

Mr. F. W. Seward to Lord Lyons

DEPARTMENT OF STATE,
Washington, November 4, 1863.

MY LORD : I have the honor to acknowledge the receipt of your note of the 31st ultimo, relative to the case of the British steamer *Victor*, captured by the United States cruiser *Juniata*, in the month of May last, and to inform you that a copy of it will be communicated to the Secretary of War with a view to an investigation being made into the complaint of the master, mate, and engineer of the *Victor*, of cruel treatment in *Fort Taylor, Key West*. In the mean time I have the honor to enclose for your information the accompanying copy of a letter of the 22d of September last, from the acting attorney general of the United States, and of the letter from the United States district attorney at *Key West*, to which it relates.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD, *Acting Secretary.*

Right Hon. LORD LYONS.

Mr. Coffey to Mr. Seward.

ATTORNEY GENERAL'S OFFICE,
Washington, September 22, 1863.

SIR: I have the honor to enclose you a copy of a letter from Thomas J. Boynton, esquire, United States district attorney at Key West, Florida, received at this office in response to a letter of inquiry addressed to him by me, at your request, relative to the case of the prize steamer Victor.

Very respectfully, your obedient servant,

T. J. COFFEY,
Acting Attorney General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Boynton to Mr. Bates.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
Key West, August 6, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, concerning the case of the prize steamer Victor, and to reply:

First. The case of the Victor has been heard in this court. The decree was in favor of the claimant, restoring the vessel. I thought it my duty to appeal to the Supreme Court, and did so.

Secondly. The vessel was captured a short time after leaving the port of Havana. The witnesses speak of the capture as having taken place about six miles from the Moro Castle. The master, in his claim, alleges that the capture was made within three miles of a point of land to the westward of the entrance of the harbor, which the captors stoutly deny.

Thirdly. One of the witnesses, the cabin-boy of the Victor, who was a deserter from the capturing vessel, swears that he was told by the shipping master, in the presence of the master of the Victor, that the Victor was a blockade runner, and that she was going to run the blockade, as he understood, on the voyage for which he had been shipped.

The freight agreed to be paid for carrying the cargo to Matamoras was about one-half the invoice value of the goods. The wages paid the engineers and crew of the Victor was at least double the usual wages for similar services.

Notwithstanding these extraordinary expenses, and the usual long delay in discharging cargoes outside of Matamoras bar, (the vessel could not pass the bar,) there was no charter-party and no provision or agreement for lay days or demurrage at Matamoras.

A motion for leave to invoke the master's deposition in another case, where, as in the present case, the master, Pearce, claimed to be the owner as well as the master of the vessel, and in which the shippers of the cargo were the same parties who shipped the greater portion of the Victor's cargo, and where the master himself swore that he was captured in the vicinity of Cedar Keys in the Gulf of Mexico, and was bound to Bay Port, in the State of Florida, was refused by the court. It is almost impossible, in such a communication as this, to state clearly all the minute circumstances of a prize cause which may point either towards condemnation or restitution.

Fourth. It seems to me the Victor must be condemned in the Supreme Court.

I am, &c.,

THOMAS J. BOYNTON,
United States Attorney.

Hon. EDWARD BATES,
Attorney General, Washington.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 13, 1863.

MY LORD: With reference to your communication of the 2d instant, relative to the capture of the British steamship Sir William Peel, near Matamoras, by the United States gunboat Seminole, in the month of September last, and to my reply, I now have the honor to enclose to you the copy of a letter, of the 10th instant, addressed to this department by the Secretary of the Navy.

The protest and the chart which accompanied your note are herewith returned to you.

I have the honor to be your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward

NAVY DEPARTMENT,

Washington, November 10, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, transmitting a note of the 2d instant and its accompaniments from Lord Lyons, relative to the case of the steamer Sir William Peel, which vessel was captured on the 11th of September last by the United States steamer Seminole, and requesting any information possessed by this department on the subject.

Commander H. Rolando, who seized the Sir William Peel, gives the following reasons for his action: She had cotton on board which he believed to be the property of the Confederate States, and was being shipped by confederate agents to England or other points. He felt assured the vessel herself is the property of the confederates. At the time of her seizure she laid in American waters, and from thence had discharged a cargo of contraband articles, of which fact there were sufficient witnesses. He also believed she had on board guns and munitions of war intended to be used to convert her into a privateer. He found on board about one hundred and fifty axles for field artillery, several casks of iron rings for artillery harness, and on deck were two guns below and under her cotton.

The vessel is now in the hands of the prize court at New Orleans.

The papers enclosed with your letter are herewith returned as requested.

Very respectfully, &c.

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,

Secretary of State.

P. S.—I have extracted from the protest of the master and other officers of the Sir William Peel that part containing serious charges against the conduct of Commander Rolando and others, of the Seminole, to forward to them for explanation; also the copy of a paper which professes to give the substance of a conversation between Commander Woolsey, of the navy, and the master of the Sir William Peel, relative to the capture of that vessel, which will be transmitted to Commander Woolsey to confirm or refute.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 18, 1863.*

SIR: I have the honor to transmit to you an extract from a despatch from the British acting consul at New Orleans, stating that a British vessel, the *H. G. Berry*, which had cleared from that place for Matamoras, was detained at Fort Jackson by the United States forces.

The detention appears to have been caused by a general order from the military authority prohibiting the departure of vessels for Matamoras. I shall be very much obliged by any information which you may be so good as to give me on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract of a despatch from Consul General to Lord Lyons, dated New Orleans, October 30, 1863.

* * * * *
 On the 19th instant the British brig *H. G. Berry* cleared in ballast at this port for Matamoras; on the 21st I received a telegram from the master, stating that the *Berry* was detained at Fort Jackson by the United States forces there and not allowed to proceed on her voyage. Failing in my endeavors to see General Banks on that day, I addressed him a note, enclosing the telegram I had received from the master, asking him to give orders to release the vessel if, after examination, there was found no cause for her detention. In reply I was informed that the matter will at once be inquired into and acted upon. Not receiving any further information, on the 24th I called at the headquarters of General Banks, and, in the general's absence, the assistant adjutant general told me that the vessel was detained as a "military necessity," and that the reasons for it would be communicated to me in a few days.

As General Banks has left the city without furnishing me with the promised information, to-day I saw General Stone, chief of staff, and asked him if he could give me the reasons for the stoppage of the trade, at the same time informing him that there are British vessels (the *Lizzie* and the *Planet*) loaded and ready to proceed to Matamoras. He could give me no information on the subject beyond that General Banks had given orders that no vessels were to leave this port for Matamoras at the present time, or until further orders from him.

* * * * *

Lord Lyons to Mr. Seward.

WASHINGTON, *December 12, 1863.*

MY DEAR SIR: I have just received a telegram from the administrator of the government of Nova Scotia, stating that the *Chesapeake* has not put into any port in that colony. My impression was that the telegram you showed me before dinner yesterday came from your vice-consul at Halifax, and that he stated that the crown lawyers there were considering the case.

Yours, faithfully,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

SATURDAY EVENING, *December 12, 1863.*

MY DEAR LORD LYONS: Your impression in regard to the telegram was correct. Will you have the kindness to repeat your despatch to the governor of New Brunswick, as the Chesapeake may have put into one of the ports of that province?

Very faithfully yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 16, 1863.

MY LORD: This department is in possession of authentic information that among the persons who recently committed piracy and murder on board the United States steamer Chesapeake were two named Braine and Parr, respectively, and that they have taken refuge in the British province of New Brunswick or Nova Scotia. As it is desirable that they should be detained there until the formal affidavits can be forwarded with a view to their extradition for trial in this country, I will thank you to request her Majesty's authorities to do anything which can be legally done for that purpose.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 16, 1863.*

MY DEAR SIR: I send you a copy of the telegram which I have despatched to the administrator of the government of Nova Scotia, in consequence of the note which I received from you this morning respecting the affair of the Chesapeake, and the conversation which I had with you on the subject afterwards.

I have despatched an identic telegram to the lieutenant governor of New Brunswick.

Yours, faithfully,

LYONS.

Hon. WILLIAM H. SEWARD.

Lord Lyons to Lieutenant Governor Gordon (and Major General Doyle.)

[Telegraphic.]

WASHINGTON, *December 16, 1863.*

The United States government informs me officially that it has authentic intelligence that Braine and Parr, two men charged with having committed piracy and murder on board the United States steamer Chesapeake, have taken refuge in Nova Scotia or New Brunswick; and it requests the British authorities to do anything which can be legally done to detain the two men

until formal affidavits can be forwarded with a view to their extradition for trial. The Secretary of State suggests that if it be alleged that the men were belligerents, and that their acts were acts of lawful warfare, the proper time for examining this plea will be when the propriety of complying with an actual demand for extradition shall be under consideration. I have answered that it is certain that your excellency will act in exact conformity with the requirements of municipal law and international law and comity.

LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 17, 1863.*

SIR: I have the honor to submit to you a copy of a letter from Patrick Hamilton, a prisoner in Fort Warren, who represents that he is a British subject; that he shipped at Havana a seaman on board a vessel bound for Matamoras, which was captured, and that he has since been detained as a prisoner. This letter was received during my absence by Mr. Stuart, who directed her Majesty's consul at Boston to visit the prisoner at Fort Warren, and inquire into the truth of his statement. I enclose a copy of the consul's report, and I trust that you will deem it right to move the proper authorities to direct that Hamilton be released from prison. He appears to have been already in confinement for more than six months.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Patrick Hamilton to Lord Lyons.

FORT WARREN, *September 30, 1863.*

MY LORD: I have taken this opportunity of writing you these few lines, to state my case to you. I shipped in Havana to go to Matamoras, and the fourth day the vessel was captured, and I was sent to New York, and then to Fort Warren, where I have been a prisoner four months without any trial, and I do not know what it is for. I have nothing to do with this war since it began. I have written to the consul in Boston, and had no answer from him. I am a British subject, and, most kind, thank you to see after my case. I am a stranger here, and do not know anybody to write to do anything for me, for I should like to get out to go home. I was born in Belfast, Ireland, and I am a seaman. The captain of the vessel was let go in New York, and wrote all the crew was let go; I was on board the boat. I should like to have advice to know what I am here for. Please to answer. I was a seaman on the boat.

I am, &c.,

PATRICK HAMILTON.

Now a prisoner in Fort Warren, a British subject.

Mr. Lousada to Lord Lyons.

HER MAJESTY'S CONSULATE,
Ros' n., December 10, 1863.

MY LORD: I took advantage yesterday of my visit to Fort Warren to see Patrick Hamilton, subject of your lordship's despatch of the 23d November.

I found that he was ignorant of any special cause of detention, and to my interrogatories as to his birthplace, place of residence, &c., his answers were satisfactory, and, by a curious coincidence, my secretary had been resident in the identical place, and elicited from Hamilton, not only details of the streets and localities, but of the persons, factories, &c., leaving no shadow of doubt as to his being an Irishman, and the person he represents himself to be. He wished to have an oath administered to him that he had never done anything to impair his nationality, and I accordingly administered the usual oath to him. Unless there are circumstances of which I am not in possession, making his further detention necessary to the United States authorities, I should beg to recommend his claim for protection to your lordship's favorable notice.

I am, &c., &c.,

F. LOUSADA,
Her Britannic Majesty's Consul.

LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 17, 1863.

MY DEAR LORD LYONS: I have received your note of yesterday, and thank you for the further proof of courtesy and attention shown in the telegram to the executives of New Brunswick and Nova Scotia, a copy of which you have sent me.

Very truly, yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 18, 1863.

MY LORD: The Chesapeake is a regularly licensed American steamer, plying the coasting trade, carrying passengers and freight between the city of New York and Portland, in the State of Maine. On the 5th of December last, under the care of her captain (Willett,) with a crew in all consisting of seventeen persons, old and young, male and female, she took on board at New York sixteen unsuspected passengers, all of whom paid their fares, and she set out at half past 3 in the afternoon on her voyage to Portland. On Monday the 7th instant, at half past 1 in the morning, the steamer then being off Cape Cod, on the high seas, these passengers surprised the watch, murdered the second engineer, maimed and disabled the first mate, and seized the captain and crew, and confined the captain with irons. The piratical passengers then took control of the steamer. Arriving at Partridge island, in St. John harbor, in the waters of New Brunswick, the pirates delivered the captain and crew on board of a pilot-boat, which seemed to be attending by concert, and they were subsequently put on shore at St. John, in that province. Information of these crimes having reached this government, several ships-of-war were sent out to capture the pirates and recover the Chesapeake. Advice being received that the former were likely to seek refuge either in New Brunswick or Nova Scotia, the United States consuls were directed to apply to her Majesty's authorities for their arrest and detention, until a requisition could be made for their delivery under the existing

treaty between the two governments, as fugitives from justice. Your lordship is, I believe, already informed that his honor the chief justice of Nova Scotia issued warrants for the arrest of the offenders, but I am not advised that any of them have actually been arrested under that process.

I now learn by telegrams which have been received from Mr. Gunnison, the American vice-consul at Halifax, that United States ship-of-war *Ella and Annie*, under S. F. Nichols, commander, at 9 o'clock in the morning of yesterday, the 17th, saw the *Chesapeake* lying in Sambro harbor, in Nova Scotia, under flag of distress, and that the pirates were abandoning her. The *Ella and Annie* proceeded to the vessel, and two of the crew found on board of the *Chesapeake* delivered her up to the officers of the *Ella and Annie*. Those officers immediately proceeded with the *Chesapeake* to Halifax, where they now have that vessel, and it is said three of the pirates, in their keeping. The object of the officers in proceeding to Halifax was to deliver that vessel and pirates up to her Majesty's authorities if they should desire that to be done. Meantime the consul has reported the transaction to this government and asked instructions.

Assuming this statement of facts to be true, I am not aware that the naval officers have, in any respect, violated the sovereignty of jurisdiction of Great Britain. It is possible, however, that the case may not yet have been fully made known to this government. To guard, therefore, against any possible misapprehension, I have now by the President's directions to inform your lordship that this government has not authorized, nor does it propose to justify, any exercise whatever of authority, by its agents, within the waters or on the soil of Nova Scotia. If any such authority has been assumed, this government will at once express its profound regret; and it stands ready, in that case, to make amends which shall be entirely satisfactory.

The question, however, remains, what shall now be done with the *Chesapeake* and the pirates? This government will, if it be required, place them at once in the custody of her Majesty's authorities at Halifax. Nevertheless, as at present advised, it would be my duty, in that case, to demand a delivery of the vessel, that it may be restored to its undoubted owners, and a surrender of the pirates, to be tried by our laws for their crimes. Such proceedings would be dilatory, and possibly somewhat embarrassing to the authorities at Halifax. I have thought it proper, therefore, to propose another mode of proceeding which would save all the rights of her Majesty's government, while it may be more convenient to all parties. If it shall be agreeable to the authorities at Halifax, the *Chesapeake* and the pirates may be left in the keeping of the naval authorities of the United States, and may be brought back to our own country. Here not only the vessel, but the pirates, will in that case be held in custody until the wishes of her Majesty's government shall be expressed, and if they shall set fit to require it, they will at once be restored to the care of the British government, the United States reserving the right to make legal requisition in the case for the fulfilment of justice.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, December 18, 1863.

SIR: I have the honor to acknowledge the receipt of your note of to-day, communicating to me the recent intelligence which has reached you concerning the steamer *Chesapeake*.

I accept with entire satisfaction the disavowal you so promptly make of any assumption of authority by officers of the United States within the territorial jurisdiction of her Majesty's province of Nova Scotia; and I will lose no time in communicating to the administrator of the government of that province the suggestions which your note contains respecting the disposal of the Chesapeake and the three men found on board. His excellency will certainly consider those suggestions with a desire to fulfil to the utmost the obligations of international comity and good neighborhood.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, December 19, 1863.

In the note respecting the case of the *Labuan*, which you did me the honor to address to me on the 9th of April last, [38th Congress, 1st session, House Ex. Doc., No. 1, page 557,] you stated that you were authorized by the President to inform me that the district attorney would be immediately instructed to give notice to the claimants or their counsel, as he might be able, of an early day when he would move the court to proceed to consider and determine what damages and what costs should be awarded to the claimants of the ship *Labuan* and her cargo for her unlawful seizure, and to place before the court, on that occasion, all the proofs which had been furnished to the government of the United States by the government of her Majesty.

You added that, in pursuance of such notice, the district attorney would be instructed to prosecute the question of costs and damages to a decision whether the claimants appeared or not, and you went on to say that when that decision should be obtained the effect of it would be immediately communicated to me; that if it should be satisfactory, Congress would be requested to make an appropriation for the payment of the sums awarded; and that if it should be unsatisfactory, you would then receive with entire pleasure any objections that might be made by or on behalf of the claimants. Finally, you informed me that if you should not be able to adjust the amount satisfactorily to both governments, without a reference to impartial mercantile persons, you should then be prepared to consider, with the most entire respect, the expediency of such a reference, with directions that the referees should report so seasonably as to admit an application to Congress at the next session for its authority to pay the damages and costs which should thus finally be ascertained.

More than eight months have elapsed since your note was written, and the session of Congress to which you referred has already begun, but no progress appears to have been made towards fixing the amount of the costs and damages due to the claimants in the case of the *Labuan*. I am informed by the agents of the claimants that no notice has up to this time been given to them by the district attorney of a day on which he will move the court to consider and determine the question; but it is not my purpose on the present occasion to comment on the delay which has thus taken place in giving effect to the assurances conveyed by your note. I will simply refer you to the note expressing the sentiments of her Majesty's government respecting that delay which I had the honor to address to you on the 21st of last month. It is indeed now represented to me by the claimants that a recent judicial decision puts an end to all hope of adjusting their claims by the reference to the prize court which you contemplated. They state that on an appeal to the United States circuit court in

the case of the *Empress*, Mr. Justice Nelson pronounced on the 21st of last month a decision which precluded the prize court from adjudicating questions of costs and damages.

I do not, of course, pretend to give an opinion of my own on the question of law; but I deem it to be my duty to ask your immediate attention to it, and at the same time most earnestly to beg you to take at once such measures respecting the case of the *Labuan* as will redeem the promise made in your note, and insure your being in a situation to make in good time during the present session an application to Congress for the appropriation required to satisfy the just demands of the claimants.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 20, 1863.

MY LORD: Credible information having reached this department that John C. Braine, H. A. Parr, John Parker Locke, *alias* Vernon G. Locke, David Collins, George Robinson, John Wade, and others, have committed piracy and murder on board the United States steamer *Chesapeake*, while that vessel was on her way from New York to Portland, in Maine, and that they have taken refuge in the British provinces of New Brunswick or Nova Scotia, I have the honor to request that, pursuant to the 10th article of the treaty of Washington, they may be delivered up for trial in the United States.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 22, 1863.*

SIR: I have the honor to transmit to you a copy of a letter addressed to her Majesty's consul at New York, by Messrs. E. Pavenstedt & Co., the agents at that place of Messrs. Dent, Palmer & Co., of London. In compliance with the request contained in it, I submit to you also copies of the following papers:

1. Protest of United States vice-consul at Amoy, August 13, 1863.
2. Letter from United States vice-consul at Amoy to Mr. Thomas H. Chapman, agent at that place of Messrs. Dent & Co., August 13, 1863.
3. Letter from Messrs. Dent & Co. to the United States consul at Hong Kong, August 24, 1863.
4. Extract from charter-party between the master of the British bark *Julia* and Mr. Thomas H. Chapman, August 15, 1863.

These papers appear to show conclusively that the voyage of the *Julia* is perfectly legitimate; but as the United States vice-consul at Amoy took exception to a condition in the charter-party, Messrs. Pavenstedt & Co. are anxious that all the particulars should be made known to the United States authorities here.

The *Julia* is expected to arrive very soon at New York, and I therefore take

the liberty of asking you to recommend the papers to the immediate attention of the proper authorities.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Pavenstedt & Co. to Archibald.

NEW YORK, December 11, 1863.

SIR: The British bark Julia, Francis Morris master, laden with teas at Amoy, China, by and for account of Messrs. Dent & Co., of Hong Kong, bound to St. Thomas for orders, has been directed by Messrs. Dent, Palmer & Co., of London, to proceed from St. Thomas to this port to discharge.

The United States consul at Amoy seems to have taken exception to a clause in the charter-party, allowing the vessel to proceed to Charleston, South Carolina, under certain contingencies, and has protested, in her Majesty's consulate at Amoy, against the voyage of the Julia; also addressed a letter to the agent of Messrs. Dent & Co., threatening seizure and confiscation of both vessel and cargo, on account of the clause in the charter-party above referred to.

We take the liberty of enclosing copies of the protest, (marked A,) and of the letter, (marked B;) also a copy of the letter addressed by Messrs. Dent & Co. to the United States consul at Hong Kong, (marked C,) in reference to the subject, and beg you will kindly bring the matter to the notice of his excellency Lord Lyons, her Majesty's minister at Washington, asking his advice what steps may be necessary for us to take to protect the interests of the owners of the valuable cargo, who are British subjects, and who have been acting in entire good faith in the matter, as will be seen from the extract from the charter-party of the Julia, which we hand you hereby, (marked D,) together with the entire original charter, which latter please return us, as it is the only copy we hold.

The Julia having sailed from Amoy on August 15, may be expected to arrive here in from two to four weeks from this time; and though the merits of the case seem to preclude the possibility of serious difficulties, yet we would suggest the expediency of at once informing the State Department at Washington of the facts of the case, so as to show the entire good faith of the transaction, and avoid all trouble on the arrival of the vessel.

We are, &c.,

E. PAVENSTEDT & CO.

E. M. ARCHIBALD, Esq.,

Her Britannic Majesty's Consul, New York.

A.

At her Britannic Majesty's consulate at Amoy, on the 30th day of August, 1863, before me, W. A. Pedder, esq., her Majesty's consul for the port of Amoy, personally came and appeared Oliver B. Bradford, vice-consul of the United States of America for Amoy, and declared as follows:

That on or about the 6th day of August, in the year of our Lord 1863, Thomas H. Chapman, agent for the firm of Messrs. Dent & Co., verbally informed him that the bark Julia, of Newcastle, was being loaded by him, as agent for the said firm, with teas, on a charter allowing her to proceed to St.

Thomas, in the West Indies, for orders, and from thence having the option to proceed to either of the following ports, viz., Charleston, Montreal, London, or New York; the first of which ports being, according to last advices, under blockade by the naval forces of the United States government.

Wherefore, the said appearer, Oliver B. Bradford, vice-consul aforesaid, on behalf and in the name of the United States government, doth protest against the said vessel proceeding on that provision in her charter, allowing her to go to the port of Charleston aforesaid, unless the said port of Charleston has been duly declared to be a lawful port of entry by the United States government.

OLIVER B. BRADFORD,
Vice-Consul.

This done at the British consulate at Amoy, on the day and in the year first above written.

[SEAL.]

W. A. PEDDER,
Her Britannic Majesty's Consul.

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B.

CONSULATE OF THE UNITED STATES OF AMERICA,
Amoy, China, August 13, 1863.

SIR: On or about the 6th instant you verbally informed me that the British barke Julia was loading tea at this port from your house on a charter to St. Thomas for orders, from whence she had the option of proceeding to either Charleston, Montreal, London, or New York, the former of which ports I then informed you was, and herewith formally advise you was at the date of the latest advices received from America still under a blockade by the United States government. You have not since informed me that the option of going to Charleston has been withheld from the said vessel. I have therefore entered my protest before her Britannic Majesty's consul for this port, a copy of which I herewith enclose, against the said vessel being allowed to proceed on a voyage, on a charter which allows and requires her, on orders, to break a law of the United States, which law you cannot plead ignorance of. I would moreover call your attention to the fact of the charter-party being in itself an unlawful document, allowing, as you inform me it does, the vessel to go to a port with which there is, as above mentioned, no lawful communication, and which has been closed for a space of more than two years by law; it also makes the vessel and cargo both liable to seizure and confiscation, supposing you to be aware of the liabilities of the parties concerned, in case of a further violation of law.

I am, &c.

OLIVER B. BRADFORD,
United States Vice-Consul.

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HONG KONG, *August 24, 1863.*

DEAR SIR: The verbal communication to you, made two days ago by our Mr. Mackenzie, has already put you in possession of the facts of the charter of the British vessel Julia, tea-laden by us, just despatched from the treaty port of Amoy. We desire, however, briefly to recapitulate what then passed, in order that there may be no misunderstanding as to the intended destination of the Julia, respecting which the American vice-consul at Amoy has conceived such strong and unreasonable jealousy. The cargo of the Julia is intended for American or Canadian market, and the charter-party stipulates that the vessel shall call at St. Thomas for orders to proceed to Charleston, New York

or Montreal, as directed by our London correspondents, the well-known firm of Messrs. Dent, Palmer & Co., reserving to those gentlemen the right, in the event of hostilities between Great Britain and the United States, of ordering the vessel direct to London. The port of Charleston was inserted to give an additional market in case the port was legally accessible by peace, or the abandonment of the blockade, and the rate of freight is the same as that to be paid at New York, should the cargo be there delivered. From this you will perceive that there could be no intention of attempting to break the existing blockade, there being no consideration to induce the master of the vessel to imperil his ship in an illegal voyage. Moreover, any such intention would have been inconsistent with the fact that the vice-consul alleges the information he possesses of the particulars of the charter-party to have been derived from our representative at Amoy himself; and we trust, therefore, that you will disapprove of your vice-consul's action in protesting against the voyage of the *Julia*, and in denouncing it as illegal, and exposing both ship and cargo to seizure and confiscation. We have no fear of any such evils, but the indiscreet zeal of the vice-consul might be the cause of delay and annoyance if the groundless suspicions were left unnoticed; and we therefore tender to you this simple statement of the real facts of the *Julia's* voyage now commenced.

Should you deem it of importance to take any notice of this matter in your official correspondence with the United States government, we trust to your accompanying it by a copy of this letter, and on receipt of the charter-party, which has not yet come forward from Amoy, we shall be happy to exhibit it to you if you desire it.

We are, sir, &c.,

DENT & CO.

H. N. CONGAR, Esq.

United States Consul, Hong Kong.

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D.

[Extract.]

This charter-party, made and concluded the fifteenth day of August, in the year one thousand eight hundred and sixty-three, between Captain Francis Morris, of the British bark *Julia*, of the burden of three hundred and seventy-eight tons, or thereabouts, register measurement, now lying in the harbor of Amoy, of the first part, and Thomas H. Chapman, representative of Messrs. Dent & Co., of China, of the second part, witnesseth: That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the said parties of the second part, doth consent and agree on the freighting and chartering of the said vessel unto the said parties of the second part for a voyage from Amoy to St. Thomas, West Indies, for orders; charterers to have the option of sending the vessel to Montreal, New York, Charleston, or New Orleans, but to one port only, and to either of the southern ports, only if the blockade is raised, and the ports open for commerce, on the terms following, that is to say: First, the said party of the first part doth engage that the said vessel in and during the said voyage shall be kept tight, staunch, well fitted, tackled and provided with every requisite, and with men and provisions necessary for such a voyage. Second, the said party of the first part doth further engage that the whole of the said vessel (with the exception of the cabin, the deck, and the necessary room for the accommodation of the crew and the stowage of the sails, cables, and provisions) shall be at the sole use and disposal of the said parties of the second part during the voyage aforesaid; and that no goods or merchandise whatever shall be

laden on board otherwise than from the said parties of the second part, or their agent, without their consent, on pain of forfeiture of the amount of freight agreed upon for the same. Third, the said party of the first part doth further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandise as the said parties of the second part or their agent may think proper to ship.

And the said parties of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said party of the first part, doth covenant and agree with the said parties of the first part to charter and hire the said vessel as aforesaid on the terms following, that is to say: First, the said parties of the second part doth engage to provide and furnish to the said vessel a full and complete cargo of tea, not exceeding what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and furniture. Second, the said parties of the second part do further engage to pay to the said party of the first part, or his agent, for the charter or freight of the said vessel, during the voyage aforesaid, in manner following, that is to say: £4 (Four pounds) per ton of 50 (fifty) cubic feet, if sent to New York or Charleston, and £4 4s., (four guineas,) if sent to New Orleans or Montreal. In case of rupture between England and America, charterers have the option of sending the ship to London, in which case the freight shall be £4 4s. (four guineas) per ton of fifty cubic feet. Freight in bank, or approved bills, at 60 (sixty) days' sight on London.

Memorandum.

[Received from the British legation.]

CASE OF THE MONT BLANC.

Lord Lyons's note of the 16th July, and memorandum of 10th August:

It appears very desirable to proceed, without delay, to carry into effect the arrangement recorded in Mr. Seward's note of the 21st of May.*

WASHINGTON, *December 22, 1863.*

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of yesterday, relative to the case of the British bark *Julia*, and to inform you that it has been recommended to the immediate attention of the Secretary of the Treasury, in conformity with your wishes on the subject.

I have the honor to be your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 23, 1863.*

SIR: Her Majesty's government readily comply with the request made in your note to Mr. Stuart, of the 22d September last,* that the evidence in the case of the Margaret and Jessie should be communicated to the government of the United States. I have, accordingly, the honor to transmit to you herewith, in original, all the documents, containing evidence bearing on the case, which have been submitted to her Majesty's government.

In forwarding these documents to you, it is my duty, in execution of the instructions which I have received, to state distinctly that her Majesty's government cannot consent that the demand for redress which they have preferred should be in any way affected by the proceedings of the government of the United States, relating to the conduct of any officer or other person who may be responsible to that government for his misconduct in the matter. And I am directed to express the confident hope of her Majesty's government that, upon receiving evidence of the facts, so clear and decisive as that contained in these documents, the government of the United States will, without further delay, give proper satisfaction for so very serious an outrage upon the territorial rights of her Majesty.

I enclose a list of the documents; and I beg you to be so good as to send them back to me when you have taken cognizance of them.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State.

* 38th Congress, 1st session, House Ex. Doc. No. 1, page 694.

DOCUMENTS IN THE CASE OF THE MARGARET AND JESSIE.

- No. 1. Memorial.
- No. 2. Protest.
- No. 3. Declaration of C. M. Morris.
- No. 4. Declaration of H. B. Claiborne and King.
- No. 5. Declaration of R. C. Foute.
- No. 6. Declaration of Ivey Foreman.
- No. 7. Declaration of Lawreel Thiescelin.
- No. 8. Declaration of Clinton Johnson.
- No. 9. Declaration of Daniel Trigg and Littlepage.
- No. 10. Declaration of Fenn Peck and M. M. Kerr.
- No. 11. Declaration of William Wilson and Peter Skues.
- No. 12. Certificate of survey.
- No. 13. Declaration of Jno. B. Lafitte and G. D. Harris.
- No. 14. Declaration of George D. Harris.
- No. 15. Declaration of Jno. B. Lafitte.
- No. 16. Declaration of William Hanna.
- No. 17. Declaration of Theodore Cavillier.
- No. 18. Declaration of Thomas Mackey.
- No. 19. Declaration of Samuel Mackey.
- No. 20. Declaration of Jane Hanna.
- No. 21. Declaration of C. R. Burnside.
- No. 22. Declaration of William Wilson and Peter Skues.
- No. 23. Declaration of C. R. Burnside.

CLAIM.

- No. 1. Memorandum of claim.
- No. 2. Account current of H. Adderly & Company.
- No. 3. Decree of the vice admiralty court.
- No. 4. Statement of salvage.
- No. 5. Statement of value of cargo.
- No. 6. Declaration of G. D. Harris.
- No. 7. Account of sales.
- No. 8. Certificate of survey.
- No. 9. Statement of loss from detention.
- No. 10. Declaration of Jno. B. Lafitte.
- No. 11. Declaration of Lafitte and Harris.
- No. 12. Certificate of receiver general.

No. 1.

NASSAU, N. P., BAHAMAS, July 3, 1863.

SIR: The undersigned, George A. Trenholm, a citizen of the Confederate States of North America, and a merchant of the city of Charleston, in the State of South Carolina, begs leave respectfully to submit to your excellency, and through your excellency to her Britannic Majesty's imperial government, that on Saturday, the thirtieth day of May last past, the steamship Margaret and Jessie, a duly registered vessel in the said Confederate States, and the property of the undersigned, while engaged in a lawful navigation and trade between the neutral port of Nassau, in the island of New Providence, and the confederate port of Charleston, and while proceeding on her voyage with the emblem of her nationality at her mast, within the waters of her Majesty the Queen of Great Britain's jurisdiction, at less than one mile from the island of Eleuthera, in the Bahamas, and within speaking distance of the settlement of James's Point, in said island, after a hot pursuit and chase, was fired into with shot and shell by an armed vessel bearing the colors of the United States of America, the same being, as the undersigned verily believes, the United States vessel-of-war Rhode Island, until, being disabled by a ball which struck her on the starboard side, just above the water-line, entering her boiler and paralyzing her machinery, she became entirely unmanageable, pounded several times on the reef, and sank.

The outrage thus committed on the Margaret and Jessie, and the injury sustained by her cargo, her machinery, and her hull, constituting a *tort*, which, by the law of nations, can only be set up and brought to reparation through the agency and under the guarantees of the friendly power within whose jurisdiction and in contempt of whose supremacy the wrong was perpetrated, the undersigned lays this his complaint and claim before your excellency, that the same may be brought to the notice of her Britannic Majesty's government, and be attended to and acted upon with the zeal and energy which that government is wont to apply to cases arising out of similar emergencies.

Appended will be found the protest and declarations taken by duly commissioned officers of the British crown residing at Nassau. To these documents the undersigned craves reference, as they will elucidate and stand in proof of the facts set forth in this memorial.

The Margaret and Jessie being on an errand of legitimate trade, she had no motive to conceal, and therefore did not conceal either her colors or the character of her venture; a belligerent, she was entitled to all the immunities and protection due to friendly vessels on the coasts, and in the ports, bays, harbors, and rivers of neutral jurisdiction.

After being chased by a federal cruiser from a distance, which the evidence puts at twenty miles from land, she had, by dint of swiftness, escaped the pursuer and was making rapidly for the island of Eleuthera, which she had neared less than four hundred yards, when she was fired into, struck and sunk as aforesaid. That she was then within grounds where no federal vessel could lawfully commit hostilities will not be denied, as even any forbearance on the part of the neutral power whose sovereignty and jurisdiction were thus invaded and infringed, instead of imparting legitimacy to the transgression, would not only entail upon such power a liability coextensive to the wrong suffered, but make it a party to the contest, as it would thereby have departed from the position of neutrality. That it was an outrage of the deepest dye, fraught with all the evidences of the most unmitigated perverseness and effrontery, the declarations taken and herewith submitted but too palpably establish.

Charles M. Morris, who was a passenger on board the Margaret and Jessie, attests that the firing into her by the federal cruiser commenced when running for the island of Eleuthera; she was only five miles distant from it; the war vessel continuing in pursuit, and incessantly discharging shot and shell which fell thickly over and around the Margaret and Jessie, until the latter arrived

within five hundred yards of the beach, when, to prevent her going upon the land, her course was changed, and she was headed westwardly, coasting and skirting the land at a distance of from four to five hundred yards from it; *she then continued for a period of an hour and three quarters, during all which time she was never further than five hundred yards from the land.* The war vessel continued the chase, being about a mile from the Margaret and Jessie, discharging shot and shell by broadsides, which fell thickly around the vessel, *many passing over and striking the land,* and so near was the Margaret and Jessie, during all this time, kept to the shore, that she took ground several times in passing over the reefs which lie a short distance from the land, and eventually a shell shot from the vessel-of-war struck the Margaret and Jessie, she then being not further than four hundred yards from the land, and passed through into her boiler, which so disabled her, that, within a minute of time, she took the ground and filled with water.

This statement of Charles M. Morris is strengthened by the concordant declarations of all the other witnesses, who testify to the same effect, with slight variances, which would only go to reduce to three hundred yards the distance at which the Margaret and Jessie stood from the beach the whole time that she was headed westwardly, and was kept coasting and skirting the land, until she was struck, disabled, and sunk. Thus is the fact fairly established, that for upwards of an hour and three-quarters the Margaret and Jessie (she being then within less than five hundred yards from the island of Eleuthera, and the United States cruiser at less than a mile further) was chased, pursued, and repeatedly fired into by the latter without there being anything in her conduct of a nature to incur the wrath of the pursuer, or to afford him the slightest excuse for the infringement of British supremacy over ground within which, under her Britannic Majesty's protection, she was entitled to enjoy all the immunities of asylum, hospitality, and intercourse. Nor could those on board the pursuing vessel have been, at the time, in error respecting the character of the waters over which they were treading. Not only was the Margaret and Jessie so close to the shore that her passengers could exchange words and converse with the people upon the beach, but the shots and shells fired from the federal cruiser could be seen falling upon the land, passing through the tenements there, and forcing the inhabitants, stricken with terror, to fly from their dwellings and seek refuge under the hills.

Clinton Johnson, a farmer of the island of Eleuthera, who lives at the town known as James Cistern, on the south side of said island, thus describes the circumstances, the time, and manner of the pursuit which brought the Margaret and Jessie to the shoals where she was stranded. Says he: "On Saturday, the thirtieth of May last, I heard the report of a cannon on the north side of the island. I immediately went to the high land to the north of the town and saw two steamships, one in chase of the other, the outer ship discharging guns very rapidly at the ship that was nearest to the island, and both approaching, at full speed, to the land. The ship nearest the land was an unarmed vessel, and the vessel chasing her was a vessel-of-war. The unarmed vessel having arrived within three hundred yards of the beach, changed her course and skirted along the land, at no time being four hundred yards from it. The vessel-of-war also changed her course, and having arrived within a distance of, at most, half a mile from the other ship, *continued for at least an hour and a half to discharge, without cessation, shot and shell, which from time to time passed over the inner ship and struck and exploded upon the land.* Many of the shots fell within a distance of one hundred yards from the dwelling-houses in the town of James Cistern, and caused great destruction among the trees and woods in the neighborhood, and the inhabitants of the town, fearing that their houses would be struck by the shot, and some of them be killed, quitted the town and took refuge under the hills till the firing had ceased."

It will be noticed that the chase and pursuit of the Margaret and Jessie were being had on the north side of the settlement of James's Point, where the island is but two miles wide from north to south.

Thomas and Samuel Mackey, together with Theodore Cuvellier and William Hanna, of the same settlement, were fishing at the time on the south side of the settlement, and here is what they say of the occurrence, as by them witnessed: Says Thomas Mackey: "I was out fishing; I heard the reports of several heavy guns; the sound came from the northeast across the island; when the boat [his fishing boat] was about three miles from the settlement, and about half a mile from the southern shore, I heard the report of another gun, and saw a cannon shot fall in the water about sixty or seventy yards ahead of the boat in which we were, and very near the boat in which Theodore Cuvellier was."

How near must the chasing vessel have been to the northern shore may easily be deduced from the fact of the shot traversing the island and reaching more than seventy yards beyond the southern shore.

Theodore Cuvellier testifies that "while he was out fishing on Saturday, the 30th of May, on the southern side of the settlement of James's Point, in the island of Eleuthera—which settlement is bounded on the north and south by the sea, the distance across being only two miles—he heard the report of several guns. He immediately went on shore, proceeded to a hill nearly over to the northern side, and climbed up a tree, that he might see from whence the guns were being fired. On looking out to sea saw two steamers, one of them having paddle-boxes and steering down outside of a reef, which is about three hundred or four hundred yards from the shore, and the other without paddle-boxes, also steering down outside of the reef, about five or six hundred yards from the first steamer. The steamer further out was firing at the inner one; she would fire first from one side, and then turn and fire from the other side. He could see the shots from these guns fall upon the land, about three hundred yards from where he was up the tree, about half a mile from the settlement; on seeing the shot fall so near he jumped from the tree, ran back to the southern shore, and got into his boat to come home. While he was coming down he heard a gun go off in the direction of the two steamers, and a cannon ball passed his head and fell in the sea about thirty yards from him, which caused him to fall down in the boat from the shock."

Samuel Mackey, a planter, who resides at James's Point, was also fishing on the southern side of the settlement, "when he heard the reports of several heavy guns from the northeast, and on returning to the shore, being about three yards from it, saw a cannon ball fall on the land on the inside of the settlement, where the houses are built, and found afterwards a portion of the shell in the place where he had seen it fall."

William Hanna corroborates every essential statement made by the preceding witnesses, and Jane Hanna gives the finishing stroke to the stirring scene in her clear, short, and unadorned narrative of incidents, which she watched the more closely, as she found herself within range of the shots fired by the federal cruiser, and in imminent peril of being killed by one of them.

This woman lives on the same settlement of James's Point. "On Saturday, the 30th of May last," says she, "I was in my house at James's Point, when I heard guns firing from the sea; I looked out of the door of my house to the north; the house is on a hill, about two miles from the shore on the northern side of the settlement; I can see the sea from the door; I saw a steamer passing up along the shore, firing guns; I left my house and went on a hill near where I saw another ahead, at which the other was firing; I watched them for some time, when the inner steamer turned and came down; I then saw the steamer that had been firing also turn and commence to fire at her; several of the shots I saw fall on the land; I entered my house, when I heard another report of a gun, and something that struck on the roof of my house; I looked out of the door and saw the steamer that had been firing before opposite my house and

clouded in smoke; I went over to the northern side in the evening, and saw one of the steamers on shore, and the other—the one that had been firing the guns—lying outside of her, with a flag flying.” (The United States flag, as attested by other witnesses.)

The facts stated by these witnesses require no comment, and lose nothing by retaining the unstudied style in which they are told.

Unless there be no virtue in the principles which regulate the relations between belligerents on the one side and neutrals on the other, they cannot fail to impress themselves on the mind as being of the most grave significance and import. The recognition by the great powers of christendom of the existence of civil war between the Confederate States and the States that still retain the name of the United States of America, and the avowed determination of those powers not to take part in the mighty conflict for independence on the one side, for subjugation on the other, in which said States are engaged, has imparted to them not only the character of belligerents, possessing the sovereign rights of war and entitled to be respected in the exercise of those rights, but also those attributes which are inherent to friendly powers, and invest them incontestably with equal rights of asylum, hospitality, and intercourse in neutral territories.

Confiding in the immunities arising out of the relations created by that recognition and that avowal, and reposing unbounded faith in the ability of the powers thus committed by their own declarations to vindicate and uphold those immunities when invoked within their respective jurisdiction, the undersigned, with others of the Confederate States, selected the port of Nassau, in the Bahamas, as one of the points where might be centred what of commercial intercourse and trade might find a channel to and from the confederate ports, notwithstanding the difficulties and perils which the blockade of said ports was likely to entail upon such intercourse and trade.

The selection and the traffic proving highly profitable to both her Britannic Majesty's subjects and the citizens of the Confederate States, there came to be established, between Nassau on the one side, and Charleston and Wilmington on the other, a regular, uninterrupted communication, through the steady voyages of upwards of twenty steamers carrying openly, and without serious hindrance, to and from said ports the commodities interchanged in each of them respectively.

Of seven steamers which the undersigned alone has kept plying on the sea between the said ports, and which have performed no less than thirty-two round voyages within these twelve months just elapsed, aggregating a return cargo of over 21,000 bales of cotton, not one has ever been stopped in her trade, or in any manner impeded in her progress, by the interference of the blockading force; all of them have carried out successfully their adventures, with the exception of the *Kate* and the *Stonewall Jackson*, which were lost by mere accident—the one as she ascended the river near Wilmington, and the other by being stranded on the bar at Charleston.

Among the said steamers was peculiarly distinguishable the *Margaret* and *Jessie*, for the precision and steadiness of her voyages, having performed in less than five months five complete trips, with a full return cargo of cotton, to Nassau, aggregating 3,714 bales, as may be seen by the sworn declaration of J. B. Lafitte, and the certified statement of the custom-house collector at the port, hereto annexed.

It was not until the *Margaret* and *Jessie* fell in with a federal cruiser on the grounds of her Britannic Majesty's jurisdiction, and there was chased, pursued, and fired into by said cruiser, within voice-hearing distance of the land near by, and in sight of an inhabited settlement, and in defiance of the protection which she had an unquestionable right to enjoy, being within neutral waters, and far

beyond the line assigned as the ultimate terminus for such hostilities, that a vessel of the undersigned was interfered with and assailed.

The undersigned, therefore, now files herewith a condensed statement and evidence of the loss which he has sustained in consequence of the piratical course pursued by the federal cruiser towards the Margaret and Jessie, respectfully requesting your excellency to submit the same, with this memorial and the accompanying documents, to the consideration of her Britannic Majesty's imperial government, that it may please said government, under the pledges, obligations, and guarantees of its declared neutrality, to press the same to a speedy recognition and settlement.

I have the honor to be, sir, your excellency's most obedient, humble servant,

GEORGE A. TRENHOLM,

By his agent, JOHN B. LAFITTE.

HIS EXCELLENCY CHARLES JOHN BAILEY, Esq., C. B.,
Governor and Commander-in-Chief, Bahamas.

No. 2.

BAHAMA ISLANDS, *New Providence*:

By this public instrument of declaration and protest be it known and made manifest, that, on Tuesday, the second day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, William Wilson, the master of the steamship Margaret and Jessie, of and belonging to the port of Charleston, in the State of South Carolina, Confederate States of America, and caused a protest to be duly noted before me, the said notary, against the acts and deeds of the captain, or other officer, in charge of a certain vessel-of-war of and belonging to the United States of America, occasioning injury to the said steamship Margaret and Jessie, and thereby entailing loss and damage to the owners and others interested in the said steamship and the cargo on board of her laden. And now on this day, being Friday, the fifth day of June, in the year aforesaid, again came and appeared the said William Wilson, the master, and James Forbes, first mate; Christopher Cowper, second mate; John Fitzgerald, third mate; Thomas Plane, purser; John Blackly, carpenter; Robert Warner Lockwood, pilot; Octavius Henry Dorsett, coasting pilot; Peter Skues, chief engineer; John Scott, second engineer; Thomas Russell, third engineer; Samuel Johnson, fourth engineer; John McLean, fireman; Joseph Gilbreath, fireman, of and belonging to the said steamship, who, of their own free will and voluntary accord, did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That these declarants and the rest of the crew of the said steamship Margaret and Jessie sailed in and on board of her on Wednesday, the twenty-seventh day of May last past, from the port of Charleston, in the State of South Carolina, one of the Confederate States of America, with a cargo consisting of seven hundred and thirty bales of cotton, and with sixteen passengers, bound on a voyage to Nassau, in the island of New Providence, one of the said Bahama

islands; the said steamship, at the time of her departure as aforesaid, being tight, staunch, strong, and seaworthy, and in every respect fitted, equipped, manned, and found for the prosecution of the aforesaid voyage. That nothing material occurred (they encountered heavy weather) until the forenoon of Saturday, the thirty-first day of May, about 10 a. m., civil time, the Margaret and Jessie then being about ninety miles to the north and east of the island of Abaco, one of the Bahama islands, and then steering a south by west course to make the land of Eleuthera, also one of the Bahama islands, the territory of her Majesty the Queen of Great Britain, then distant about twenty-five miles, a steamship was observed to the leeward of the Margaret and Jessie, heading eastwardly across her stern.

That about a quarter of an hour after the said steamship had been first observed by the parties on board the Margaret and Jessie she was seen to change her course and give chase to the Margaret and Jessie, the master of which, suspecting that the other vessel was a vessel-of-war of the United States and that the intention was to make a prize of his vessel, ordered her to be put at full speed for the land of Eleuthera, then being a part of the neutral territory of her Britannic Majesty the Queen of England.

That the said vessel-of-war continued to chase the Margaret and Jessie, but at no time succeeded in approaching nearer to her than four miles until about half past twelve o'clock noon of that day. The Margaret and Jessie being distant from the main land of Eleuthera, which she was then fast approaching, about five miles, and the vessel-of-war distant astern of the Margaret and Jessie about four miles, a shot was fired from the vessel-of-war which fell short of the Margaret and Jessie. That the Margaret and Jessie was still run direct for the land, and arrived within the territorial limit of three miles shortly after, in the mean time the vessel-of-war firing shot after shot at her.

That from the time the Margaret and Jessie arrived within such territorial limit as aforesaid, the Margaret and Jessie being hemmed in by the land, the vessel-of-war was enabled to approach nearer to her, and the Margaret and Jessie was consequently taken to within three hundred yards of the shore.

That from the time the Margaret and Jessie arrived within such territorial limit as aforesaid, until she was taken to within such distance of three hundred yards from the land as before mentioned, no cessation whatever was made in the discharge from the war vessel of shot and shell, many of which passed over the Margaret and Jessie, struck and exploded upon the land which lay within her.

That the steamship Margaret and Jessie having arrived within the distance of three hundred yards, as aforesaid, her course was at once changed to prevent her grounding on the rocks, and she was coasted along the land in a westwardly direction, keeping within that distance from the land, notwithstanding which no cessation was made in the discharge of shot and shell from the war vessel, which approached to within five hundred yards of the Margaret and Jessie and coasted along with her for an hour and a half, incessantly discharging shot, shell, and what appeared to these declarants to be grape and canister.

That the Margaret and Jessie, from her close proximity to the land, took the bottom on several occasions, and many of the shot and shell discharged at her passed over and struck against the land of Eleuthera. That at about thirty minutes past three p. m., the Margaret and Jessie then being not over three hundred yards from the beach, a seven-inch spherical shell, discharged from the vessel-of-war, struck her on the starboard side, just below the water-line, and entered her boiler, causing the steam to escape, thereby severely injuring one of her engineers, and the water to flow into the ship. And the said declarant, William Wilson, then at once ordered the wheel to be put a-starboard, but before the order could be obeyed the ship ran upon the ground and filled with

water not three hundred yards from the beach, her position being a little to the east of a point of land known as James's Point, on the north side of the island of Eleuthera, one of the Bahama islands.

And the declarants did further declare, that whilst the said merchant ship Margaret and Jessie and the said vessel-of-war of the United States of America were both within the territorial jurisdiction of her Majesty the Queen of Great Britain, as hereinbefore detailed, they, the said parties on board of the said vessel-of-war, then being officers in the naval service of the United States of America, in violation of the municipal laws of the said territory of her Majesty the Queen, did feloniously discharge against the said parties then being on board of the said steamship Margaret and Jessie certain cannons then loaded with gunpowder and shot, shell, shrapnell, and other deadly missiles, with intent thereby the said parties on board the said merchant ship Margaret and Jessie, or some of them, to kill and murder.

That from the time that the said vessel-of-war entered within the distance of three miles from the land until the time that a shot from her sunk the Margaret and Jessie, as before set forth, the American ensign was flying at her main peak; she being a brig-rigged steam vessel propelled by side wheels, with a beam engine above the deck. That when a shot propelled from a gun on board of her struck the Margaret and Jessie, she, the said war vessel, was distant from the main land of Eleuthera not five hundred yards; but so soon as it was observed by the parties on board of the war vessel that the Margaret and Jessie had been driven ashore and sunk, the vessel-of-war was headed to sea, and having proceeded to the distance of about a mile from where the Margaret and Jessie lay, she, the vessel-of-war, was brought to anchor, and two armed boats despatched to the Margaret and Jessie, which rowed round her; in the said boats were officers in the uniform of the navy of the United States, and this declarant, the said James Forbes, inquired of one of the officers what ship-of-war that was, and was answered that it was the United States vessel-of-war Savannah, but these declarants believe that in truth and in fact the vessel-of-war was the United States vessel-of-war Rhode Island, and not the Savannah.

And these declarants did further declare that the master and crew of the said steamship, with the passengers, observing the armed boats proceeding for the said steamship, all quitted her and landed on the shore.

That shortly after parties of wreckers from inland came down, and the said steamship was given up to them to work in endeavoring to save the cargo, and if possible to get her off.

That the said parties immediately commenced working, and, with the aid and assistance of others who subsequently arrived at the ship in wrecking vessels, succeeded, after great exertion, in discharging the cargo and in pumping the water from the said steamship, after which she was floated off in their charge. He, the declarant, the said Captain Wilson, being also on board, brought her to this port of Nassau, the passengers and crew having been brought to this port of Nassau in the wrecking vessels, they, the said wreckers, claiming salvage and remuneration for their services to the said ship and her cargo.

And the said declarants did further declare that from the time the said steamship quitted the said port of Charleston until she was sunk, as aforesaid, within the jurisdiction of her Britannic Majesty, by a vessel-of-war of the United States, everything was done by the master and all on board to conduct her in safety to the port of her destination, and they attribute the sinking of the said steamship and her stranding upon the island of Eleuthera to the act of the parties on board of the said vessel-of-war of the United States, whilst both of said vessels were within the territorial jurisdiction of her Majesty the Queen, in exercising acts of hostility against the said merchant steamship Margaret and Jessie, and feloniously attempting to kill and murder the persons on board of her, she then being not three hundred yards from the land, and to the fact of a

shell having been shot through the side of the said steamship from the said vessel-of-war, when said last-mentioned vessel was not five hundred yards from the land.

WM. WILSON, *Master*.
 JAMES FORBES, *Chief Mate*.
 CHRISTOPHER COOPER, *Second Mate*.
 J. FITZGERALD.
 THOMAS PLANE, *Purser*.
 JOHN BLACKLEY, *Carpenter*.
 ROBERT WARREN LOCKWOOD, *Pilot*.
 OCTAVIUS H. DORSETT, *Coasting Pilot*.
 PETER SKUSE, *Chief Engineer*.
 JOHN SCOTT, *Second Engineer*.
 THOMAS RUSSELL, *Third Engineer*.
 SAMUEL JOHNSON, *Fourth Engineer*.
 JOHN McLEAN.

his
 JOSEPH × GILBREATH.
 mark.

Wherefore the said master has desired me, the said notary, to protest, and I do, by these presents, solemnly and formally protest and declare against the acts and deeds of the persons on board of the said vessel-of-war, and against all and every act, matter, and thing occasioning, as aforesaid, loss and damage to the said steamship, to the intent that it may be submitted unto, suffered and borne by those to whom it shall of right belong, or in anywise concern.

In testimony whereof the said declarants have hereunto set their hands, and I, the said notary, my hand and seal notarial, this fifth day of June, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come : I, Charles Rogers Nesbitt, esq., colonial secretary of the Bahama islands, do hereby certify that Bruce Lockhart Burnside, who attests, as a notary public, the protest hereto attached, is a duly qualified notary public, and that all faith and credit is and ought to be given to his acts and deeds as such.

In witness whereof, I have hereto set my hand this fifth day of June, in the year of our Lord one thousand eight hundred and sixty-three.

C. R. NESBITT,
Colonial Secretary.

BAHAMA ISLANDS :

By his excellency Charles John Bayley, esq., companion of the most [SEAL.] honorable Order of the Bath, governor, and commander-in-chief in and over the said islands, chancellor, vice-admiral and ordinary of the same.

To all to whom these presents shall come, greeting : Be it known that the Hon. Charles Rogers Nesbitt, esq., by whom the annexed certificate is subscribed, was on the day of the date thereof, and now is, the colonial secretary for the said Bahama islands ; therefore all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereunto affixed at Nassau, N. P., this sixth day of June, A. D. 1863, and in the twenty-sixth year of her Majesty's reign.

C. J. BAYLEY.

By his excellency's command :
 C. R. NESBITT, *Colonial Secretary.*

No. 3.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on the sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Charles M. Morris, at present of the city of Nassau, in the island of New Providence, gentleman, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he, the declarant, was a passenger on board the steamship *Margaret and Jessie*, which sailed from the port of Charleston on the twenty-seventh day of May last, bound for this port of Nassau.

That on the morning of Saturday, the thirtieth, a steam vessel-of-war gave chase to the *Margaret and Jessie*, and she was run for the land of Eleuthera, one of the Bahama islands, in the territory of her Majesty the Queen of Great Britain, and at about half past twelve, noon, the *Margaret and Jessie* being then distant from the land of the island of Eleuthera about five miles, with the vessel-of-war astern, distant about four miles, the latter vessel opened fire upon her with shot and shell; that the *Margaret and Jessie* was still headed for the land, the war vessel continuing in pursuit, incessantly discharging shot and shell, which fell thickly over and around the *Margaret and Jessie*, until she arrived within five hundred yards of the beach, when, to prevent her going upon the land, her course was changed and she was headed westwardly, coasting and skirting the land, at a distance of between four and five hundred yards from it.

That she thus continued for a period of an hour and three-quarters, during all which time the *Margaret and Jessie* never was further than five hundred yards from the land; the vessel-of-war continued the chase, being to the distance of about a mile from the *Margaret and Jessie* and discharging shot and shell by broadsides, which fell thickly around the vessel, and many of which passed over her and struck the land; and so near during all this latter time was the *Margaret and Jessie* kept to the shore that she took the ground several times in passing over a reef which lies a short distance from the land.

That eventually a shell shot from the vessel-of-war struck the *Margaret and Jessie*, she then being not further than four hundred yards from the land, and passed through into her boiler, which so disabled her that she, within a minute of time, took the ground and filled with water, not over four hundred yards from the beach, and the passengers and crew, fearing that boats would board from the vessel-of-war, quitted the vessel and went to the shore, and shortly afterwards two boats from the vessel-of-war quitted her and rowed around the *Margaret and Jessie* as she lay ashore, and then returned to their ship, in which boats were officers dressed in the uniform of the United States navy.

That the said steam vessel-of-war had flying from her main peak the United States ensign, she being brig-rigged, with a beam-engine on deck, propelled by side wheels.

C. M. MORRIS.

Declared to, at Nassau, this sixth day of June, A. D. 1863.

B. L. BRUCE,

Notary Public, Bahamas.

[SEAL.]

No. 4.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Charles R. King and Henry B. Claiborne, at present of the city of Nassau, in the island of New Providence, gentlemen who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That they, the declarants, were passengers on board the steamship Margaret and Jessie, which sailed from the port of Charleston on the twenty-seventh of May last, bound for this port of Nassau.

That having heard read over to them the annexed declaration of Charles M. Morris, they can personally testify that everything therein contained is just and true, these declarants having been eye-witnesses to all the occurrences therein detailed and set forth.

H. B. CLAIBORNE.
CHARLES R. KING.

Declared to, at Nassau, this sixth day of June, A. D. 1863.

B. L. BURNSIDE,
Notary Public, Bahamas.

[SEAL.]

No. 5.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Robert C. Fonte, at present of the city of Nassau, in the island of New Providence, gentleman, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he, the declarant, was a passenger on board the steamship Margaret and Jessie, which sailed from the port of Charleston on the twenty-seventh of May last, bound for this port of Nassau.

That on the morning of Saturday, the thirtieth, a steam vessel-of-war gave chase to the Margaret and Jessie, and she was run for the land of Eleuthera, one of the Bahama islands, in the territory of her Majesty the Queen of Great Britain, and about half past twelve, noon, the Margaret and Jessie, being then distant from the land of the island of Eleuthera about five miles, with the vessel-of-war astern, distant about five miles, the latter vessel opened fire upon her with shot and shell. That the Margaret and Jessie was still headed for the land, the war vessel continuing in pursuit, incessantly discharging shot and shell, which fell thickly over and around the Margaret and Jessie, until she arrived within five hundred yards of the beach, when, to prevent her going upon the land, her course was changed, and she was headed westwardly, coasting and skirting the land, at a distance of between four and five hundred yards from it. That she thus continued for a period of an hour and three-quarters, during all which

time the Margaret and Jessie never was further than five hundred yards from the land; the vessel-of-war continued to chase, being to the distance of about a mile from the land, and discharging shot and shell by broadsides, which fell thickly around the vessel, and many of which passed over her and struck the land; and so near, during all this latter time, was the Margaret and Jessie kept to the shore that she took the ground several times in passing over a reef which lies a short distance from the land. That eventually a shell shot from the vessel-of-war struck the Margaret and Jessie, she then being not further than four hundred yards from the land, and passed through into her boiler, which so disabled her that she, within a minute of time, took the ground and filled with water, not over four hundred yards from the beach, and the passengers and crew, fearing that boats would board from the vessel-of-war, quitted the vessel and went to the shore; and shortly afterwards two boats from the vessel-of-war quitted her and rowed around the Margaret and Jessie as she lay ashore, and then returned to their ship, in which boats were officers dressed in the uniform of the United States navy. That the said vessel-of-war had flying from her main peak the United States ensign, she being brig-rigged, with a beam engine on deck, and propelled by side wheels.

R. C. FONTE.

Declared to, at Nassau, this sixth day of June, A. D. 1863.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 6.

BAHAMA ISLANDS, *New Providence*:

Know all men by these presents, that on this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Ivey Foreman, at present of the city of Nassau, in the island of New Providence, gentleman, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he, the declarant, was a passenger on board the steamship Margaret and Jessie, which sailed from the port of Charleston on the twenty-seventh day of May last, bound for the port of Nassau. That having heard read over to him the annexed declaration of Robert C. Fonte, he can personally testify that everything therein contained is just and true, this declarant having been an eye-witness to all the occurrences therein detailed and set forth.

IVEY FOREMAN.

Declared to, at Nassau, this sixth day of June, A. D. 1863.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 7.

BAHAMA ISLANDS, *New Providence*:

Know all men by these presents, that on this eleventh day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce

Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Laurence Thiescelin, at present of the island of New Providence, gentleman, and Laurel Thiescelin, of the island of New Providence, single woman, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That these declarants are subjects of his imperial Majesty Napoleon the Third, Emperor of the French, and are natives of the city of Paris, in the empire of France, but for some years past have resided in Mobile, in the State of Alabama, one of the States of America known as the Confederate States of America.

That they sailed in and on board of the confederate merchant steamship Margaret and Jessie, on Wednesday, the twenty-seventh of May last past, from Charleston, South Carolina, as passengers for Nassau, on their way to France.

That on Saturday morning, about ten o'clock, a vessel-of-war gave chase to the Margaret and Jessie, and continued to chase until about twelve o'clock, when the Margaret and Jessie had been brought to about five miles distant from the land of Eleuthera, within the jurisdiction of her Majesty, the Queen of England. The war vessel was then astern of the Margaret and Jessie about four miles, and commenced to fire shot and shell at her.

That the war vessel continued to chase the Margaret and Jessie and to fire shot and shell at her incessantly, until the latter vessel was taken within three or four hundred yards of the shore of the island of Eleuthera, aforesaid, the war vessel coming into the same shore within the distance of one mile, and coasting along with the Margaret and Jessie, and discharging shot and shell at her, many of which these declarants saw strike the land of Eleuthera. That during all the time before referred to, these declarants remained on deck, but the danger to life on board of the Margaret and Jessie being very great from the constant discharge of shell and other missiles, which fell thickly around her, and it being evident that the intention of the parties on board of the war vessel was to kill and murder the persons then on board the Margaret and Jessie, they, the declarants, Laurence Thiescelin and Laurel Thiescelin, were persuaded by the male passengers who were with them in the Margaret and Jessie to take refuge in the cabin.

That at the time the said Laurence Thiescelin and Laurel Thiescelin left the deck and went to the cabin, the said steamship Margaret and Jessie was not over four hundred yards from the beach, and the war vessel was not a mile distant from the Margaret and Jessie. That after these declarants went into the cabin the ship struck several times on the bottom, and they still heard the incessant discharge of cannon from the war vessel.

That after they had been for some time in the cabin, a shot struck the Margaret and Jessie, and almost immediately after she ran upon the ground, and the declarants, upon going to the deck, found that the ship was upon the ground, not four hundred yards from the beach.

And these declarants further declare that the parties on board the Margaret and Jessie, fearing that she would be boarded from the war vessel, which had then anchored a short distance from them, immediately hastened to the shore, and, immediately after, armed boats were sent from the vessel-of-war, in which were officers in the naval uniform of the United States of America, which boats approached near to the Margaret and Jessie, rowed round her, and then returned to their ship.

And these declarants lastly declare that they verily believe, and are convinced, that the intention of the said parties on board the said vessel-of-war, in discharging shot and shell from guns on board that vessel at the Margaret and

Jessie, when both such vessels were within the territorial jurisdiction of her Majesty the Queen, was none other than to kill and murder the parties, or some of them, then being on board the Margaret and Jessie.

THIESCELIN.

LAUREEL THIESCELIN.

Declared to, at Nassau, the eleventh day of June, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

No. 8.

BAHAMA ISLANDS, *New Providence*:

Know all men by these presents, that on this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Clinton Johnson, of the island of Eleuthera, farmer, who of his own free will and voluntary accord did declare that he lives at a town known as James's Cistern, on the south side of the island of Eleuthera, and on Saturday, the thirtieth day of May last, he heard the reports of cannon on the north side of the island; that they immediately went to the high land to the north of the town, and there saw two steamships, one in chase of the other, the outer ship discharging guns very rapidly at the ship that was nearest to the shore, both of which ships were approaching at full speed to the land; that the ship nearest the land was an unarmed vessel, and the vessel chasing her was a vessel-of-war; the unarmed vessel having arrived within three hundred yards of the beach, changed her course and skirted along the land, at no time being four hundred yards from it; that the vessel-of-war also changed her course, and having arrived within a distance of at most half a mile from the other ship, continued for at least an hour and a half to discharge without cessation shot and shell, which from time to time passed over the inner ship and struck and exploded upon the land; that many of the shot so discharged as aforesaid fell within a distance of one hundred yards from the dwelling-houses in the town at James Cistern, and caused great destruction among the trees and wood in the neighborhood. And the inhabitants of the town fearing that their houses would be struck by the shot and that some of them would be killed, they quitted the town and took refuge under the hills until the firing had ceased.

his
CLINTON + JOHNSON.
mark.

Declared to, at Nassau, this sixth day of June, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

No. 9.

BAHAMA ISLANDS, *New Providence*:

Know all men by these presents, that on this sixth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted

and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared Daniel Trigg and Hardin B. Littlepage, at present of the city of Nassau, in the island of New Providence, gentlemen, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—that they, the declarants, were passengers on board the steamship Margaret and Jessie, which sailed from the port of Charleston on the twenty-seventh day of May last, bound for this port of Nassau; that having heard read over to them the declaration of Robert C. Foute, they can personally testify that everything therein contained is just and true, these declarants having been eye-witnesses to all the occurrences therein detailed and set forth, with the exception of the officers in the boats being in the uniform of the navy of the United States of America, which the said Daniel Trigg did not himself see.

DANIEL TRIGG.

H. B. LITTLEPAGE.

Declared to, at Nassau this sixth day of June, A. D. 1863.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

No. 10.

BAHAMA ISLANDS, *New Providence*:

Know all men by these presents, that on this eighth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, came and appeared Fenn Peck, at present of the island of New Providence, master mariner, and Mathew Morris Kerr, also at present of the island of New Providence, merchant, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—that they sailed as passengers on board the steamship Margaret and Jessie from Charleston on the twenty-seventh of May last, bound to Nassau; that on Saturday morning, when about twenty-five miles from the main land of Eleuthera, one of the Bahama islands, a vessel-of-war gave chase to them, but that, as the Margaret and Jessie was put at full speed for the land, the pursuing vessel did not gain upon her until about noon; the Margaret and Jessie was then distant from Eleuthera about five miles, and the war vessel astern of the Margaret and Jessie about four miles; she opened fire upon the Margaret and Jessie, but at first the shot fell short, but as the Margaret and Jessie neared the land and became hemmed in by it, the shot from the war vessel, which had gradually neared the Margaret and Jessie, fell thickly around her; that the Margaret and Jessie was then taken to within four hundred yards of the shore, notwithstanding which the war vessel, which had now approached within a mile of her, continued to pour shot and shell and what appeared to be grape and canister into the Margaret and Jessie; that the Margaret and Jessie continued at such distance of four hundred yards for a period of an hour and a half at the very least, during all which time the war vessel, which was not at any time a mile distant, continued incessantly discharging shot, shell, and what appeared to be grape and canister at the Margaret and Jessie; that during this latter time the Margaret and Jessie frequently took the ground, until a spherical seven-inch shot struck her, which disabled her, caused her immediately to take the ground, fill with water, and sink, she then being not four hundred yards from the beach, so near, in fact, that persons on the

beach could converse with persons on board the said vessel; that so soon as this occurred the vessel-of-war, which was at this time coasting along with the Margaret and Jessie, headed to sea, and having steamed out for a short time came to anchor, and the parties on board the Margaret and Jessie, observing that boats were about to be sent from her, and fearing that, although within neutral territory, they would be made prisoners, they quitted the Margaret and Jessie, and landed on the shore, and armed boats were seen to quit the war vessel and proceed towards the Margaret and Jessie; that the said declarant, Fenn Peck, found that only eight minutes and a half had elapsed from the time these armed boats quitted the war vessel until they arrived at the Margaret and Jessie; and that in these boats were officers dressed in the uniform of the navy of the United States of America; and having rowed round the Margaret and Jessie, they returned to the vessel-of-war, which remained at anchor until dark, after which she was no more seen.

FENN PECK.
M. M. KERR.

Declared to, at Nassau, this eighth day of June, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 11.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared William Wilson, the master of the confederate steamship Margaret and Jessie, and Peter Skues, the chief engineer of the said ship, who, of their own free will, did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—that the pieces of iron hereto attached are the parts of the steamship Margaret and Jessie which were struck by the shell thrown from an American vessel-of-war, causing the Margaret and Jessie to sink on the north side of the island of Eleuthera, and the shell also hereto attached is the shell which struck and entered the vessel; that this shell passed through the skin of the ship of plate-iron half an inch thick, and then struck the angle-iron and framing, which it bent and shattered as they appear attached hereto; that this angle-iron was torn away from its position in the ship by the shell which passed through the coal-bunkers, also of plate-iron, a quarter of an inch thick, and then struck the boiler, which it fractured and made a hole through, from which water and steam escaped and scalded one of the engineers, and caused every one to escape from the engine-room.

And the said Peter Skues, for himself, declares that the escape of steam was so great that it became impossible for any one to enter the engine-room to stop the engines, and consequently the engines, although the vessel was on the ground, continued to work until the whole of the steam had escaped, and the ship's fires had been put out by the water which entered from the hole in the side of the ship.

WILLIAM WILSON.
PETER SKUES.

Declared to, at Nassau, this twelfth day of June, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 12.

BAHAMA ISLANDS, *New Providence* :

We, the undersigned ship-builders, engineers, and shipmasters, having been called upon, at the instance of the owners of the confederate steamship *Margaret and Jessie*, lately damaged and injured by shell shot from an American vessel-of-war, and thereby sunk on the north side of the island of Eleuthera, to examine and survey the said ship as she now lies in the harbor of Nassau, and to report on the injuries she has sustained, and the estimated cost of such repairs as would be necessary, have now the honor to report, that having gone on board the said steamship we carefully examined her, and found that the steamship had been struck by a shell on the forward side of the paddle-wheel, on the starboard side, but which had not passed into the ship; that another shell had struck the ship on the starboard side, abaft the paddle-shaft, had passed through the side and carried away the angle-irons and struck against the boiler, which it fractured, and greatly deranged the machinery; that in consequence of the vessel lying upon the ground, where she was full of water, she had become greatly strained; wherefore we recommend that the engines be taken apart in order that the sole-plate may be carefully examined; that the pipe and boiler be made good; that the plates of iron which have been broken by the shot passing through be renewed, and the ship refastened where it is required; that in consequence of the great strain to which the ship has been subjected, that she be thoroughly overhauled, and the deck recalced and secured; and as there are no appliances in Nassau by which these repairs could be effected, we recommend that she be taken to some port where she could be docked. And we estimate the probable cost of the repairs which we have reported to be necessary at fourteen thousand pounds sterling.

Witness our hands and seals this eleventh day of June, A. D. 1863.

FENN PECK,

Late Master Steamship Leopard.

T. J. WATERS,

Commanding Steamship Flora.

J. J. FINLAYSON,

JAMES H. HOOD,

Steamship Engineers.

[SEALS.]

Declared to, this eleventh day of June, A. D. 1863, before me.

B. L. BURNSIDE,

Notary Public, Bahamas.

Surveyors' fee, £2 2s each.

No. 13.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared John B. Lafitte, of the island of New Providence, merchant, the agent of the owners of the confederate steamship *Margaret and Jessie*, and the Hon. George David Harris, of the said city, merchant, and one of the firm of Henry Adderly & Company, merchants, the consignees of the said steamship, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That these declarants have great knowledge and experience in matters relating to shipping transactions between this port of Nassau and the Confederate States of America.

And these declarants do further declare, that the current rate of freight in a steamship from the port of Nassau to a confederate port is sixty pounds sterling per ton, and that the rate of freight in the steamship Margaret and Jessie from the port of Nassau to a confederate port has never been less than sixty pounds sterling per ton, payable in advance at the port of Nassau, ship lost or not lost, and that more freight for each voyage could have been obtained than was required.

And these declarants did further declare, that the rate of freight chargeable upon small quantities of cotton shipped from the ports of the confederacy to the port of Nassau is five pence sterling per pound weight, but small quantities of cotton are only carried as a special favor, and not as an ordinary shipment, and that for large quantities of cotton the rate of ten pence sterling per pound weight has frequently been offered, and could easily be obtained as freight.

And these declarants did further declare, that the net registered British tonnage of the said steamship Margaret and Jessie was three hundred and twelve tons, as appears by the certificate of her British registry; and that the net registered confederate tonnage of the said steamship is seven hundred and thirty-two tons, as appears by her confederate register.

JOHN B. LAFITTE.
GEORGE D. HARRIS.

Declared to at Nassau this second day of July, A. D. 1863.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 14.

BAHAMA ISLANDS, *New Providence:*

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared the Hon. George David Harris, of the said city of Nassau, merchant, one of the firm of Henry Adderly & Company, merchants of the said city of Nassau, who did declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he, the declarant, is a member of the mercantile firm of Henry Adderly & Company, of this city of Nassau, and the firm of which he is a member were the consignees of the confederate steamship Margaret and Jessie, on a voyage of the said steamship during the month of May last, from the port of Charleston, in the Confederate States of America, to this port of Nassau, in the prosecution of which voyage the said steamship was sunk on the north side of the island of Eleuthera, one of these islands, she being then laden with a cargo of cotton.

That as such consignee as aforesaid, the mercantile house of Henry Adderly & Company received in the regular order of mercantile transactions the invoices and bills of lading of the cargo of cotton so laden on board of the said steamship, from which it appears that the said cargo consisted of twenty-eight bales of sea island cotton, weighing eight thousand four hundred and eighty-two pounds, and the cost thereof in Charleston seventeen thousand one hundred and twenty-three dollars and sixty-three cents; seven hundred and twenty-eight bales of

upland cotton, weighing three hundred and sixty thousand five hundred and four pounds, and the cost thereof in Charleston one hundred and forty-nine thousand and sixty-four dollars fourteen cents; making in all the gross weight of cotton shipped as aforesaid three hundred and sixty-eight thousand nine hundred and eighty-six pounds, which cost the total sum of one hundred and sixty-six thousand one hundred and eighty-seven dollars seventy-seven cents.

GEORGE D. HARRIS.

Declared to at Nassau this second day of July, A. D. 1863.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 15.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared John B. Lafitte, merchant of this city of Nassau, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases.—

That he, the declarant is the agent at Nassau for the owners of the confederate merchant steamship Margaret and Jessie, formerly the British steamship Douglas. That the said steamship cleared from this port of Nassau on the twenty-third day of January last past, William Wilson being the master, for the port of St. John, New Brunswick; but, as this declarant verily believes, proceeded direct for the port of Charleston, in the State of South Carolina, one of the ports of the Confederate States of America, declared to be blockaded by the United States of America, and duly arrived at the said port of Charleston. That at the said port of Charleston the said steamship was registered in the name of George Alfred Trenholm, a citizen of the said Confederate States, as the owner of her, and her name was changed from the Douglas to the Margaret and Jessie.

And this declarant further declares that the said steamship was employed in making regular voyages between this port of Nassau and the blockaded ports of the confederacy, and cleared from this port of Nassau for the port of St. John, New Brunswick, on the following days, viz :

On the 23d day of January, 1863; on the 23d day of February, 1863; on the 21st day of March, 1863; on the 18th day of April, 1863; on the 16th day of May, 1863.

That on quitting the port of Nassau on each of the days last above named, the said steamship proceeded at once for a blockaded port in the confederacy, at which she duly arrived and returned at once with cargoes of cotton to this port of Nassau, at which port she duly entered on the days and with the cargoes, following, that is to say: On the 17th day of February, 1863, from the port of Charleston, with a cargo of 592 bales of cotton; on the 14th day of March, 1863, from the port Charleston, with a cargo of 861 bales of cotton; on the 11th day of April, 1863, from the port of Charleston, with a cargo of 821 bales of cotton; on the 11th day of May, 1863, from the port of Wilmington, with a cargo of 684 bales of cotton; on the 3d day of June, 1863, from the port of Charleston, with a cargo of 756 bales of cotton. All which cargoes of cotton were duly landed and delivered at this port of Nassau in good and merchantable condition except the last, which was damaged.

And this declarant further declares, that on each of the above named voyages from this port to the blockaded ports of the confederacy, the said steamship Margaret and Jessie was laden to her full capacity with an assorted cargo of valuable merchandise, a large portion of which was shipped by this declarant, consigned to the port of Charleston or Wilmington; and that on each voyage, he, the declarant, wrote letters directed to the said George Alfred Trenholm, and other persons in the confederacy, all which letters were duly received and answered by the parties to whom they were addressed, and acknowledgments of the receipt of the goods shipped by the Margaret and Jessie also given to this declarant, from which and other conclusive circumstances this declarant can declare that the said steamship did enter the port of Charleston on four different voyages in the present year, as hereinbefore is set forth, and did enter the port of Wilmington on one voyage in the present year, as is also set forth, and did at those ports respectively take on board the respective cargoes of cotton which were delivered to this port of Nassau.

J. B. LAFITTE.

Declared to, at Nassau, this second day of July, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come: I, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, do hereby certify the foregoing to be true copies of notarial declarations, duly made and declared before me by the parties within named, and also of a protest duly noted before me, and a certificate of survey also made and declared before me by the parties therein named, as the same remain of record in my official notarial record-books page 138 to page 174, and page 184 to page 194.

In faith and testimony whereof, I have hereunto set my hand and affixed my seal of office at Nassau, in the island of New Providence, this second day of July, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come: I, Charles Rogers Nesbitt, colonial secretary for these Bahama islands, do hereby certify that Bruce Lockhart Burnside, who attests as a notary public the foregoing paper writings, is in truth and in fact a notary public, duly authorized and empowered, and that all faith and credit is, and ought to be, given to his acts and deeds as such.

In witness whereof, I have hereunto set my hand at Nassau, the third day of July, in the year of our Lord one thousand eight hundred and sixty-three.

C. R. NESBITT,

Colonial Secretary.

BAHAMA ISLANDS :

[SEAL.] By his excellency Charles John Bayley, esquire, companion of the most honorable Order of the Bath, governor, and commander-in-chief in and over the said islands, chancellor, vice-admiral, and ordinary of the same.

To all to whom these presents shall come greeting: Be it known that the honorable Charles Rogers Nesbitt, by whom the annexed certificate is subscribed, was, on the day of the date thereof, and now is, colonial secretary for the said Bahama islands; therefore, all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereunto affixed, at Nassau, N. P., this third day of July, A. D. 1863, and in the twenty-seventh year of her Majesty's reign.

C. J. BAYLEY.

By his excellency's command:

C. R. MESBITT, *Colonial Secretary.*

No. 16.

BAHAMA ISLANDS, *Eleuthera*:

Be it remembered that on this fourth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, William Hanna, of James's Point, in the island of Eleuthera, one of the said Bahama islands, farmer, who, of his own free will and accord, solemnly declared (such declaration being made in pursuance of the laws of the Bahama islands for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say:

I reside at James's Point, a settlement on the island of Eleuthera, one of the Bahama islands. I am a farmer, but occasionally go to sea. The settlement of James's Point is bounded on the north and south by the sea, being about two miles in width, that is, from north to south.

On Saturday morning past, the thirteenth day of May last, I left my residence at James's Point in my boat, on the south side of the settlement, for the purpose of fishing. Thomas Mackey, a resident of the said settlement, went with me. After fishing for some time we started on our return home. When we were about a mile from the settlement I heard the reports of several heavy guns, the same seeming to be fired from a northeasterly direction. When about two hundred yards from the place where I intended to land in order to proceed to my house, I heard the report of a gun, and about five or six seconds after a cannon shot went past the boat in which we were, and fell in the water (having come across the land in a northeasterly direction) about thirty yards from a boat in which one Theodore Cuvillier, of the same settlements, was.

I landed at the settlement about three o'clock on this day, Saturday, the thirteenth, and on landing was informed that a steamer was on shore on the northern side of the settlement. Upon hearing this, I climbed to the roof of my house, which is about thirty-five feet from the ground, and on looking across the land to the northern side of the settlement I saw two steamers, one of them being ashore on a reef a few hundred yards from the shore, and the other lying to, about three hundred yards from the one on shore, with an American flag flying from her main peak. The steamer on shore had no flag flying.

I then came down from the roof of my house and proceeded, in company with several others, to the beach on the northern side of the settlement, where I found two ladies and several gentlemen who had just landed from the steamer on shore on the reef. The captain, mates, and crew of the said steamer landed while I was there.

After I had been on the beach about two hours, two boats put off from the steamer with the American flag flying, and came to the steamer on shore, rowed around her and then returned. Both of these boats had American flags in their sterns. An officer was in each boat, having gold lace on his cap and gold buttons on his coat. There were guns on board of the steamer with the American flag flying. I could see them run out through the port-holes in her side. I could plainly see the men moving about her deck. I should say she was about six or eight hundred yards from the shore. She remained in the position and place that I have described until dark. I did not notice when she left.

his
WILLIAM + HANNA.
mark.

Declared to before me this fourth day of June, A. D. 1863.

ORMOND D. MALCOLM,
Notary Public, Bahamas.

No. 17.

BAHAMA ISLANDS, New Providence:

Be it remembered that on this 4th day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, Theodore Cuvillier, of James's Point, in the island of Eleuthera, one of the said Bahama islands, planter, who, of his own free will and accord, did solemnly declare, such declaration being made in pursuance of the laws of the Bahama islands, made for substituting a declaration in lieu of an oath in certain cases, in manner following, that is to say: I live at a settlement called James's Point, on the island of Eleuthera, one of the Bahama islands. On Saturday, the thirtieth day of May last, I was out in a boat fishing, on the southern side of the settlement; the settlement is bounded on the north and south by the sea, and the distance across, that is, from the north to the south side, is about two miles. While I was fishing I heard the reports of several guns. I immediately went on shore on the southern side of the settlement, proceeded to a hill nearly over to the northern side, and climbed up a tree in order that I might see the vessel from which I supposed the guns were being fired. On looking out to sea I saw two steamers; one of them having paddle-boxes was steaming down outside of a reef which is about three hundred or four hundred yards from the shore, and the other, without paddle-boxes, also steaming down outside of the reef about five or six hundred yards from the first steamer. The steamer furthest out was firing at the inner one. I could see the smoke come from her side, and hear the report of the guns as they went off. She would fire first from one side a broadside, and then turn and fire from the other side. I could see the shot from these guns fall on the land about three hundred yards from where I was up the tree. I was about half a mile from the settlement. On seeing the shot fall so near, I jumped from the tree, ran to the southern shore, and got into my boat to come home. While I was coming down to my house in the boat, I heard a gun go off in the direction of the two steamers, and a cannon ball passed over my head and fell in the sea about thirty yards from the boat in which I was. I fell down in the boat from the shock. On Saturday evening after I came home I went over to the northern side of the settlement. On the beach I saw a steamer on shore, on the reef, and one lying to, about five or six hundred yards from the one on the reef. They were the same steamers that I had

seen running down outside in the morning when I was up the tree. I did not stay long on the beach, but soon returned home. The steamer that was lying to had an American flag flying. I do not know when she left.

his
THEODORE + CUVILLIER.
mark.

Declared to before me this fourth day of June, A. D. 1863.

ORMOND D. MALCOLM,
Notary Public, Bahamas.

No. 18.

BAHAMA ISLANDS, *Eleuthera*:

Be it remembered that on this fourth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, Thomas Mackey, of James's Point, in the island of Eleuthera, one of the said Bahama islands, planter, who, of his own free will and accord, did solemnly declare (such declaration being made in pursuance of the laws of the Bahama islands, made for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say: On Saturday morning last, the 30th day of May past, I was out fishing on the southern side of the settlement called James's Point, on the island of Eleuthera. I am a resident of the settlement. I was out fishing with William Hanna, another resident of the settlement. Just as we started to return home, about one o'clock, I heard the reports of several heavy guns. The sound came from the northeast, across the island of Eleuthera. When the boat was about three miles from the settlement, and about half a mile from the shore on the southern side, I heard the report of another gun, and saw a cannon shot come over and fall on the land. We kept on in the boat, and when about half a mile from the settlement I again heard the report of a gun, and saw a cannon shot fall in the water about sixty or seventy yards ahead of the boat in which we were, and very near a boat in which Theodore Cuvillier, of the same settlement, was. After I landed from fishing I walked over to the beach on the northern side, which beach is about two miles from the southern shore. Upon reaching there, I saw a steamer on the reef about four hundred yards from the shore. I also saw a steamer lying to outside of the reef, about six or seven hundred yards from it. She had an American flag flying. I could see guns on board of her run out through the port-holes. I saw two boats come from her and row around the steamer that was on shore. Officers were in those boats. They had gold lace around their caps. The steamer left about eight o'clock that night.

THOMAS MACKEY.

Declared to before me this fourth day of June, A. D. 1863.

ORMOND D. MALCOLM,
Notary Public, Bahamas.

No. 19.

BAHAMA ISLANDS, *Eleuthera*:

Be it remembered, that on this fourth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared

before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, Samuel Mackey, of James's Point, in the island of Eleuthera, one of the said Bahama islands, planter, who of his own free will and accord did solemnly declare—such declaration being made in pursuance of the laws of the Bahama islands for substituting a declaration in lieu of an oath in certain cases—in manner following, that is to say :

I am a planter and reside at James's Point, in the island of Eleuthera, one of the Bahama islands. On Saturday, the thirtieth day of May last past, I was out fishing on the southern side of the settlement. The settlement is about two miles wide from north to south. While out fishing I heard the report of several heavy guns from the northeast. On returning to the shore, being about three yards from it, I heard the report of a gun, and saw a cannon ball fall on the land in the middle of the settlement where the houses are built. I found a portion of the shot to-day, in the place where I saw it fall.

his
SAMUEL + MACKEY.
mark.

Declared to before me this fourth day of June, A. D. 1863.
ORMOND D. MALCOLM.
Notary Public, Bahamas.

No. 20.

BAHAMA ISLANDS, *Eleuthera* :

Be it remembered, that on this fourth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, Jane Hanna, of James's Point, in the island of Eleuthera, one of the said Bahama islands, who of her own free will and accord did solemnly declare—such declaration being made in pursuance of the laws of the Bahama islands made for substituting a declaration in lieu of an oath in certain cases—in manner following, that is to say :

I live at James's Point, in the island of Eleuthera. On Saturday, the thirtieth day of May last, I was in my house at James's Point, when I heard guns firing from the sea. I looked out of the door of my house, the northern one; the house is on a hill, about two miles from the shore, on the north side of the settlement. I can see the sea from the door. I saw a steamer passing up along the shore, firing guns. I left my house and went on a hill near, when I saw another steamer ahead, at which the other was firing. I watched them for some time, when the inner steamer turned and came down. I then saw the one that had been firing also turn and commence to fire at her. Several of the shot I saw fall on the land. I entered my house, when I heard the report of a gun and something struck on the roof of the house. I looked out of the door and saw the steamer that had been firing before opposite my house, and clouded with smoke.

I went over to the northern shore in the evening and saw one of the steamers on shore, and the other, the one that had been firing guns, lying to outside of her, with a flag flying. I do not know the flag, of what nation it was. It had red and white stripes.

JANE HANNA.

Declared to before me, this fourth day of June, A. D. 1863.
ORMOND D. MALCOLM, *Notary Public, Bahamas.*

No. 21.

BAHAMA ISLANDS, *New Providence* :

Be it remembered, that on this tenth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, one of the said Bahama islands, Charles Rutledge Burnside, of the city of Nassau, in the island of New Providence, gentleman, who, of his own free will and accord, did solemnly declare—such declaration being made in pursuance of the laws of the Bahama islands made for substituting a declaration in lieu of an oath in certain cases—in manner following, that is to say: That he, declarant, was, on the 4th day of June instant, at a town on the island of Eleuthera, known as James's Cistern, in the vicinity of James's Point; that the declarant had heard that shot and shell thrown from a vessel-of-war on the north side of the island had struck the ground near the town, and Samuel Mackey, a resident of the town, pointed out to him at a distance of about two hundred yards from the dwelling-houses in the town the trees which had been destroyed and the marks on the earth and stones caused by the missiles which had struck them; that the declarant while inspecting the spots pointed out by the said Samuel Mackey picked up the smaller of the two pieces of shell hereto attached, and Samuel Mackey also picked up in the presence of this declarant the other piece; that both of such pieces remained in the possession of this declarant, and were by him delivered to the notary public to be attached to this declaration, which he, the notary, has done in the declarant's presence.

C. R. BURNSIDE.

Declared to before me this tenth day of June, A. D. 1863.

ORMOND D. MALCOLM,
*Notary Public, Bahamas.*BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come: I, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence aforesaid, do hereby certify that the annexed paper writings are true copies of notarial declarations made before me by the several parties therein respectively named, as the same remain of record in my notarial register-book A, pages 9 to 25.

In testimony whereof, I have hereunto set my hand and seal notarial, the second day of July, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.]

ORMOND D. MALCOLM,
*Notary Public, Bahamas.*BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come: I, Charles Rogers Nesbitt, colonial secretary of the Bahama islands, do hereby certify that Ormond Drimmie Malcolm, who attests the foregoing paper writings as a notary public, is in truth and in fact a notary public of the said Bahama islands, and that all due faith and credit are and ought to be given to his acts and deeds as such.

In testimony whereof, I have hereunto set my hand this second day of July, in the year of our Lord one thousand eight hundred and sixty-three.

C. R. NESBITT,
Colonial Secretary.

BAHAMAS ISLANDS :

By his excellency Charles John Bayley, esquire, companion of the most honorable Order of the Bath, governor and commander-in-chief in and over [SEAL.] the said islands, chancellor, vice-admiral, and ordinary of the same.

To all to whom these presents shall come: Be it known that the honorable Charles Rogers Nesbitt, by whom the annexed certificate is subscribed, was on the day of the date thereof, and now is, colonial secretary for the said Bahama islands; therefore, all due faith and credit are, and ought to be, had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereunto affixed at Nassau, New Providence, this third day of July, A. D. 1863, and in the twenty-seventh year of her Majesty's reign.

C. J. BAYLEY.

By his excellency's command :

C. R. NESBITT, *Colonial Secretary.*

No. 22.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared William Wilson, the master of the confederate steamship Margaret and Jessie, and Peter Skues, the chief engineer of the said ship, who, of their own free will, did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—that the pieces of iron hereto attached are the parts of the steamship Margaret and Jessie which were struck by the shell thrown from an American vessel-of-war, causing the Margaret and Jessie to sink on the north side of the island of Eleuthera; and the shell, also hereto attached, is the shell which struck and entered the vessel. That this shell passed through the skin of the ship, of plate-iron half an inch thick, and then struck the angle-iron and framing, which it bent and shattered, as they appear attached hereto; that this angle-iron was torn away from its position in the ship by the shell which passed through the coal bunkers, also of plate-iron quarter of an inch thick, and then struck the boiler, which it fractured and made a hole through, from which water and steam escaped and scalded one of the engineers and caused every one to escape from the engine-room.

And the said Peter Skues for himself declares that the escape of steam was so great that it became impossible for any one to enter the engine-room to stop the engines, and consequently the engines, although the vessel was on the ground, continued to work until the whole of the steam had escaped and the ship's fires had been put out by the water, which entered from the hole in the side of the ship.

WM. WILSON.
PETER SKUES.

Declared to, at Nassau, this twelfth day of June, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,
Notary Public, Bahamas.

No. 23.

BAHAMA ISLANDS, *New Providence* :

Be it remembered, that on this tenth day of June, in the year of our Lord one thousand eight hundred and sixty-three, personally came and appeared before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence aforesaid, Charles Rutledge Burnside, of the city of Nassau, in the said island of New Providence, gentleman, who of his own free will and accord did solemnly declare—such declaration being made in pursuance of the laws of the Bahama islands for substituting a declaration in lieu of an oath in certain cases—in manner following, that is to say :

That he, the declarant, was, on the fourth day of June, instant, at a town on the island of Eleuthera known as James's Cistern, in the vicinity of James's Point. That he, the declarant, had heard that shot and shell thrown from a vessel-of-war on the north side of the island had struck the ground near to the town, and Samuel Mackey, a resident of the town, pointed out to him at a distance of about two hundred yards from the dwelling-houses in the town, trees which had been destroyed, and the marks on the earth and stones caused by the missiles which had struck them. That the declarant, whilst inspecting the spots pointed out by the said Samuel Mackey, picked up the smaller of the two pieces of shell hereto attached, and Samuel Mackey also picked up, in the presence of the declarant, the other piece. That both of such pieces remained in the possession of this declarant, and were by him delivered to the notary public to be attached to this declaration, which he, the notary, has done in the declarant's presence.

C. R. BURNSIDE.

Declared to before me this tenth day of June, A. D. 1863.

[SEAL.]

ORMOND D. MALCOLM,
Notary Public, Bahamas.

No. 1.

Claim of George Alfred Trenholm, of Charleston, S. C.,

Against the government of the United States of America, through the agencies and under the plighted guarantees assumed by her Britannic Majesty's government in its recognition of the Confederate States as belligerents, and its avowal of neutrality in the contest between the said Confederate States and the said United States.

	£	s.	d.
Amount of salary and expenses paid by Messrs. Henry, Adderly & Co., as per their account marked A.....	11,198	17	7
Actual loss on cargo, as shown by statement marked B and the accompanying documents.....	17,532	05	0
Cost of repairs as estimated by board of surveyors, as shown by certified copy of survey.....	14,000	00	0
Loss of freight for one round voyage, as shown by statement C and accompanying documents.....	26,407	04	2
	<hr/>		
	69,138	06	9
	<hr/>		

GEORGE A. TRENHOLM,

By his agent, JOHN B. LAFITTE.

NASSAU, N. P., July 3, 1863.

No. 2—A.

The owners and others interested in steamship Margaret and Jessie, stranded at Eleuthera, To Henry Adderly & Co., Dr.

1863.

		£	s.	d.	
June 29.	To paid salvage and expenses instance court, vice admiralty	6,848	7	3	
	Proctor	105	0	0	
	Registrar's fees, decree and statement of salvage	10	17	4	
	Curry hire of vessel to bring pilot and engineers to Nassau	7	12	0	
	Extra compensation to crew	1,020	16	8	
	Extra compensation to Bahama pilot	88	10	10	
	New Providence Asylum's account <i>vs.</i> Thos. Russell, scalded by water escaped from boiler	1	17	6	
	Dr. Chipman's account, attendance on Thomas Russell	9	11	3	
	Hire schooner Violin	7	10	0	
	Charter steamer Raccoon, to proceed to wreck, including risk of capture	1,500	00	0	
	O. D. Malcolm, notary public, bill for fees, &c., taking depositions and furnishing copies of same	74	15	9	
	B. L. Burnside, attorney and notary public, bill of fees for preparing documents, &c., for claim	233	2	6	
	Surveyor's fees	8	8	0	
	Our commission on disbursements	£9,916	9	1	
	Our agency commission on gross sales at auction, say 5 per cent. on	15,732	1	8	
			786	12	0
			<u>11,198</u>	<u>17</u>	<u>7</u>

Received payment of

JOHN B. LAFITTE, Esq.,
Agent for the owners, Henry Adderly & Co.

No. 3.

In the vice-admiralty court of the Bahamas.

BENJAMIN INGRAHAM and others	}	Salvage.
<i>vs.</i>		
THE CONFEDERATE STEAMSHIP MARGARET AND JESSIE, whereof William Wilson was master, her tackle, &c., her cargo, &c.		

Decree.

On the 30th of May last, the confederate steamship Margaret and Jessie, with a cargo of 760 bales of cotton, having been chased and fired at by a United

States cruiser, received a shot, which perforating her below the water-line, and injuring her boiler, she was, to save the ship and the lives of those on board of her, run ashore on a reef near James's Point, on the north side of Eleuthera. The vessel immediately filled with water. The passengers and crew went on shore; a boat was despatched to Nassau to obtain assistance. On the evening of that day the promoter Stirrup arrived on the beach opposite the ship, which lay, it is stated, from 150 to 300 yards from the shore, and having obtained permission from the captain of the steamer, Stirrup and his party, amounting, it is alleged, to 100 men, commenced to unload the vessel, having first laid out an anchor to prevent the ship from running on the reef. The weather was moderate and the sea smooth, but this body of salvors, having no boats or vessels, threw the bales of cotton overboard, and rafted them to the shore by means of lines attached to them. They worked all night, and by next day, Sunday, the 31st, they had discharged all the cargo from the deck of the steamer and most of that from the hold.

The engineers of the ship having stopped the hole in the vessel which had been made by the shot, a large body of the promoters were placed at the pumps, and another party baled out the ship by means of buckets. By that time they had been joined by six wrecking schooners from Harbor island, and a general consortship was entered into by all the parties.

About 6 p. m. of that day the vessel had been freed of much of the water that was in her, and a heavy anchor belonging to one of the wrecking schooners having been carried out with a hawser, the capstan was manned, and they succeeded in hauling the vessel off the reef. Having properly secured her, they continued through the night freeing her from water. The promoters say that from the peculiar rig of the said steamship, the promoters were convinced that they could not bring her to Nassau under sail, and they again availed themselves of the services of the engineers of the ship to stop the hole in the ship's boiler, the promoters agreeing, if they succeeded in so doing, to reward them for their services. At about 1 p. m. the following day the vessel was so far clear of water that they were enabled to make fires in the furnaces, and soon after having got up steam they shaped their course for Nassau, and arrived here on the morning of the 2d instant. Not wishing to delay the steamship in so dangerous a place as the north side of Eleuthera, they did not put the cotton in her there, but brought it down in the wrecking vessels and others obtained for the purpose. They mention that, fearing the Raccoon, a steamer which had been sent from Nassau to assist the Margaret and Jessie, and which they saw on the passage from Eleuthera, was a federal vessel-of-war in chase of them, they brought the steamer through some intricate channels to avoid the supposed danger, and brought her down through the same passage.

The circumstance of the Raccoon being sent to the assistance of the Margaret and Jessie was mentioned by the attorney general to show that even without the assistance of the wreckers the vessel would have been got off. I know an argument frequently used on the part of salvors is, that without their assistance the owners would have lost the whole of their property. This consideration certainly ought to have the effect of reconciling the owners to a liberal salvage remuneration being paid, but I hardly think it would be fair to make any diminution in the reward to be given to salvors because other means of assistance, of which neither party were aware, were at hand.

It is averred in the act or petition that the promoters employed agreed to remunerate the engineers of the vessel for repairing the injury both to the side of the vessel and to the boiler; and it is answered by the attorney general that no agreement of the kind appears in evidence, and that without the assistance of the engineers the promoters could not have saved the vessel.

I am inclined to think that the shot-hole in the bottom of the vessel might have been stopped by the promoters sufficiently to have got the vessel off and

brought her to Nassau; but I do not believe they could have repaired the boiler and worked the engines. However, whether they could or not, I cannot consider the repairs as having been made by them, or by any person employed by them. The engineers belong to the vessel. They are the servants of the owners of the vessel, and it is their bounden duty, without any extra reward, to do all that may be in their power to save the ship to which they belong, as long as any part of her holds together. They could not, without a gross dereliction of duty, have refused to make these repairs. If the salvors think proper to make them any present out of their salvage reward, that is a matter with which the court have nothing to do. The repairs, then, were made by the servants of the owners of the steamship, and the work performed by the promoters was the unloading of the ship, pumping out the water, hauling her off the reef, piloting her to Nassau, and bringing the cargo in other vessels to this port. No doubt, where the steamer lay on the north side of Eleuthera, she was in a situation of much danger. Had any bad weather occurred, or a heavy surf set in, she would in all probability have been beaten to pieces. The salvors, therefore, deserved credit for the promptitude and energy with which they unloaded and pumped her out, though that, of course, was as much for their own interest as that of the owners of the property.

It was stated by the counsel of the promoters that, under the circumstances of this case, reparation would no doubt be made by the American government for the injury done.

I express no opinion on this point, but I think it would manifestly be unfair to the owners in the slightest degree to augment the salvage remuneration on the bare possibility of their being reimbursed in the way alluded to. The value of the ship is estimated at £12,000. The cargo consisted of 760 bales of cotton. The value of this, as has been estimated by return of the commissioner of sales, is £14,630 5s 0d, making a total of £26,630 5s 0d.

One hundred men are said to have been employed from the shore, and six vessels are named, but the number of seamen they contained is not mentioned, nor the tonnage given, by which I might have calculated the number of men in each crew. From the wrecking act, I have supposed the whole may have been about seventy. I consider this as but a case of ordinary salvage, under all the circumstances. On this amount I think twenty-five per cent. a fair remuneration. The wreck master did not arrive until a considerable portion of the cargo had been landed. I award him £10, costs as usual.

I would have made a distinction between the property saved by the shore people and that saved by the wreckers; but inasmuch as the saved by each party is not specified, and a general consortship was entered into, I do not think that now necessary. They must arrange their respective proportions among themselves.

In the vice-admiralty court of the Bahamas.

BENJAMIN INGRAHAM and others

vs.

THE CONFEDERATE STEAMSHIP MARGARET AND JESSIE, } Salvage.
whereof William Wilson was master, her tackle, &c., }
cargo, &c. }

I, Joshua Anderson Brook, registrar of the vice-admiralty court of the Bahamas, do hereby certify that the foregoing contains a correct copy of the interlocutory decree pronounced in the above case by the honorable the judge on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three.

Given at the city of Nassau, in our aforesaid court, under the seal thereof, this first day of July, in the year of our Lord one thousand eight hundred and sixty-three, and of our reign the twenty-seventh.

J. A. BROOK, *Registrar, J. C. V. A.*

No. 4.

In the vice-admiralty court of the Bahamas.

BENJAMIN INGRAHAM and others

vs.

THE CONFEDERATE STEAMSHIP MARGARET AND JESSIE, } Salvage.
whereof William Wilson was master, her tackle, &c., }
her cargo, &c. }

STATEMENT.

Agreed value of vessel.....	£12,000 0 0
Net sales of cargo.....	14,630 5 0
	<hr/>
	26,630 5 0
Salvage thereon, at 25 per cent.....	6,657 11 8
	<hr/> <hr/>

COSTS.

Judge.....	£12 4 0	
Surrogate.....	1 12 0	
Registrar.....	£16 5 6	} 73 3 1
Registrar's poundage.....	56 17 7	
Marshal.....	11 10 8	
Promoter's proctor.....	72 4 8	
Respondent's proctor.....	69 5 4	
Crier.....	1 1 0	
	<hr/>	
Of this.....	£241 0 9	
25 per cent., payable by promoters.....	60 5 2	
	<hr/>	£180 15 7
		<hr/>
Wreck master's fee.....		6,838 7 3
		10 0 0
		<hr/>
Total amount paid into court by respondents.....		6,848 7 3
		<hr/> <hr/>

In the vice-admiralty court of the Bahamas.

BENJAMIN INGRAHAM and others

vs.

THE CONFEDERATE STEAMSHIP MARGARET AND JESSIE, } Salvage.
whereof William Wilson was master, her tackle, &c., her }
cargo, &c. }

I, Joshua Anderson Brook, register of the vice admiralty court of the Bahamas, do hereby certify that the foregoing contains a true statement of the amount of salvage and proportion of expenses paid into court by the respondents in the above case.

[SEAL.] Given at the city of Nassau, in our aforesaid court, under the seal thereof, this first day of July, in the year of our Lord one thousand eight hundred and sixty-three, and of our reign the twenty-seventh.

J. A. BROOK,
Registrar J. C. V. A.

No. 5—B.

Statement of loss sustained on cargo of steamship Margaret and Jessie, by damage caused by the sinking and stranding of said steamship :
 Value of said cargo in Nassau, if landed in good order, as shown by the declaration of Hon. George D. Harris..... £32, 162 10 0
 Less net proceeds of sales at auction, as per accompanying account sales..... 14, 630 5 0
 Actual loss..... 17, 532 5 0

GEORGE A. TRENHOLM,

By his agent, J. B. LAFITTE.

NASSAU, N. P., July 3, 1863.

No. 6.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared the honorable George David Harris, of the said city of Nassau, merchant, one of the firm of Henry Adderly and Company, merchants of the said city of Nassau, who did declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That the declarant is a member of the mercantile firm of Henry Adderly and Company, of the city of Nassau, and the firm of which he is a member were the consignees of the confederate merchant steamship Margaret and Jessie, on a voyage of the said steamship during the month of May last, from the port of Charleston, in the Confederate States of America, to this port of Nassau, in the prosecution of which voyage the said steamship was sunk on the north side of the island of Eleuthera, one of these islands, she being then laden with a cargo of cotton. That as such consignees as aforesaid, the mercantile house of Henry Adderly and Company received in the regular order of mercantile transactions the invoices and bills of lading of the cargo of cotton so laden on board of the said steamship, from which it appears that the said cargo consisted of twenty-eight bales of sea island cotton, weighing eight thousand five hundred and eighty-two pounds, and the cost thereof in Charleston seventeen thousand one hundred and twenty-three dollars and sixty-three cents; seven hundred and twenty-eight bales of upland cotton, weighing three hundred and sixty thousand five hundred and four pounds, and the cost thereof in Charleston one hundred and forty-nine thousand and sixty-four dollars and fourteen cents; making in all the gross weight of cotton shipped as aforesaid three hundred and sixty-

eight thousand nine hundred and eighty-six pounds, which cost the total sum of one hundred and sixty-six thousand one hundred and eighty-seven dollars and seventy-seven cents.

GEORGE D. HARRIS.

Declared to, at Nassau, this second day of July, A. D. 1863.

B. L. BURNSIDE,
Notary Public, Bahamas.

[SEAL.]

BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come : I, Charles Rogers Nesbitt, colonial secretary of the Bahama islands, do hereby certify that Bruce Lockhart Burnside, who attests the foregoing declaration as a notary public, is in truth and in fact a notary public, duly authorized and empowered, and that all faith and credit is due and ought to be given to his acts and deeds as such.

In testimony whereof, I have hereunto set my hand at Nassau, this third day of July, A. D. 1863.

C. R. NESBITT,
Colonial Secretary.

BAHAMA ISLANDS :

By his excellency Charles John Bayley, esq., companion of the most honorable Order of the Bath, governor and commander-in-chief in and over the said islands, chancellor, vice-admiral and ordinary of the same. To all to whom these presents shall come, greeting : Be it known that the honorable Charles Rogers Nesbitt, by whom the annexed certificate is subscribed, was on the day of the date thereof, and now is, colonial secretary for the Bahama islands; therefore, all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereto affixed at Nassau, New Providence, this third day of July, A. D. 1863, and in the twenty-seventh year of her Majesty's reign.

C. J. BAILEY.

By his excellency's command :

C. R. NESBITT, *Colonial Secretary.*

No. 7.

Sales at auction of cotton landed from steamship Margaret and Jessie, stranded at Eleuthera.

1863.			£	s.	d.
June 22.	By Saunders & Son, 41 bales upland cotton, ..	\$90½	773	0	5
	By Saunders & Son, 135 do. do.....	80	2,250	0	0
	By J. G. Meadows & Co., 64 do. do.....	113	1,506	13	4
	By J. G. Meadows & Co., 40 do. do.....	109½	912	10	0
	By J. B. Lafitte, 8 do. do.....	125	208	6	8
	By J. Renouard & Co., 160 do. do.....	87	2,900	0	0
	By J. B. Lafitte, 8 do. do.....	102	170	0	0
	By G. Renouard & Co., 90 do. do.....	77½	1,453	2	6
	By J. B. Lafitte, 173 do. do.....	116	4,180	16	8
	By J. Renouard & Co., 4 bales sea island cotton,	97½	81	5	0
	By J. G. Boyd, 1 lot upland cotton,	1,000	208	6	8
	By J. C. Rahming, 9 sacks upland cotton,	20	37	10	0
	By Alex'r Johnson, 2 lots (1 bale) upland cotton,	6¼	2	12	1
	By J. B. Lafitte, 24 bales sea island cotton...	205	1,025	0	0
	By J. B. Lafitte, 2 sacks upland cotton.		22	18	4
			<hr/>		
			15,732	1	8

Charges.

To commission and tax, 5 per cent.....	£786 12 1	
To lighterage, labor-hire, stacking, and watching.....	185 11 5	
To inspecting cotton.....	36 3 0	
To wharfage and storage.....	90 3 8	
To advertising sale, bell and crier.....	3 6 6	
	<hr/>	1, 101 16 8
Net proceeds.....		<hr/> <hr/> 14, 630 5 0

E. E.
NASSAU, N. P., *June 30, 1863.*

HENRY ADDERLY & CO.

[No. 8, certificate of survey. See No. 12, preceding series.]

No. 9—C.

Statement of loss sustained by the steamship Margaret and Jessie, in consequence of the detention necessary to repair the damages sustained by being sunk and stranded.

This claim is made for one round voyage; whereas the time estimated by the board of survey as necessary to effect the repairs would justify a claim for two round voyages, which estimate is believed to be correct. Say:

312 tons freight from Nassau to a confederate port, payable in advance at current rate of £60 per ton	£18, 720 0 0
Freight on 368,986 pounds of cotton, at 5 <i>d</i>	7, 687 4 2
	<hr/> <hr/> £26, 407 4 2

GEORGE A. TRENHOLM.

By his agent, JNO. B. LAFITTE.

NASSAU, N. P., *July 3, 1863.*

No. 10.

BAHAMA ISLANDS, *New Providence:*

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared John B. Lafitte, merchant, of this city of Nassau, who did solemnly declare—such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—that he, the declarant, is the agent at Nassau for the owners of the confederate merchant steamship Margaret and Jessie, formerly the British steamship Douglas; that the said steamship cleared from this port of Nassau on the

twenty-third day of January last past, William Wilson being the master, for the port of St. John, New Brunswick, but, as this declarant verily believes, proceeded direct for the port of Charleston, in the State of South Carolina, one of the ports of the Confederate States of America, declared to be blockaded by the United States of America, and duly arrived at the said port of Charleston; that at the said port of Charleston the said steamship was re-registered in the name of George Alfred Trenholm, a citizen of the said Confederate States, as the owner of her, and her name was changed from the Douglas to the Margaret and Jessie.

And this declarant further declares that the said steamship was employed in making regular voyages between this port of Nassau and the blockaded ports of the confederacy, and cleared from this port of Nassau for the port of St. John, New Brunswick, on the following days, to wit: On the 23d day of January, 1863; on the 23d day of February, 1863; on the 21st day of March, 1863; on the 18th day of April, 1863; on the 16th day of May, 1863.

That on quitting the port of Nassau on each of the days last above named, the said steamship proceeded at once for a blockaded port in the confederacy, at which she duly arrived, and returned at once with cargoes of cotton to this port of Nassau, at which port she duly entered on the days and with the cargoes following, that is to say:

On the 17th day of February, 1863, from the port of Charleston, with a cargo of 592 bales of cotton;

On the 14th day of March, 1863, from the port of Charleston, with a cargo of 861 bales of cotton;

On the 11th day of April, 1863, from the port of Charleston, with a cargo of 821 bales of cotton;

On the 11th day of May, 1863, from the port of Wilmington, with a cargo of 684 bales of cotton;

On the 3d day of June, 1863, from the port of Charleston, with a cargo of 756 bales of cotton.

All which cargoes of cotton were duly landed and delivered at this port of Nassau in good and merchantable order, except the last, which was damaged.

And this declarant further declares, that in each of the above-named voyages from this port to the blockaded ports of the confederacy, the said steamship Margaret and Jessie was laden to her full capacity with an assorted cargo of valuable merchandise, a large portion of which was shipped by this declarant, consigned to the port of Charleston or Wilmington; and that on each voyage he, the declarant, wrote letters directed to the said George Alfred Trenholm and other persons in the confederacy, all which letters were duly received and answered by the parties to whom they were addressed, and acknowledgments of the receipt of the goods shipped by the Margaret and Jessie also given to this declarant; from which and other conclusive circumstances this declarant can declare that the said steamship did enter the port of Charleston on four different voyages in the present year as hereinbefore is set forth, and did enter the port of Wilmington on one voyage in the present year as is also set forth, and did at these ports, respectively, take on board the respective cargoes of cotton which were delivered at this port of Nassau.

JNO. B. LAFITTE.

Declared to, at Nassau, this second day of July, A. D. 1863, before me.

[SEAL.]

B. L. BURNSIDE,

Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence:*

To all to whom these presents shall come: I, Charles Rogers Nesbitt, colonial secretary of the Bahama islands, do hereby certify that Bruce Lockhart Burn-

side, who attests the foregoing declaration as a notary public, is in truth and in fact a notary public, duly authorized and empowered, and that all faith and credit is due and ought to be given to his acts and deeds as such.

In testimony whereof, I have hereunto set my hand, at Nassau, this third day of July, A. D. 1863.

C. R. NESBITT,
Colonial Secretary.

BAHAMA ISLANDS :

By his excellency Charles John Bayley, esq., companion of the most honorable Order of the Bath, governor, and commander-in-chief in and over the [SEAL.] said islands, chancellor, vice-admiral and ordinary of the same. To all to whom these presents shall come, greeting: Be it known that the honorable Charles Rogers Nesbitt, by whom the annexed certificate is subscribed, was, on the day of the date thereof, and now is, colonial secretary for the said Bahama islands; therefore, all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereunto affixed, at Nassau, New Providence, this third day of July, A. D. 1863, and in the twenty-seventh year of her Majesty's reign.

C. J. BAYLEY.

By his excellency's command:

C. R. NESBITT, *Colonial Secretary.*

No. 11.

BAHAMA ISLANDS, *New Providence :*

Know all men by these presents, that on this second day of July, in the year of our Lord one thousand eight hundred and sixty-three, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared John B. Lafitte, of the island of New Providence, merchant, the agent of the owners of the confederate steamship Margaret and Jessie, and the Hon. George David Harris, of the said city, merchant, and one of the firm of Henry Adderly & Company, merchants, the consignees of the said steamship, who did solemnly declare (such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases) that these declarants have great knowledge and experience in matters relating to shipping transactions between this port of Nassau and the Confederate States of America.

And these declarants do further declare, that the current rate of freight in a steamship from the port of Nassau to a confederate port is sixty pounds sterling per ton, and that the rate of freight in the steamship Margaret and Jessie, from the port of Nassau to a confederate port, has never been less than sixty pounds sterling per ton, payable in advance at the port of Nassau, ship lost or not lost, and that more freight for each voyage could have been obtained than was required.

And these declarants did further declare, that the rate of freight chargeable upon small quantities of cotton shipped from the ports of the confederacy to this port of Nassau is five pence sterling per pound weight, but that small quantities of cotton are only carried as a special favor, and not as an ordinary shipment; and that for large quantities of cotton the rate of ten pence sterling per pound weight has frequently been offered and could easily be obtained as freight.

And these declarants further declare, that the net registered British tonnage of the said steamship Margaret and Jessie was three hundred and twelve tons, as appears by the certificate of her British registry, and that the net registered confederate tonnage of the said steamship is seven hundred and thirty-two tons, as appears by her confederate register.

JOHN B. LAFITTE.
GEORGE D. HARRIS.

Declared to, at Nassau, this second day of July, A. D. 1863.

[SEAL.]

B L. BURNSIDE,
Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence* :

To all to whom these presents shall come : I, Charles Rogers Nesbitt, colonial secretary of the Bahama islands, do hereby certify that Bruce Lockhart Burnside, who attests the foregoing declaration as a notary public, is in truth and in fact a notary public, duly authorized and empowered, and that all faith and credit is due and ought to be given to his acts and deeds as such.

In testimony whereof, I have hereunto set my hand at Nassau this third day of July, A. D. 1863.

C. R. NESBITT, *Colonial Secretary.*

BAHAMA ISLANDS :

[SEAL.] By his excellency Charles John Bayley, esq., companion of the most honorable Order of the Bath, governor and commander-in-chief in and over the said islands, chancellor, vice-admiral, and ordinary of the same.

To all to whom these presents shall come, greeting: Be it known that the honorable Charles Rogers Nesbitt, by whom the annexed certificate is subscribed, was on the day of the date thereof, and now is, colonial secretary of the Bahama islands; therefore all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof, I have caused the seal of the said islands to be hereunto affixed at Nassau, N. P., this third day of July, A. D. 1863, and in the twenty-seventh year of her Majesty's reign.

By his excellency's command :

C. J. BAYLEY.

C. R. NESBITT, *Colonial Secretary.*

No. 12.

CUSTOM-HOUSE, NASSAU, N. P.,
July 3, 1863.

I, E. B. A. Taylor, acting receiver general and treasurer of the Bahamas, do hereby certify that the British steanship Douglas, of 312 tons net, or freight tonnage, Wilson, master, cleared at this office for the port of St. John, N. B., on the twenty-third day of January, 1863, with an assorted cargo, and that she was entered at this office on the seventeenth day of February next following as having arrived from the port of Charleston, S. C., with a cargo of 592 bales of cotton, her name having been changed to the Margaret and Jessie, and her nationality changed, as was shown by a register issued out of the said port of Charleston, S. C.; further, that the said steamship Margaret and Jessie was

cleared at this port for the port of St. John, N. B., on the following days, to wit: On the twenty-third day of February, 1863; twenty-first day of March, 1863; eighteenth day of April, 1863, and the sixteenth day of May, 1863—each time with an assorted cargo; and entered at this port as coming from the port of Charleston, S. C., on the following days, to wit: On the fourteenth day of March, 1863, with a cargo of 861 bales cotton; on the eleventh day of April, 1863, with a cargo of 821 bales cotton. From Wilmington, N. C.: On the eleventh day of May, 1863, with a cargo of 684 bales cotton; and on the third day of June, 1863, as coming from Charleston, S. C., with a cargo of 756 bales cotton.

[SEAL.]

E. B. A. TAYLOR,
Acting Receiver General and Treasurer.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 24, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, communicating, under the instructions of her Majesty's government, certain evidence in the case of the Margaret and Jessie, and making a representation in regard to that case. In reply I have the honor to state that your communication will be taken into consideration.

Your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 26, 1863.*

SIR: I have the honor to transmit to you an extract from a despatch from her Majesty's consul at New York, relative to the arrest and imprisonment of Mr. James McHugh, who arrived at that place in the British packet City of Washington on the 17th instant, and who appears to be a British subject. You will perceive that the marshal at New York had stated to her Majesty's consul that he was about, in pursuance of directions, to transfer Mr. McHugh from the county jail to Fort Lafayette. I trust you will be so good as to acquaint me as soon as possible with the grounds of the arrest and imprisonment of Mr. McHugh.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract from a despatch from Consul Archibald to Lord Lyons, dated New York, December 25, 1863.

"I have the honor to report to your lordship that Mr. James McHugh, a British subject, landed on the 17th instant from the steamer City of Washington, (which vessel arrived on that day at this port from Queenstown,) and was

immediately arrested by the custom-house officers. On the 19th instant I received a note, dated the 18th instant, from Mr. McHugh, informing me of his arrest and claiming my protection, and stating, at the same time, that he was ignorant of the cause of his arrest. On the same day (the 19th) I applied to the marshal for information as to the cause of Mr. McHugh's arrest, and received on Monday, the 21st, a reply from the marshal stating that Mr. McHugh had been arrested and handed over to him by the officers of the customs, as a 'bearer of rebel despatches,' and because he had been concerned in running the blockade; that the custom-house authorities were to produce evidence before him, and that unless such evidence were produced before him in the course of that day, he (the marshal) would discharge Mr. McHugh.

"On Wednesday, the 23d, finding, by a note from Mr. McHugh, that he was still in custody, I wrote a note to the marshal inquiring why the prisoner had not been set at liberty. Not receiving any reply, and having (yesterday, the 24th) received a further urgent note from Mr. McHugh, I again addressed a note to the marshal, trusting that Mr. McHugh would be liberated in the course of yesterday. To this note I received a reply from the marshal, informing me that, in pursuance of directions, he was about to transfer Mr. McHugh from the county jail to Fort Lafayette."

Lord Lyons to Mr. Seward.

WASHINGTON, *December 26, 1863.*

SIR: I have the honor to ask your immediate attention to the enclosed extract from a despatch from her Majesty's consul at New York, respecting the imprisonment of the master and crew of the British steamer *Banshee*, captured on a charge of breach of blockade.

You will observe that it is stated that the master and crew are detained under direct instructions from the United States government.

It appears, moreover, that they are confined in the New York county jail.

You will see, therefore, that the case as presented to me is a very serious one, and will excuse my pressing for immediate information respecting it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c. &c. &c.

Extract from Consul Archibald to Lord Lyons, dated New York, December 22, 1863.

"In referring to my despatch of the 27th ultimo, in which I reported the capture, and arrival at this port, of the steamer *Banshee*, I now have the honor to report to your lordship that the master and crew of this vessel have been detained here as prisoners since the 23d ultimo.

"Supposing they had been detained, as usual in such cases, for the purpose of taking their testimony, I did not, until after a reasonable time, interfere in their behalf. Having made inquiries of the United States marshal, from whom I received no satisfactory reply, I addressed a note to the United States district attorney, who, in his reply, informs me that the master and crew are detained under direct instructions from the government, and that the master is understood 'to have been arrested on two or three occasions previous to his present detention, charged with great infractions of the law.'

“Captain Steele, in reference to this allegation, asserts that he never was in the northern States but once before this time, and that was when he was captured last year in the Tubal Cain, for an alleged attempt to violate the blockade, and was brought to this port.”

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of the 22d instant, respecting the case of the Mont Blanc, and to inform your lordship that that case is now the subject of consideration, and that a communication in relation to it will be sent to your lordship at an early day.

I have the honor to be, with high consideration, my lord, your obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 29, 1863.

MY LORD: Referring to your note of the 18th ultimo, asking for information with regard to the detention at Fort Jackson of the British vessel H. G. Berry, by the United States forces there, and to my reply, I have the honor to enclose herewith the copy of a communication of the 23d instant, addressed to this department by Brigadier General Canby.

I have the honor to be your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

General Canby to Mr. Seward.

WAR DEPARTMENT,
Washington City, December 23, 1863.

SIR: In reply to your letter of the 19th ultimo, requesting to be advised, for the information of the British minister, of the reasons for the detention by the United States military authorities, at Fort Jackson, of the British vessel H. G. Berry, the Secretary of War instructs me to state that Major General Banks, commanding the department of the Gulf, to whom the same was referred, has made the following report:

“There was being assembled in the Mississippi river, at the time referred to, a large fleet of transports laden with troops, intended for a descent on the coast of Texas, near the mouth of the Rio Grande. That, in order to prevent information from being conveyed to that region that such a fleet was in the

river and preparing for sea, I deemed it proper to detain, for a few days, all vessels bound to that vicinity. All vessels, national or foreign, were therefore detained until after the sailing of the transport fleet."

For your further information as to the measure adopted in the detention of the H. G. Berry, a copy of the report made by Major General Banks to the general-in-chief relative thereto is herewith transmitted.

I have the honor to be, sir, your obedient servant,

ED. R. S. CANBY,
Brigadier General, A. A. G.

The SECRETARY OF STATE,
Washington, D. C.

General Banks to General H. W. Halleck.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 9, 1863.

GENERAL: I beg leave to submit, upon the subject referred to in the accompanying papers, relative to the detention of the British vessel H. G. Berry, the following report. All the facts stated therein were within my knowledge, except that which relates to the information being conveyed by the schooner; but I have no doubt whatever of this. The times and circumstances of the arrival of that vessel make it impossible that the information could have been otherwise conveyed.

A full statement of the vessel's forces, guns, &c., the losses sustained on the voyage, was sent to a rebel officer in Matamoros, and received there on the evening of the day that my troops occupied Brownsville. Of this fact I have positive knowledge. Had it been received earlier by the rebels, it would have prevented their evacuation, and might have defeated our landing at Brazos Santiago. If this had occurred, the expedition would have failed. The person who gave this information called upon me as a Texan refugee, and offered to procure information in regard to the armament and defences of Fort Brown. The circumstances detailed to me at Matamoros make this certain: the information as to our forces was conveyed to the rebels by this schooner, either by *passenger or letter, and her detention by my order caused the delay in its transmission*, which enabled the forces of the United States to occupy the position in advance of the reports of this spy. The information in regard to our fleet and forces was obtained at New Orleans; the report of our losses, at the Rio Grande. Of these facts I have no doubt whatever. It is not probable that the owners of the vessel were parties to the treason.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major General Commanding.

Major General H. W. HALLECK,
General-in-Chief, U. S. A., Washington, D. C.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 30, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 26th instant, asking to be made acquainted with the grounds of the arrest and imprisonment of Mr. James McHugh, who arrived at New York in

the British packet *City of Washington* on the 17th of this month, and to state that a copy of it has been sent to the Secretary of War, with the view of obtaining the desired information.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 30, 1863.*

SIR: Her Majesty's government have considered the notes addressed to this legation by the Department of State, on the 9th October [38th Congress, 1st session, House Ex. Doc. No. 1, page 698] and 4th November last, respecting the case of the *Victor*, and have reviewed all the information which has reached them with regard to the circumstances which attended the capture of that vessel, and to the proceedings before the prize court at Key West. Her Majesty's government have thus been confirmed in the opinion that they had previously formed as to the unwarrantable character of the seizure of the *Victor*, and they have seen with surprise and regret that the government of the United States has deemed it fitting to permit an appeal on behalf of the captors from the sentence in favor of the captured vessel.

The making use of a neutral port as a place from which to sally forth and pursue the *Victor* appears to her Majesty's government to be an uncontroverted fact in the case. At whatever distance from the coast the capture may have taken place, it seems to be clear, that within one hour from leaving the harbor of Havana the *Victor* was seized by the United States cruiser *Juniata*, coming out of the same port; and her Majesty's government cannot but think that such a fact alone should induce the government of the United States to abide by the decision of its own prize court, and not to seek the reversal of that decision by appeal; for her Majesty's government apprehend that in a case in which a fact like this manifestly appears from the evidence, a neutral government would be fully justified in disregarding, as contrary to settled principles, the judgment even of a court of appeal, if pronounced adversely to the vessel.

Her Majesty's government have accordingly directed me to recall your attention to the facts of this unjust seizure, and on the grounds above mentioned to press for the immediate release of the *Victor*.

There is, moreover, another point in the case to which her Majesty's government deem it necessary to advert. Although by the decree the vessel is released, an option is given to the government of the United States to take her for its own service at an appraised value, failing which the claimant may be put into possession pending the appeal, if he is willing to deposit in court the same appraised value, but not otherwise. Her Majesty's government conclude from the assurances lately given by the United States government, under the advice of its attorney general, upon the general question of taking uncondemned neutral vessels for its own service under a recent act of Congress, that that government will not attempt to avail itself of the option of purchase given in so extraordinary a manner by the decree which pronounces the capture unlawful; but her Majesty's government, nevertheless, think that there is considerable harshness in making the deposit of the full appraised value (as distinguished

from security) the only condition on which the successful claimant in a case like this can obtain possession of his property and obviate the risk of a compulsory sale pending the appeal.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr Seward.

WASHINGTON, December 31, 1863.

SIR: On the 3d of July last I had the honor to submit to you a protest made by the master of the brig *Isabella Thompson* against the capture of that vessel by the United States ship-of-war *United States*, and on the 10th of the same month you were so good as to communicate to me a copy of a letter from the Secretary of the Navy, stating that the parties interested must abide the decision of the prize court, which tribunal would, without doubt, give a just decision upon the seizure, and award ample damages should the seizure have been illegal and wanton.

The judge of the district court at New York, by a decree made on the 31st July last, restored the vessel and cargo to the claimants, but without damages or costs, and he gave the libellants leave to move that further proofs should be introduced by them as to the illicit dealing alleged against the brig. On the 18th of August (the libellants not having in the mean time moved for leave to introduce further proofs) the decree was made final and absolute.

Her Majesty's government having been furnished by the claimants with copies of the depositions, and with notes of the opinion of the judge, and having taken the whole case into consideration, have directed me to address to the government of the United States a demand for compensation for the parties interested.

Her Majesty's government apprehend that an appeal is open to the claimants, and that this is a legal mode of obtaining redress yet unexhausted; but they conceive that the miscarriage of the judge in not awarding costs and damages is so clear, that the parties injured should at once have justice done to them, without incurring the delay and expense which would be incident to further legal proceedings, and which might serve only to augment the ultimate demand of her Majesty's government for compensation.

Her Majesty's government presume that the notes of the judge's opinion with which they have been furnished are correct. If so, the premises respecting the entire innocence of the vessel, and the absence of any legal ground for detention, are so plainly at variance with the conclusion of relieving the captors from the legal and proper consequence of a wholly unjustifiable seizure, that her Majesty's government cannot but hope that the government of the United States will perceive at once the justice of giving the costs and damages in the case.

Her Majesty's government observe that the *Isabella Thompson* was engaged in a lawful trade between two neutral ports, neither of them even in the neighborhood of any blockaded port. Her cargo was taken on board in the ordinary course of trade in neutral waters, and there is not any trace in the evidence of anything having occurred, when she was visited and captured, which could afford the slightest pretext for the capture. It appears to her Majesty's government that, in support of the single plea of justification put forward, (viz: the suspicion of a complicity between this vessel and the blockade runner from which she is stated to have received a great part of her cargo in British waters,) no evidence was produced except that of one witness, the cook, which the judge himself did not rely upon, and which, by itself, even if fully credited, had no

tendency to identify the voyage and adventure of the one ship with that of the other; and her Majesty's government conceive that it is apparent, from the omission of the captors to avail themselves of the opportunity of going into further proof which was offered them by the decree, that there was no ground in fact for any such charge. Moreover, her Majesty's government deem it to be impossible to refrain from noticing, as worthy of reprehension, the course adopted in obtaining, previously to the regular examination, and while the witness was on board, in the power of the captors, a deposition (however voluntary it may purport to be) from this cook, evidently intended to offer some sort of pretext for a seizure which it had been discovered could not be defended upon the facts and the law. Her Majesty's government consider that such a deposition is very objectionable in principle, and they believe it to be contrary to the practice of the American prize courts as well as to that of the prize courts of Great Britain.

The case of the *Isabella Thompson* appears to her Majesty's government to be simply that of a neutral vessel sailing from one neutral port to another, with a cargo free from all suspicion and with perfectly regular papers, which it seized upon the high seas and compelled to incur very heavy expenses and damages, without a colorable pretext on the part of the captor, as to whom the most favorable suggestion is that he was entirely ignorant of the law.

Her Majesty's government conceive that it would be difficult to say in what case the award of costs and damages, the only protection of the neutral, ought to be made in a prize court, if not in this. Her Majesty's government apprehend that, even if the captor's conduct in such a case could be excusable in the eyes of the judges of his own country, this could be no reason why all indemnity should be refused to the injured party, who did not by any improper or objectionable conduct whatever contribute to the captor's error.

For the above reasons her Majesty's government deem it to be their duty to invite the government of the United States to make immediate reparation in the case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Papers handed in by Lord Lyons.—Chesapeake.

[List of Papers.]

1. Memorial of Susan Henry.
2. Affidavit of John E. Holt.
3. Memorial of John E. Holt.
4. Affidavit of John E. Holt.
5. Provincial secretary to mayor of Halifax, December 19, 1863.
6. Mayor of Halifax to provincial secretary, December 19, 1863.
7. Same to same, December 22, 1863.
8. City marshal to mayor of Halifax, December 21, 1863.
9. Police Constable Hutt to city marshal, December 21, 1863.

Memorial of Susan Henry.

To his excellency Major General Hastings Doyle, administrator of the government and commander-in-chief of Nova Scotia.

The humble memorial of Susan Henry, wife of William Henry, of Halifax, engineer, sheweth: That her husband, the said William Henry, together with his

brother, Alexander Henry, were employed the day before yesterday to ship as engineers on board a steamer, and went shortly after to join her at the mouth of the harbor.

That your memorialist has since understood and believes that they have been unlawfully seized by the officers and crew of a steam vessel said to be a United States man-of-war, called the Ella and Annie, and are now in confinement as prisoners on board one of the American men-of-war in this harbor.

That both William and Alexander Henry had returned to this port about a fortnight since from a previous voyage, their occupation being steamboat engineers, and they have not been absent from home since their return till they left the day before yesterday to join the said boat.

That they are both British subjects, and reside in Halifax.

Your memorialist prays that your excellency will take steps to procure the immediate release of the said William and Alexander Henry.

SUSAN HENRY.

Affidavit of John E. Holt.

HALIFAX, ss :

I, John E. Holt, at present of the city of Halifax, master mariner, make oath and say : That when I left the steamer Chesapeake in Sambro harbor, where she was at anchor on the 17th day of December instant, and before she was boarded by the United States ship-of-war Ella and Annie, William Henry and Alexander Henry, both of the city of Halifax, engineers, were on board of the steamer Chesapeake, and I feel quite certain neither of them left her before she was captured, nor within two hours afterwards, as no boat could have left either the Chesapeake or the Ella and Annie within that time and reached the shore without my knowing of it, and seeing the persons in it.

JOHN E. HOLT.

Sworn to before me, at Halifax, this 18th day of December, 1863.

ARCH'D SCOTT,

Justice of the Peace.

Memorial of John E. Holt.

To his excellency Major General Hastings Doyle, administrator of the government of the province of Nova Scotia, and commander-in-chief of the forces of her Majesty the Queen therein.

The memorial of John E. Holt, shipmaster, humbly showeth : That he is a British-born subject, and is owner and master of the British schooner Investigator, belonging to the port of Halifax, where your memorialist resides.

That on the 16th day of December instant, while he was in command of his said vessel in British waters, to wit, in the harbor of Sambro, within the body of the county of Halifax, his said vessel was forcibly entered by the officers of a United States vessel-of-war, the particulars of which are detailed in the annexed affidavits, to which your memorialist begs leave to refer your excellency.

Your memorialist, having sustained the injury and insult therein described at the hands of a foreign man-of-war in British waters, looks to your excellency,

as the representative of her Majesty and the commander of her Majesty's forces in this province, for protection, and he prays that the outrage thus committed on him will meet with redress at the hands of your excellency.

And your memorialist, as in duty bound, will ever pray.

JOHN E. HOLT.

HALIFAX, *December 18, 1863.*

Affidavit of John E. Holt.

HALIFAX, *ss :*

I, John E. Holt, at present of the city of Halifax, master mariner, make oath and say : That I am master and owner of the British schooner Investigator, registered at the port of Halifax, Nova Scotia.

That on the morning of the 17th day of December instant the said schooner was in the small harbor of Sambro, near Halifax, Nova Scotia, and a large steamer called the Chesapeake was at anchor in the said harbor about two hundred yards from the shore, with six or seven men on board of her. That at about 7 o'clock a. m. I saw a federal man-of-war coming into the harbor, and when she came near I got under way, and, proceeding further up the harbor, came to anchor about four hundred yards from the Chesapeake, and about two hundred yards from the shore. That the Chesapeake had no flag flying until the federal man-of-war was about one hundred yards off, when a federal flag was hoisted at the peak upside down, but in two or three minutes, and before she was boarded, it was reversed and again hoisted. That the man-of-war (the name of which I have ascertained to be the Ella and Annie) having the federal flag flying ran alongside of the Chesapeake and made fast to her. About an hour after a boat with an armed crew started from the Ella and Annie and came alongside of my schooner. I was below when they reached the vessel, but came on deck on hearing the noise they made coming on board. When I reached the deck I found six or seven armed men there at work opening the hatches of my vessel. I then asked one of them, who appeared to be an officer, to show me his authority. He struck the pistol which was in his belt, and said that was his authority. I said I did not think he could overhaul my vessel in a British port; and then three of his men, cocking their pistols, pointed them at me and told me to hold my tongue. The officer then said he had a great mind to take me prisoner and take me to the States, as I would make a d—d good evidence. He then asked me if any of the Chesapeake's men were below. I said "No," as I thought they had all gone on shore. They then opened the hatches and searched the vessel from one end to the other, and took away as prisoner one of the men of the Chesapeake who was asleep in the cabin in one of the berths, and a large quantity of trunks and baggage and other articles which had been put on board of my vessel by some of the men of the Chesapeake, and left the vessel. That the search was conducted throughout in a very rough and tyrannical manner, and a guard kept on deck all the time with cocked pistols. That at about half-past 11 o'clock a. m. I sailed from Sambro harbor in the said schooner, leaving the two steamers there. That I did not at the time know the name of the man that was taken from my vessel, but I have since been informed that his name is John Wade; and I further say that I am a British subject, born in Nova Scotia, and have never taken the oath of allegiance to any foreign state.

JOHN E. HOLT.

Sworn to before me, at Halifax, this 18th day of December, A. D. 1863.

P. C. HILL,

Mayor and Justice of the Peace.

Mr. Tupper to the Mayor of Halifax.

HALIFAX, NOVA SCOTIA, *December 19, 1863.*

SIR: I have it in command from his honor the administrator of the government to inform you that N. Gunnison, esq., vice-consul of the United States, has this moment advised his honor that the police officers of this city have been prevented by the citizens from executing a warrant against George Wade, charged with piracy and murder, and I am further commanded to desire you to use your best exertions for the service of said warrant, and to state that, if the police force under your command is not sufficient therefor, his honor will place any force at your disposal which you may require in order that the law may not be obstructed in its execution.

A copy of Mr. Gunnison's application for assistance in the apprehension of George Wade is herewith enclosed.

I have, &c.,

C. TUPPER, *Provincial Secretary.*

His worship the MAYOR OF HALIFAX.

The Mayor of Halifax to the Provincial Secretary.

MAYOR'S OFFICE, *Halifax, December 19, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of this day's date. In reply, I beg to state that I deeply regret that any such occurrence should have taken place, but I am assured that the city marshal used every effort in his power to execute the process intrusted to him at the time referred to; and although unsuccessful on that occasion, I beg to assure you that every effort will continue to be made to apprehend the parties named in the process, notwithstanding that I have received a communication from the vice-consul of the United States informing me that he does not wish the services of the police in the matter any further.

I have, &c.,

P. CARTERET HILL.

The honorable PROVINCIAL SECRETARY.

The Mayor of Halifax to Mr. Tupper.

MAYOR'S OFFICE, *Halifax, December 22, 1863.*

SIR: I have the honor to enclose you copies of report from the city marshal and policeman Hutt, on the subject of the attempted arrest of George Wade, the prisoner from the steamer Chesapeake.

I have, &c.,

P. CARTERET HILL, *Mayor.*

The honorable PROVINCIAL SECRETARY.

The City Marshal to the Mayor of Halifax.

CITY MARSHAL'S OFFICE,
Halifax, December 21, 1863.

SIR: In obedience to the request of your worship, contained in your communication of the 19th instant, I have the honor to furnish a report of the circumstances connected with the attempted execution of the warrant against George Wade on Saturday last.

Having understood from the attorney of the American consul that George Wade was to be landed on the day in question at the Queen's wharf, I detached what I judged to be a sufficient police force to arrest and secure him when he was landed.

Between one and two o'clock a boat bearing the American flag, with the prisoner on board, who had irons on, landed at a confined and inclined slip, which is at the wharf where the sheriff of the county of Halifax and the consul of the United States of America were waiting to secure the prisoner.

The prisoners were then unshackled, and, as I have since understood, the sheriff said to them they were at liberty. When the prisoners were landed and unshackled, policemen Hutt, Hood, and Burke were on the slip, and close to where Wade was standing.

As I had something to communicate to the American consul, I left the slip, and went to the consul and his attorney, who were on the wharf, a short distance from the slip. On turning round I perceived one of the prisoners in a fishing boat, and I inquired of the consul who the person in the boat was; he informed me it was Wade. I at once rushed down to the slip, but my progress was impeded by the number of boatmen who were standing on the slip and near the bottom of it, and so blocked it up that before I could get near, the boat had gone out of reach, and made it impossible for me to arrest Wade. At this time I saw policeman Hutt, with a pistol in his hand, who commanded the return of the boat, but he was disregarded. Finding that it was impossible for me to reach the boat by the slip, I ran on the wharf, thinking I could board the boat containing the prisoner from a commissariat boat, which was moored at the wharf without any one in her. I called upon the men in the boat which had Wade on board to return, but a number of voices from the wharf urged them to go on, which they did. Before the boat had got out of the dock I requested the officer in charge of the United States boat which brought the prisoner on shore to come to my assistance, but this was neglected. On the fishing boat getting beyond my reach, the crowd on the wharf cheered them. I have understood that the boat which conveyed Wade was in charge of Gallagher and Holland.

I beg to assure your worship that every possible effort was made in my power, and, as I believe, by the policemen present, to arrest Wade; but that, from the circumscribed space where he was landed, and the crowded state of the space, it was beyond the power of either myself or my men to do more than was done.

I have required the policemen to furnish a detailed report of the circumstances within their knowledge, which I have the honor to submit herewith.

I have, &c.,

GARRET COTTER, *City Marshal.*

His worship the MAYOR.

Mr. Hutt to the City Marshal.

HALIFAX, *December 21, 1863.*

SIR: By your direction, and with a warrant under the hand and seal of the mayor, I proceeded to the Queen's wharf on the 19th day of the month at one o'clock for the purpose of arresting George Wade, charged with murder and piracy. I was made aware that the said George Wade was then a prisoner on board of one of the United States gunboats now in the harbor, and would be brought on shore at that hour, and handed over to the sheriff.

I met the sheriff on the wharf, and told him that I had a warrant for Wade; he told me to give the prisoner two or three minutes after he released him be-

fore I arrested him. Met Dr. Almon on the wharf. Asked me my business; I told him, and showed him the warrant with the mayor's signature to it; he said it was a shame. I was standing at the head of the slip; then the United States man-of-war boat came to the shore with prisoners. I was then joined by policemen Hood and Burke and yourself. The slip is an inclined plane running down to the water, about fourteen or sixteen feet from the capsil of the wharf. The prisoner Wade was landed at the water's edge on the slip, and I went towards him; he was in irons, and on his landing on the slip his irons were taken off. I did not hear the sheriff say he was free, but heard some person say, "He is in the boat." I ran down the slip to the water's edge, and called upon the persons in the boat to bring the boat back, and presented a revolver, when they backed the boat. As the boat was backing to the slip I was seized round the arms by Dr. Almon, who told the men in the boat to go on; I was also handled by Alexander Keith, jr., who tried to get the pistol out of my hand, and also by Dr. Smith. Had it not been for the interference of Dr. Almon, Alexander Keith, jr., Dr. Smith, and others, I have no doubt but I could have secured the man Wade. With regard to the slip where the prisoner was landed, I would state that it runs down from the wharf some forty or fifty feet, and is more than twelve feet wide, and a crowd of persons were on it at the time. I wish further to inform you, that when I presented my pistol at the boat which was carrying away Wade, I had the warrant for his arrest in my left hand, the pistol in my right, at the time I was seized by Dr. Almon.

I am, &c.,

LOUIS HUTT.

GARRET COTTER, *City Marshal.*

Lord Lyons to Mr Seward.

WASHINGTON, *January 2, 1864.*

SIR: In pursuance of instructions which I have received from her Majesty's government, I do myself the honor to submit to you the enclosed papers relative to the capture of a British schooner, the *Don José*, by the United States cruiser *Juniata*.

In a letter, dated the 15th July last, of which a copy is included among these papers, the district attorney of the United States at Key West stated, that, on a thorough examination of the ship's papers, and the depositions of the witnesses examined, he was unable to find any facts which warranted the detention of the *Don José*, and he accordingly declared that he had no objection to her going to sea. To her Majesty's government, by whom the case has been carefully examined, the seizure of this vessel appears to have been one of a very unjustifiable character, and to have been wholly unwarranted either by the papers, the cargo, or any of the circumstances.

Her Majesty's government trust, therefore, that the government of the United States will have no difficulty in admitting that proper compensation is due to the parties injured by the seizure of the *Don José*.

The amount of the compensation would of course be a matter to be settled afterwards.

I subjoin a list of the papers which accompany this note, and I beg you to be so good as to send them back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[List of Papers.]

1. Authenticated copy of a despatch from the British vice-consul at St. Jago de Cuba to the acting consul general at Havana, 17th July, 1863.
2. Authenticated copy and translation of a protest of the passengers and crew of the Don José, 9th July, 1863.
3. Authenticated copy of certificate of Commander Clitz, of the United States ship Juniata, 8th July, 1863.
4. Authenticated copy of protest of master of the Don José, 10th July, 1863.
5. Authenticated copy of letter from United States district attorney at Key West to acting British vice-consul, 15th July, 1863.
6. Protest of the master, supercargo, and one of the seamen of the Don José, 7th August, 1863.

British Vice-Consul at St. Jago de Cuba to the Acting Consul General at Havana.

BRITISH VICE-CONSULATE,
St. Jago de Cuba, July 17, 1863.

SIR: I have the honor to inform you that the Haytien sloop Gustave arrived yesterday in this port from Cape Haytien, bringing eight passengers, named Petro Antonio Lopez, Antonio Rocher, Francisco Abril, Esteran Estivel, José Gabocho, Miguel Andreosabi, Juan Mat, and Gabriel Domingo Hylesias, who presented themselves before me with the enclosed certified copy of a protest, noted by them on the 9th instant, before her Majesty's vice-consul at Cape Haytien, from which document it appears that the British schooner Don José, of Nassau, Lord, master, was captured by the United States steamer Juniata, off Matamoras, on the 3d instant, while on a voyage from Nassau to Havana; that Captain Lord and the supercargo were sent on to Key West in the schooner, with a prize crew on board; and that the passengers and seamen mentioned above were put on board the steamer, and subsequently landed at Cape Haytien, on the 8th instant.

I have, &c.,

FRED. W. RAMSDEN, *Vice-Consul.*

JOHN V. CRAWFORD, Esq.,
Her British Majesty's Acting Consul General, &c., &c., &c.

HAVANA, *August 13, 1863.*

I do hereby certify the foregoing to be a true and faithful copy, word for word, compared, of the original on record in this office.

JOHN V. CRAWFORD,
Acting Consul General in Cuba.

Protest of the passengers and crew of the Don José.

[Translation.]

BRITISH CONSULATE AT CAPE HAYTIEN, *Hayti.*

On the 9th day of July, 1863, before me, her Britannic Majesty's vice-consul William Borden, esq., appeared the following parties, landed here yesterday by the United States steamer Juniata, Commander Clitz, now in this port, said parties being

the passengers, supercargo, and crew taken forcibly from on board of the British schooner *Don José* of Nassau, on the 2d instant, near the island of Cuba, appeared, as above stated, to make their depositions in this consulate respecting the illegal act through which they found themselves at this place, and at the same time with the intention of solemnly protesting against the damages which they suffer, as also to reserve their rights in this unjust and arbitrary case. The undersigned parties, D. Pedro Antonio Lopez, supercargo; D. Antonio Rocha, D. Francisco Abril, passengers Esteban Estebal, José Gabacho, Miguel Andecosabi, Juan Mas and Gabriel Domingo Yglesia, seamen, all belonging to the schooner *Don José*, Lord, master, declared and duly stated together that on the 28th day of June last they left Nassau, N. P., at 6 a. m., the passengers being duly provided with passports, vized by the Spanish consul at that place, bound for Havana, with a cargo consisting of 100 bags of salt and 14 bales of cotton, as far as they remember. That nothing particular occurred until the 2d instant, at 5½ a. m., when they saw a steamer to the westward bearing towards them; that at 6 a. m. she fired a shotted gun, the shot passing over the sails, and at the same time she hoisted American colors. The master of the schooner answered by setting his British ensign, waiting the steamer's movements. The latter lowered a boat, and boarded them. What was their surprise, when the officer who was in the boat, on coming alongside of the schooner, ordered eight of his men on board, and took the helm. He went below into the cabin, after taking all the master's papers, and ordered the passengers to deliver up all those they might have; and as on board the schooner there was no other trunk than that belonging to D. Francisco Abril, they had placed all their papers and money under that lock and key. Mr. Abril opened the trunk, and the officer, who was called Mr. Simpson, commenced searching its contents, and taking what papers he pleased, without paying any attention to Mr. Abril, who protested against such a proceeding, and especially at the officer's seizing a sum of £5,000 and over in bank of England notes, which D. José Mas had confided to him at Nassau, under cover duly sealed for delivery to D. José Prats at Havana, both the money and the letter which accompanied it being addressed to the said José Prats, the amount, as appears by the receipt which Mr. Abril gave the said D. José Mas, at Nassau, agreeing with the bill of lading signed by Captain Lord for this package of money. Mr. Abril having demanded from Mr. Simpson, the officer, a receipt for what he took from him, the answer was, "Go to hell!" Mr. Abril also declares that Simpson took away from him private letters from his family, a contract for cattle entered into with Messrs. Melhardo, Morris & Co., of Truxillo, Honduras, and all the letters and papers he could find in the chest, together with about \$300 in cash. Mr. Abril for the second time asked for a receipt, but he was treated with great indignity on the part of the individual calling himself an officer, but who in reality, from his conduct, was unworthy of any such title. He then took away Captain Lord, with all the papers and money, and half an hour afterwards he returned with Captain Lord, and informed us that we were prisoners, on the plea that he had found so much money on board the schooner, besides some confederate notes on the supercargo, and also 14 bales of cotton, which was sufficient evidence that they were from a confederate port, and that therefore both passengers and sailors might pack up their traps. Under the circumstances each one commenced to look after himself; but great was their surprise when the officer, Mr. Simpson, ordered them to leave many of the things they had got ready, threatening them at every moment that he would send them in the steamer's boat, so that each one was allowed to take what he could carry in his arms. All this passed on board of the schooner, and they do not believe the facts can be more truly stated, being convinced that such acts as these deponents had the misfortune to experience from a United States ship-of-war have no precedent as regards the manner of such cruel treatment towards persons upon

their lawful avocations. D. V. Abril, as passenger on board the Don José, also declares that he had private property which he wished to take with him when he left the vessel, such as a spy-glass, sextant, charts and maps, and such things as belong to a mariner; also a package containing 16 dozen silver thimbles, which were forcibly taken away from him, as likewise were seized a purse containing \$36 in cash, belonging to the cook, G. D. Ygelepias, and the greater part of the clothes and bedding of the crew. From the vessel the captain took away as much liquors and eatables as their boat would carry.

At 9 a. m. deponents were taken on board the Juniata, where up to the 8th instant they have been treated like criminals, treat their victims who fall into their power.

We, therefore, the deponents, have appeared at her Britannic Majesty's consulate to protest, under the profound conviction that the British government, which protects passengers seeking an asylum under its flag will see us righted, and they hereby protest in the most solemn and most formal manner for all losses and damages which they now are suffering, or may suffer, placed in such a situation landed in a foreign port, cut off from communication with the place of their destination, without their property or resources of any kind, stripped of the means of subsistence, having no connexion nor anything in common with the war now going on against the southern United States, having been legally cleared from one neutral port direct to another, and made prisoners, the lands of Cuba and Matamoras being distinctly in sight. For all these reasons and arguments we are morally convinced that the flag of Great Britain will serve us as a guarantee through for the restitution of the losses we have suffered, aiding us, through its high intervention, to obtain a just indemnity.

Thus declared, protested, and signed, in the mother tongue of the deponents, at Cape Haytien, on the above-mentioned date, before me,

WILLIAM BORDEN,

Her Britannic Majesty's Vice-Consul.

PEDRO ANTONIO LOPEZ,

ANTONIO ROCHA,

FRANCISCO ABRIL,

ESTEBAN ESTIVAL,

JOSÉ GABACHO,

CRUX DE MIGUEL ANDECASABI,

JUAN MASS,

GABRIEL DOMINGO YGLISIAS.

Certificate of Commodore Clitz.

UNITED STATES STEAMER JUNIATA,

Cape Haytien, July 8, 1863.

SIR; This is to certify that Francisco Abril Ledro Antonio Lopez, Antonio Berba, Esteban Elebul, José Gabacho, Miguel Andreosebi, and Juan Mas were taken from the schooner Don Jose, on the 2d of July, 1863.

J. M. B. CLITZ, *Commander.*

BRITISH CONSULATE GENERAL,

Havana, August 12, 1863.

I do hereby certify the foregoing to be a true and faithful copy, word for word, compared of the original, on record in this office.

[L. s.]

JOHN V. CRAWFORD,

Acting Consul General in Cuba.

Protest of the master of the Don José!

HER BRITANNIC MAJESTY'S VICE-CONSULATE FOR THE STATE OF FLORIDA
AND PORT OF KEY WEST.

Note of protest of the British schooner Don José, James E. Lord, master.

James E. Lord, master of the British schooner Don José, of Nassau, New Providence, appears this day at the office of the British vice-consul, at the British vice-consulate office, at Key West, and notes his protest, by reason of damage sustained both to his vessel and cargo, from having been illegally seized, when on a voyage from Nassau to Havana, by the United States gunboat Juniata, being at the time about 30 miles south by east from Cardenas (the north side of Cuba) light-house.

The captain now gives notice of protesting, and causes this note of protest to be entered on this register, at Key West, July 10, 1863.

his
JAMES E. + LORD.
mark.

HER BRITANNIC MAJESTY'S VICE-CONSULATE,
Key West, July 31, 1863.

I, J. B. Browne, acting vice-consul, do hereby certify the foregoing to be a true and correct copy of the original note of protest, recorded in this office.

In testimony whereof, I do hereunto set my hand and seal of office, at the port of Key West, this 31st day of July, 1863.

[L. s.] J. B. BROWNE,
Her Britannic Majesty's Acting Vice-Consul.

BRITISH CONSULATE GENERAL,
Havana, August 7, 1863.

A true copy of the original document on record in this office.

[L. s.] JOHN V. CRAWFORD,
Acting Consul General.

United States District Attorney to her Majesty's Vice-Consul.

UNITED STATES ATTORNEY'S OFFICE,
Key West, July 15, 1863.

SIR: The master of the British schooner lately sent into this port as prize, called the Don José, request me to state that no proceedings have been instituted against the vessel. Such is the fact. On a thorough examination of the ship's papers, and the depositions of the witnesses examined, I am unable to find any facts which warrant her detention; and I have no objection to her going to sea at any time.

I am, &c.,

THOMAS J. BOYNTON,
United States Attorney.

JOSEPH B. BROWNE, Esq.,
Acting British Vice-Consul.

HER BRITANNIC MAJESTY'S VICE-CONSULATE,
Key West, July 31, 1863.

I do hereby certify that the foregoing is a true and correct copy of a note received from Thomas J. Boynton, esq., the United States district attorney for

the State of Florida, now on file in this office. In testimony whereof, I have hereunto set my hand and seal of office, at Key West, this 31st day of July, 1863.

J. B. BROWNE,

[SEAL.]

Her Britannic Majesty's Acting Vice-Consul.

BRITISH CONSULATE GENERAL,

Havana, August 7, 1863.

A true copy of the original document on record in this office.

JOHN V. CRAWFORD,

Acting Consul General in Cuba.

Protest of the British Schooner Don José.

[L. s.]

[Triplicate.]

Know all men by this public instrument of protest, that, on the 7th day of August, in the year of our Lord 1863, at the office of the British consulate at Havana, before me, John Vincent Crawford, esq., her Britannic Majesty's acting consul general in Cuba, personally appeared James E. Lord, master, Ceferino Almonaterio, supercargo, and John Mass, seaman, all of and belonging to the British schooner Don José, of Nassau, New Providence, (official, No. 46,703;) and being severally sworn upon the Holy Evangelists of Almighty God, declared that they, on board of the said vessel, she then being tight, staunch, and strong, well fitted and provisioned, and in every respect complete for their then intended voyage, and being laden with a general cargo of merchandise, set sail and departed from Nassau, New Providence, on the 28th day of June last, and proceeded on their voyage towards this port of Havana, their clearance and other papers being in perfect order. That nothing remarkable occurred until the morning of the 2d of July, when, about six o'clock, the island of Cuba being in sight, Cardenas bearing south by east about 30 miles distant, a screw steamer, bearing no colors, fired a shot across their bow. They immediately brought to by the wind, and set their ensign. About an hour afterwards they were boarded by an armed boat of the said steamer, which they were informed was the United States ship Juniata. The boarding officer demanded the vessel's papers, and after examining them, said to the master, "You dare show me such papers as these?" and ordered the British ensign to be hauled down, paying no attention whatever to the master's protest against such proceeding. The master was ordered to proceed on board the Juniata, where he was detained about an hour, and on his return to the schooner he found that every chest, trunk, and even his own private lockup, had been broken open, the contents having been ransacked and pillaged, and that his nautical instruments, charts, and papers had been taken away. The boarding officer then ordered the master, the crew, and the passengers to go on board the Juniata, not giving them time to pack up their clothes, and about three hours after the commander informed them that he considered their vessel a legal prize, and would send her to Key West. Upon which the master requested to be sent along with the schooner, accompanied by his supercargo and cook, which was allowed, with the exception of the cook. As soon as they reached the schooner, they were informed by the boarding officer that they were prisoners, and would be treated as such. A prize crew, under the command of a Mr. Taylor, was then left on board, and they started for Key West. The prize officer having found out part of the cargo consisted of ten demijohns of rum and a quarter cask of wine, commenced carousing with his crew, and neither he nor any of his men were sober from that time up to their

arrival at Key West, so much so that the vessel struck the ground on two occasions; and had the master not compromised with the prize officer to pilot the schooner to her destination, it is probable that she would have been lost, with all hands. On their arrival at Key West, on the 7th of July, they were detained on board for twenty-four hours, and refused all communication with the shore. That on being allowed to land, the master went to the marshal's office, and demanded his papers, which were refused him, whereupon he noted his protest at the British vice-consulate. After three days spent in the examination of the ship's papers, and of witnesses, the United States attorney declared that there was no room for proceeding against the schooner, there appearing nothing to warrant her detention; and the papers having been returned to the master, he engaged a crew, and was allowed to proceed with his vessel to this port, where she arrived on the 17th of July, the master duly reporting the facts at this office, and desiring to extend his protest, which, however, could not be done until to-day, as the master had left some of his documents at the consul's at Key West. The rest of the crew were taken by the Juniata to Cape Haytien, from which place they have since arrived here. Now, therefore, these appearers desired to protest, and by these presents do most solemnly protest, against the commander, officers, and crew of the United States ship Juniata, and against the government of the United States of North America, under whose orders the said commander, officers, and crew have acted, for the unjust and arbitrary seizure and detention of their vessel, the Don José, and her cargo; and for all losses, damages, averages, demurrage, and loss of markets which have been sustained, or may have arisen to the said schooner, Don José, her tackle, apparel, or to the cargo and other property on board, in consequence thereof; for these appearers solemnly swear that they have done nothing whatever to warrant the seizure and detention of their vessel as aforesaid.

JAMES E. LORD.
 CEFERINO DE MONASTERIO.
 JUAN MASS.

Signed and declared before me this 7th day of August, 1863.

JOHN V. CRAWFORD,
Acting Consul General in Cuba.

[L. s.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 3, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 2d instant, relative to the capture of the British schooner Don José by the United States cruiser Juniata.

Although this case seems to be a strong one, the President thinks it necessary, before acting upon it definitely, to call on the Navy Department for an explanation concerning the capture. This will be done immediately, and the captor will at the same time be furnished with a copy of the letter from Mr. Boynton of the 15th of July last, comprised in the accompaniments of your lordship's note, with a view to draw his attention to the necessity of directness in his explanation.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 4, 1864.*

SIR: I have the honor to inform you that I have received a despatch from the lieutenant governor of New Brunswick, informing me that he has issued a warrant for the apprehension of the persons whose extradition is demanded by your note to me of the 20th ultimo, and that every exertion will be made to insure their arrest, should they be found within his jurisdiction.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 5, 1864.

MY LORD: I have had the honor to receive your lordship's note of the 4th instant, by which I learn that his excellency the lieutenant governor of New Brunswick has issued a warrant for the apprehension of the persons whose extradition has been demanded by me upon a charge of complicity in the piracies committed on board the Chesapeake, and that due exertion will be made to secure their arrest, if found in that province.

Your lordship will please accept my acknowledgments for this gratifying information, so honorable to the administration of his excellency and to the government he represents.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 5, 1864.

MY LORD: The frequency with which applications for exemption from liabilities as citizens of the United States are made by persons born within her Britannic Majesty's dominions, who are believed to have relinquished by domicile or otherwise all right to their original nationality, makes it necessary that I should request you to instruct the British consuls in this country to continue to be especially careful in the examination of those who prefer claims before them upon this government in the character of British subjects, and to state fully the circumstances affecting their right to that character in the representations they may submit to your lordship. It is apprehended, too, that as, according to the local law in most parts of the United States, a foreign consul has no right to administer an oath which could legally affect any matters of person or property, if a man swears before such consul that he has never been naturalized or has never voted, and the reverse were afterwards to be proved, the perjurer could not be convicted of that crime. It is consequently quite probable that not a few are led so to swear from being made aware of this fact. It is therefore advisable that all affidavits to be used in such cases should be made be-

fore a local magistrate. The consul may grant or refuse the certificate of nationality according to the result. That certificate, however, cannot be regarded as conclusive; but while due weight will always be given to it, yet of necessity in every instance it will be liable to be rebutted by counter proof.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 6, 1864.*

SIR: In several previous communications, and particularly in a note which I had the honor to address to you on the 30th October last, I have stated the very grave objections entertained by her Majesty's government to the system of exacting bonds from merchants shipping goods from the United States to the Bahamas islands. It is, therefore, unnecessary that I should attempt to express the regret with which I have learned that this system of exacting bonds has now been extended to shipments to other British colonial ports, and especially to shipments to Newfoundland.

I beg you to consider very seriously the extract from a despatch from her Majesty's consul at New York, which, with the accompanying papers, I do myself the honor to enclose; and I ask your particular attention to the statements it contains respecting the peculiarly onerous character of the bonds which are exacted, and respecting the especial hardship of imposing restrictions of this nature on the export of provisions to Newfoundland.

The matter appears to me to be very urgent, as well as very important, and I deem it therefore to be my duty earnestly to recommend it to the immediate consideration of the government of the United States.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

[Extract.]

BRITISH CONSULATE,
New York, December 31, 1863.

MY LORD: The restrictions which have been imposed upon the shipments of general merchandise from this port to those of the Bahamas and Bermuda islands have been heretofore under your lordship's consideration. I have now to call your lordship's attention to the very injurious restrictions which are likewise being placed on shipments of flour and provisions to other British colonial ports, especially to those of Newfoundland. Within the last two days I have been called upon by the mercantile firms of Messrs. Robert Dinwiddie & Co. and Messrs. M. E. Greene & Currie for advice and assistance in procuring the clearance at the custom-house of vessels destined for ports of Newfoundland, laden with flour and provisions ordered by, and to be consigned to, well-known houses engaged in the fisheries of Newfoundland, and in the legitimate local trade of that colony.

In regard to one of the vessels, the Iona, belonging to the firm of Punton & Micun, of Harbor Grace, Newfoundland, and laden with the following articles, viz: 1,050 barrels flour, 200 barrels pork, 100 kegs butter, and other provisions, the shippers were called upon to enter into securities in double the amount of the invoice, not merely that the goods shall be landed at Harbor Grace, but that no part of them shall directly or indirectly be transhipped to a port in the insurrectionary States, or be in any manner used for the aid and comfort of the insurgents. I give this as the tenor of the obligation, from its recital to me by the gentlemen in question.

The peculiar and oppressive nature of this bond is the requiring one of the sureties to be possessed of *real estate* of double the value of the invoice. Mr. Greene being fortunately able to swear that he owned real estate to the amount in question, the security of himself and his partner, with that of a third party, was accepted, and the clearance of the vessel was accordingly granted.

In regard to Messrs. R. Dinwiddie & Co., they had loaded the brig Araton, of and belonging to St. John, Newfoundland, with a similar cargo to that of the Iona, and being called upon to enter into a bond similar to that above mentioned, they have felt naturally a great repugnance to comply with the proposal, not merely from the vague nature of the obligation, and the practical impossibility of fulfilling it, but the delicacy and difficulty of procuring a third party possessed of the requisite qualification in real estate to join in the security. In their emergency, and after unsuccessful application by them to the custom-house authorities to dispense with the security, I, at the request of Messrs. Dinwiddie & Co., wrote two notes to the collector, copies of which are herewith enclosed; the second one being written in pursuance of queries by the collector himself, and upon these vouchers, on my part, the vessel has been cleared.

Knowing as I did the highly respectable character, not merely of the shippers, but of the consignees, and parties interested in the shipments in question, who are engaged exclusively in the legitimate trade and fisheries of Newfoundland, I felt that, although I ought not to be called upon to do so, I could safely vouch for the integrity of their proceedings.

But inasmuch as Newfoundland is supplied in a great measure from the ports of the United States with flour and provisions, and as there will be numerous shipments of these articles from this port for that colony, it is obvious that the enforcement of the restriction to which I have adverted will be very serious, if not in some instances prohibitory of the legitimate trade between the United States and Newfoundland. Messrs. M. E. Greene & Currie have now three vessels here waiting for cargoes of provisions on account of Newfoundland houses, and Messrs. Dinwiddie & Co. have long been established shipping agents in the same line. Messrs. Dinwiddie & Co. inform me that, to obtain the security of a person possessing an adequate amount of real estate, they are compelled either to solicit a favor very reluctantly granted by a friend, but which can hardly be solicited a second time, or else pay for such security, as they have heretofore done, a commission of $2\frac{1}{2}$ per cent. on the amount of invoice.

The vague and almost impossible obligation into which shippers are required to enter, the peculiar qualification demanded in regard to the sureties, and the uncertainty as to the nature of the proof requisite for the cancelling of bonds, which may be held indefinitely against the obligors, create burdens serious and oppressive, if not almost prohibitory of the legitimate trade with British colonial ports.

I have, &c., &c.,

E. M. ARCHIBALD.

LORD LYONS, G. C. B., &c., &c., &c.,

Mr. Archibald to the collector of New York.

BRITISH CONSULATE,

New York, December 31, 1863.

DEAR SIR: At the request of Messrs. Robert Dinwiddie & Co., who are shipping flour and provisions to St. John, Newfoundland, I beg to inform you that, from my knowledge of the nature of the trade carried on at St. John and other ports in Newfoundland, I am confident that the shipments now being made by the house of R. Dinwiddie are solely and exclusively for the purpose of being consumed in that island and in the fisheries carried on there. I think it altogether improbable that any such flour and provisions will be transhipped from Newfoundland to the southern ports of the United States or to any intermediate port for that purpose.

I beg to add that I have been for some years acquainted with Mr. Mahlon Vail, who has a large bakery at St. John, N. P., for the supply of which he has been making, and requires to make, regular shipments of flour from the United States to Newfoundland. I can say with great confidence, that any shipments made from hence by Mr. Vail will be used entirely for the purposes of his bakery, or in a small retail trade for consumption in St. John.

I am, dear sir, yours very truly,

E. M. ARCHIBALD.

Hon. the COLLECTOR, *New York.*

The same to the same.

BRITISH CONSULATE,

New York, December 31, 1863.

DEAR SIR: Referring to my note of to-day, I beg leave to add that the people of Newfoundland are not, nor is any portion of them, interested in the political questions in the United States. They have no trade, direct or indirect, nor any commercial transactions with the insurgent States of the Union, neither have they any trade with Nassau or Bermuda, except that occasionally a vessel from Bermuda may visit Newfoundland seeking a freight.

I am, dear sir, yours, very truly,

E. M. ARCHIBALD.

Hon. the COLLECTOR, *New York.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 7, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 6th instant, which prefers complaints, presented by her Majesty's consul at New York, in behalf of certain persons engaged in trade between that port and Newfoundland. The subject of the complaint is, that the collector of customs at New York has exacted new and onerous bonds from such merchants as security; that flour and provisions exported by them to Newfoundland shall not ultimately be for the use of the insurgent enemies of the United States. The subject is entirely new to me, and therefore I cannot undertake to decide upon these complaints without first calling upon the treasury for information as to the proceedings complained of, and for the directions under which the collector at New York has acted. This call will be promptly made.

In the mean time I hope that it may be attributed to an earnest desire, not to increase, but to remove embarrassments, if I call to your lordship's recollection some matters that probably will require to be considered in determining the reasonableness of these complaints. A formidable piratical enterprise to make war upon the United States from the British provinces lying on the shores of the lakes and the St. Lawrence was detected by her Majesty's authorities in these provinces, and was prevented from execution solely by reason of the information these authorities, acting in a most humane manner, gave through your lordship to the government of the United States. More recently a band of pirates, who have taken shelter in her Majesty's Atlantic provinces, when arrived from those provinces at New York, went on board a packet disguised as inoffensive persons, and when the steamer had reached the high seas, rose in the night time, assassinated the engineer, seized, maimed, and bound the captain, carried the vessel into waters of New Brunswick, and received supplies of coal from accomplices awaiting her arrival there, and then conveyed the steamer into the British waters of Nova Scotia. The steamer being taken with some of the pirates on board by a United States ship-of-war in these waters, and placed with those pirates in the hands of the provincial authorities, these authorities, exercising an unquestioned right, declined to re-deliver, except upon formal requisition, either the vessel or the pirates to the agents of the United States; and when these authorities, in understood good faith, issued warrants for the seizure and detention of the pirates, they were saved or delivered from arrest by a mob composed of British subjects, residents of Nova Scotia.

More lately still it has been discovered and made known to her Majesty's government, that, in violation of military regulations, one thousand rifles were shipped from New York to Halifax, which proceeding could have had no other object but either to arm British subjects for a border war against the United States, or to ship these arms from Halifax through the blockade to the use of the insurgent enemies of the United States.

More recently it has been discovered and promptly made known to her Majesty's government, that through a correspondence carried on between an agent located in New York and an agent at Halifax, pirates at that latter place were preparing, under the disguise of passengers, to seize and take two other American steamers, doubtless through a commission of the same crimes of piracy and assassination which were practiced with so much immunity by their accomplices in the case of the Chesapeake.

Still later, persons who alleged themselves to be British, and who, one if not more, came offering themselves as neutral passengers on board American steamers at New York for passage to southern ports, were found to be carrying forbidden and treasonable mails to the insurgents. Simultaneously it was observed that arms and supplies for the insurgents are constantly being fraudulently shipped at New York, by persons claiming British protection under the British flag, and even under the flag of the United States, for the use of the insurgents, and such persons, as well as the carriers of the treasonable mails, are now in custody.

I have made known to her Majesty's government, in a courteous manner, and as I hope with the most profound respect, and the most entire confidence in its friendship towards the United States, the President's opinion that these proceedings all have their legitimate origin in that policy of her Majesty's government which recognizes the insurgents as a naval power, when in the opinion of this government they have never had nor could have any claim to that title; and that their proceedings working together with illicit and clandestine transactions carried on in the British waters, in violation of British laws, notwithstanding courteous remonstrances from this government, tend to involve her Majesty's provinces and the United States in a border war, which would be calamitous to both countries. Upon these grounds her Majesty's government have been so-

licited to consider if it is not possible for them to do something to arrest the practices, which in the manner I have mentioned have been brought to their notice.

I beg leave now to assure your lordship that the United States desire peace and increased trade with her Majesty's American colonies, as well as with Great Britain, and this government will spare no means to secure this end; but that it ought not to excite surprise if at the same time this government practices the vigilance necessary to prevent information, materials, ships, and arms from being conveyed, whether by British or American citizens, into and through the provinces to sustain and prolong an inexcusable domestic insurrection.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 8, 1864.

MY LORD: This department has information that a vessel-of-war, of a friendly power, recently took on board at New York for exportation a large amount of treasure, which fact was not known to the authorities until some time after her departure. The proceeding was not contrary to any law of the United States, or perhaps, strictly speaking, to any rule of comity regulating the intercourse of friendly powers. Inasmuch, however, as it is desirable always to receive with cordial hospitality such vessels-of-war of friendly powers as may visit the ports of the United States, it is expected that they will not take advantage of their immunities to do anything which may tend to disturb the usual course of trade, or to impart uncertainty to those statistics upon that subject in which all commercial nations are interested.

It is manifest that the act adverted to was of that character. It is consequently desirable that, hereafter, when any foreign vessel-of-war shall leave, or shall propose to depart from, a port of the United States, her commander shall report, through the consul of the country to which the vessel belongs, to the collector of the port, confidentially or otherwise, the amount of specie proposed to be exported exceeding that which may have been on board the vessel on her arrival.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

[Same sent to ministers of France, Russia, the Netherlands, Spain, Austria, and Prussia.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 8, 1864.

MY LORD: Your note of the 26th ultimo, relative to the imprisonment of the master and crew of the British steamer Banshee captured on a charge of violating the blockade, was received during my late absence from this city. The attention of the government is seriously directed to that subject.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 9, 1864.

MY LORD: The undersigned, Secretary of State of the United States, has the honor to present his respects to the Right Hon. Lord Lyons, accredited to this government as the minister plenipotentiary of her Britannic Majesty, and to state that he has submitted to the President certain papers which were placed in the hands of the undersigned by his lordship on the 2d day of this month, and which are described as follows:

1. Memorial of Susan Henry.
2. Affidavit of John E. Holt.
3. Memorial of John E. Holt.
4. Affidavit of John E. Holt.
5. Provincial Secretary to Mayor of Halifax, 19th of December, 1863.
6. Mayor of Halifax to Provincial Secretary, 19th of December, 1863.
7. Same to same, 22d December, 1863.
8. City Marshal to Mayor of Halifax, 21st December, 1863.
9. Police Constable Hutt to City Marshal, 21st December, 1863.

The undersigned is authorized, in the first place, to express to his lordship his appreciation of the delicacy of the manner in which his lordship has thus, without formal complaint, brought to the notice of this government the fact that the commander and other officers of the United States steamer *Ella and Annie*, in their recent visit at Halifax, in pursuit of pirates who had captured the American steamer *Chesapeake*, and taken refuge within British jurisdiction, directly violated the sovereignty of her Majesty, by the assumption of power and authority in the name of the United States, as well on board the said steamer *Chesapeake* as on board the British schooner *Investigator*, while within British waters, without having obtained consent thereto of the authorities of her Majesty's government there or elsewhere. The undersigned observes that in some of these papers it is represented that the acts of power and authority referred to were attended with circumstances of severity, rigor, and insult to British subjects. The undersigned, however, thinks that it sufficiently appears from the papers that the rigor and severity alleged were not greater than were necessary to secure the persons of the pirates in pursuit of whom the officers complained of were engaged, and to deliver them up to the British authorities of that place. He hopes that this view of the case may be taken by her Majesty's government. The undersigned would observe, in the next place, that the *Chesapeake* and the prisoners were promptly delivered to those authorities, in compliance with the instructions of this department. The undersigned is further authorized to assure her Majesty's government, in the spirit of a former communication made by the undersigned to his lordship relating to the capture of the *Chesapeake* in British waters, that the President disapproves and regrets the act of force, power, and authority which was exercised by the officers of the *Ella and Annie* within British waters on the occasion mentioned, as a violation of the law of nations and of the friendly relations existing between the two countries so greatly to the satisfaction of the United States and to the advantage of both nations.

The President has reason to believe that the proceedings thus disapproved were taken by the officers concerned under the influence of a patriotic and commendable zeal to bring to deserved punishment outlaws who had offended against the peace and dignity of both countries. The President, while he recognizes this circumstance as modifying the character of the transaction, and mitigating the censure to be bestowed upon it, nevertheless freely concedes that it does not constitute a justification for the violation of the sovereignty of Great Britain which those officers have committed. He has, therefore, directed that they shall

be censured for this violation, and he will take such other means as may be necessary to prevent a recurrence of the grievances complained of. Fully determined to make all the amends that are due to Great Britain in the premises, the undersigned will await the consideration of her Majesty's government upon the case as it has now been submitted.

The undersigned avails himself of this opportunity to renew to Lord Lyons the assurance of his high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 11, 1864.

MY LORD: Referring to my communication of the 13th of November last, relative to the capture of the British steamship Sir William Peel, near Matamoros, by the United States gunboat Seminole, I have the honor to enclose the copy of a letter of the 26th ultimo, and of its accompaniments, addressed to this department by the Secretary of the Navy. From these papers it appears that the legality of the capture is now under judicial investigation, and that all the material facts in the case, as presented, are controverted and denied.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

December 26, 1863.

SIR: Referring to my letter of the 10th of November last, I have the honor to transmit herewith a communication, dated the 1st instant, from Commander Rolando, with enclosures, replying to charges made against him and others of the Seminole, of improper conduct in connexion with the prize steamer Sir William Peel.

The return of the papers, after you shall have finished with them, is requested.

Very respectfully, yours,

GIDEON WELLES,

Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Commander Rolando to Mr. Welles.

UNITED STATES STEAMER SEMINOLE,

Off Sabine Pass, December 1, 1863.

SIR: I have the honor to acknowledge the receipt of your communication of November 10, in reference to a statement made by the master, 1st officer, and 2d steward of the Sir William Peel, in a protest made by them and communicated by Lord Lyons to the State Department.

On the 11th of September I seized the British steamer Sir William Peel, off the coast of Texas, where she had been landing a portion of her cargo, contraband of war, and was receiving confederate cotton from confederate agents at Brownsville.

The ship was taken possession of by Acting Ensign George B. Stephenson, Master's Mate John Dennett, and Sergeant Mackie of the marine guard, with thirteen of his guard, and fifteen men from this ship—the seamen composing the boat's crew who were alongside of the Peel.

As soon as I saw my boats go alongside of the Peel, I went there myself, about 11.30 a. m., and on searching the Sir William Peel I found sufficient contraband of war to justify the seizure.

The master of the Peel, at that time, was not on board, but I instructed his 1st officer to send for him. A short time after his boat was seen returning to the Peel. It was about 2 p. m. when he came on board.

I then informed him (the master of the Peel) upon what grounds I had seized his ship and inquired for his papers. He stated they were at Matamoras. I then told him to send for them, that he would have ample time to obtain them, which he said he would do, the distance to Matamoras being only a ride of six hours from the village of Bagdad, at the mouth of the Rio Grande.

The crew of the Peel, forty-two in number, were then, with their chests and effects, sent to the Seminole in my boats, and on being put on board, all the crew of the Seminole was withdrawn from the Peel except thirteen marines, under charge of Sergeant Mackie, and eight or ten firemen, who were sent to get the engines in readiness for use. At no time were there more than thirteen marines and fifteen men from this ship on board the Peel, and when the men were withdrawn, ten firemen replaced them. At about five p. m. the transfer of the crew of the Sir William Peel, with all their effects, to the Seminole, was completed.

I left the Peel at about 5 30 p. m., and returned to my own ship.

I saw nothing in the conduct of the officers, marines, seamen, or firemen at all calculated to excite such an infamous charge as is made by the officers of the Peel in the protest reflecting on the officers and men of this ship.

On leaving the Sir William Peel, I left the ship in charge of Acting Ensign George B. Stephenson, with Acting Ensign M. H. Karlowski and Acting Master's Mate John Dennett, to assist in keeping an eye on everything on board, and that a regular watch might be kept on the vessel during the night.

The senior engineer, Mr. Babcock, was also on board in charge of the firemen, making preparations for starting the ship next day.

About 6 o'clock the next morning (on the 12th of September) I returned to the Peel to see the progress that had been made in getting her ready to sail, and found my men engaged shipping the propeller, which took some time. In all other respects the ship was ready.

I found all the officers and crew of the Seminole, who were on board the Peel, perfectly themselves, and no sign of any such conduct as the protest represents. I saw and conversed with the officers in relation to the duties of the night.

The conduct of John Maloney, one of the firemen, for drunkenness and insolence to his superior, on the Sir William Peel, and of Joseph Cooper, marine, also for drunkenness, was brought to my notice, and both men were sent on board the Seminole, and there confined in irons for their offences.

About 7 a. m. the master of the Peel came on deck and stated that during the night there had been drunkenness and disturbance on board the ship, occasioned by the officers and men who were in charge. I told him that there could have been but little drunkenness, as every precaution had been taken to prevent it. Sentinels had been placed wherever he had informed me there was liquor, and what drunkenness had taken place among my men was the consequence of his steward's having given liquor to them during the night; but that I

wished him to point out to me any of the men who had been noisy or created a disturbance, or any officer who had not behaved himself, and that the offence should be noticed. He said: "No, that he could not do so; that he had not left his own room during the night, and that it was only the noise he had heard."

The officers and firemen continued all that day (12th September) until about 5 p. m. at work on board the Peel. The work being then completed, she was started for New Orleans in charge of the prize officer.

As regards that part of the protest relating to me personally, I have only to pronounce it maliciously and unequivocally false, and in the statements of officers who were left in charge during the time I was not on the Peel, and while I was on board, you will find a continuous refutation of the malicious misstatement of the protest.

I have thought it best that the officers who were in charge while I was not on board the Peel should each forward to you a statement, as it will place before the department the whole chain of events from the time the ship was seized until she sailed for New Orleans.

There was nothing more that came under my notice, and I attributed the report of the master of the Peel about the behavior of my officers and men, as I do the protest, to the bad spirit of a person detected in a wrong, wishing to embroil others that he may escape the punishment for his transgressions in striving to malign character.

Very respectfully, your obedient servant,

H. ROLANDO,
Commander, United States Navy.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Surgeon Martin to Commander Rolando.

UNITED STATES STEAMER SEMINOLE,
Sabine Pass, December 1, 1863.

SIR: In answer to the charges of the captain of the prize steamer Sir William Peel, I would state that by his request I visited, professionally, his sick brother. I remained on board the ship some three hours, and during that time I witnessed none of the intoxication he mentions, except some slight cases among the boats' crews, and I was informed that Captain Thomham's cabin steward had, in violation of your orders, given the men rum. Before I left I saw him sent on deck by Mr. Stephenson, he having been caught in the act of again giving liquor to our men. His persistence in doing so appears like a design to afford some base for Captain Thomham's misstatement.

I am, sir, very respectfully, your obedient servant,

CHARLES MARTIN,
Surgeon United States Navy.

Commander HENRY ROLANDO,
Commanding U. S. Steamer Seminole.

Assistant Engineer Babcock to Mr. Welles.

UNITED STATES STEAMER SEMINOLE,
Off Sabine Pass, November 30, 1863.

SIR: On the 11th of September last I was ordered by Commander Henry Rolando to go on board the steamer Sir William Peel, taking with me Third

Assistant Engineer H. M. Quigg and three firemen. Shortly after my arrival on board the Peel, Commander Rolando came on board and remained until about five o'clock p. m., when he returned to the Seminole. During the time Commander Rolando was on board the Peel I saw him frequently, and received orders from him, both while on board the Peel and after his return to the Seminole, the same day, and I do not hesitate to pronounce the accusation of his being intoxicated as being utterly void of truth.

I neither saw nor heard of any goods of any kind being taken on board the Seminole from the Peel, except that taken by the officers and crew of the Peel.

The steward (as I took him to be) did offer me liquor, and others in my presence.

My duty calling me about the engines during the night, I can only say that the engineers and firemen were all sober and attentive to duty, they coming under my immediate notice.

I had at no time more than nine or ten firemen on board the Peel, and neither stores nor anything belonging to the Peel was touched or taken by any men of the Seminole to my knowledge.

Very respectfully, your obedient servant,

CLAUDE BABCOCK,

Acting First Assistant Engineer, in charge.

Hon. GIDEON WELLES,

Secretary of the Navy, Washington.

Acting Ensign Stephenson to Commander Rolando.

UNITED STATES STEAMER SEMINOLE,

Sabine Pass, December 1, 1863.

SIR: By your order of the 11th of September I proceeded on board the Sir William Peel in charge of the first and second cutters; the first cutter manned by a crew of thirteen men and nine marines; the second cutter, with her crew of six men and four marines, making in all thirty-two men besides the officers.

After taking possession of the ship, according to your strict orders, I posted sentries over hatchways and steward's pantry, which adjoined the spirit-room, with strict orders to the orderly sergeant to allow no disorderly conduct on the part of the men. At 11.40 a. m. you came on board. I reported to you what I had done. We then proceeded to examine the ship. After making as thorough an examination as we possibly could, you considered yourself justified in making the capture, and gave me orders to have the crew transferred to the Seminole.

I immediately gave orders to the crew to have their effects packed up and be ready to leave the ship at 1 o'clock p. m. At 1 p. m. Acting Ensign F. Kempton came alongside with the launch, and transferred the crew. We then proceeded to heave in the chain, there being out about eighty or ninety fathoms on the port anchor. We hove in to fifteen fathoms. At 5.30 you gave me further orders in regard to getting the ship ready for sea, and strictly charged me to have a sharp eye on the men, and prevent them if possible from getting any liquor.

About 6 p. m. you returned to the Seminole, and left me in charge of the Peel. The ship was making water very fast, and our men were almost constantly at the pumps. Mr. Babcock and myself came on board the Seminole about 7.30 p. m., to see if the engineer of the Peel would go on board and give us some information in regard to the engines. He refused. We then returned to the Peel, and Mr. Babcock, after a great deal of perseverance, succeeded in finding the principal cause of the leak, and stopped it. We then went to work to ship the propeller, and about midnight succeeded in getting it in tolerable good running order.

Notwithstanding all the precaution which was used to prevent the men from getting liquor, there was one or two cases of drunkenness. The steward of the ship seemed determined, at some rate or other, that they should have it. I caught him myself in the act of passing it through the pantry window. I smelled ship's rum very strong, and I think there must have been considerable passed through that window, which could have been easily done by shutting the pantry door, which would prevent the sentinel from seeing. When I became aware of it, I posted a sentry on the other side of the door, on the berth deck, and near the pantry window; and I know that the firemen of the ship had liquor in their mess-room, and that some of our men were in there drinking with them, until I put a stop to it.

I thought that everything was conducted with great propriety, and great attention paid both to personal feelings and property.

With regard to yourself, sir, I can testify, on oath, that you were not intoxicated, and I think that you are entitled to great praise in the prompt manner in which you despatched your business and got the ship ready for sea.

I further state, sir, that a short time after I went on board the Peel I asked the steward for a glass of water. He said that it was not good without brandy, and immediately produced a bottle; and again, some time in the course of the day, feeling a little hungry, I asked him if he could give me some bread and cheese, which he did, and also brought a bottle of ale of his own accord; and from all the circumstances attending the capture, I infer that it was the intention of the captain of the Peel to ply both officers and men with liquor; but I am happy to say, sir, his designs were frustrated, for, with one or two exceptions, and as I have stated before, both officers and crew were sober, and used every exertion to get the ship ready for sea as soon as possible.

Your obedient servant,

GEO. B. STEPHENSON,
Acting Ensign, United States Navy.

Commander HENRY ROLANDO,
Commanding U. S. Steamer Seminole, Sabine Pass.

Acting Ensign Karlowski to Mr. Welles.

UNITED STATES STEAMER SEMINOLE,
Sabine Pass, November 30, 1863.

SIR: Obedient to your orders, I respectfully submit my statement in regard to the capture of the English steamer Sir William Peel.

The charge made against Commander Rolando personally I regard as entirely malicious and unfounded, having been in most constant conversation with him in regard of the ship, &c.

About thirty men, marines, were on board the Peel from the Seminole—constantly at work to get the ship ready for sea. A few cases of drunkenness appeared, with means that were supplied by the ship's steward. Prompt punishment followed, by order of the commander. Ship's provisions, clothing, &c. have not, to my knowledge, been transferred to this ship, further as it was impossible for any men to do so; the boats were always in charge of an officer.

I remain, respectfully, your obedient servant,

M. H. KARLOWSKI,
Acting Ensign, United States Navy.

Hon. GIDEON WELLES,
Secretary of the United States Navy, Washington.

Acting M. M. Dennett to Commander Rolando.

UNITED STATES STEAMER SEMINOLE,
Sabine Pass, December 1, 1863.

SIR: I have to state, relative to the capture of the Sir William Peel, that the charges made by the captain of that steamer against the officers and crew of the Seminole, with breaking open his store-room, with stealing and using violence to persons and property, and even going so far as to charge Captain Rolando himself with being in a state of intoxication, are false.

I saw Captain Rolando when he came on board the Sir William Peel. I received orders from him while there, and saw him when he left the ship (about 5 p. m.) and consider the charge of his being intoxicated at the time an unmitigated falsehood, without any foundation whatever. The number of men is also greatly exaggerated, there not being more than thirty men, besides the firemen, on board at any one time, and a more orderly set of men I never saw. I saw but two men whom I thought were intoxicated. They were immediately confined and sent on board the Seminole early the next morning.

I was in the store-room during the time I was on board but twice. I saw the steward there, who gave me a glass of water. I was not there when it was opened; cannot say who opened it.

Among the crew of the Sir William Peel I noticed several whom I thought were intoxicated; the two engineers I considered most decidedly drunk, and one fireman was in such a beastly state of intoxication it was not considered safe to remove him. For my own part, I have never as yet, in my whole life, drank a glass of intoxicating liquor, consequently I consider myself entirely free of the above charge.

If any violence was used to either persons or property, I know nothing of it. I being the youngest officer on board, my duties were mostly confined to the forward part of the ship, and of course I know very little of what took place in the after part.

Very respectfully, your obedient servant,

JOHN DENNETT,

Acting Master's Mate, United States Navy.

Commander HENRY ROLANDO,

Commanding U. S. Steamer Seminole, Sabine Pass.

Sergeant Mackie to Commander Rolando.

UNITED STATES STEAMER SEMINOLE,
Off Sabine Pass, November 30, 1863.

SIR: In obedience to an order from you, I make the following report of the conduct of the officers and crew of the United States steamer Seminole while on board the prize steamer Sir William Peel, during September 11 and 12, 1863, off the Rio Grande.

About noon, on the 11th of September, I was sent on board the Sir William Peel in command of the marine guard of the Seminole, thirteen in number. As soon as I arrived on board the Sir William Peel the guard was stationed at and on all the important parts of the ship, and strict orders given by myself to the sentinels, as well as by the officer, Mr. Stephenson, ensign, then in charge of the Seminole's crew, numbering in all about thirty men, including the marines, that all liquor be strictly and carefully guarded, and that not a single article of any kind be allowed to be touched by any one whatsoever.

Shortly after 1 p. m. Commander Rolando came on board and inquired for the master of the *Sir William Peel*, but as he was not on board, the first officer was sent for, and he and Commander Rolando went down into the saloon, and going to the after part of it sat down to await the master's arrival, which was expected momentarily.

While they were thus waiting the arrival of the master, I and the two sentinels stationed over the steward's pantry and stores were visited by the steward of the *Sir William Peel*, and bringing two large decanters of French brandy, asked us to take a drink, and at the same time brought us into the pantry, setting before us several kinds of refreshments, and before leaving produced a bottle of cognac brandy, pouring out a large quantity into glasses for us; but I threw the portion set out for myself upon the deck, and forbade the men to take any. It was, in my opinion, the intention of the steward to make me and my men drunk, if he could do so.

Commander Rolando sent for me about this time, and gave me *positive* and *strict* orders concerning the *steward's pantry*, especially the liquors contained in it; these orders I communicated at once to the guard.

The master of the *Peel* came on board about 2 p. m. and went down into the saloon, taking a seat in the after part of it; remained there in close conversation with him (Commander Rolando) for some time.

Commander Rolando came forward as soon as the conversation was ended and gave orders to Mr. Stephenson to take charge of the ship, and to send her crew on board the *Seminole*. Commander Rolando also directed Mr. Babcock, chief engineer of the *Seminole*, to go down and take charge of the engines and boilers.

In the execution of these orders they were quietly but firmly carried into effect; no violence of any kind was used, but every facility was afforded the crew of the *Sir William Peel*, by the officers and men of the *Seminole*; and indeed, so far from using violence, they, the *Seminole's* crew, laid aside their arms and assisted as if they were shipmates, and upon their arrival on board the *Seminole* the men shared their provisions with them; and so little restraint was placed upon them, they might almost be said to have the ship to themselves.

After thoroughly inspecting every part of the ship, and seeing all her men on board the *Seminole*, Commander Rolando left the ship, about 5 p. m., for the *Seminole*, and before leaving he sent for me and gave me very strict orders in regard to the vigilance of the guard, and especially about the *store-rooms*, and I am confident, as are every officer and man on board at that time, that Commander Rolando was perfectly sober and himself, and I am prepared to take oath to that effect, as at any time since or before his coming on board this vessel.

During the night everything was conducted as quietly and gently as possible, nor were there any evidences of intoxication on the part of the men except in two cases, and that was from the effects of liquor given to them by the steward of the *Sir William Peel*; and indeed I had to remonstrate with him several times about it, and once had to relieve a sentinel off duty to prevent his becoming intoxicated. If I had not used authority to prevent the steward from giving the men liquor, nearly every man on board at the time would have become intoxicated, as it was freely offered and given to any one that pleased to accept it.

There were not at any time more than thirty men, including marines, from the *Seminole* on board the *Peel*; and when the crew of the *Peel* was sent to the *Seminole*, all of our sailors returned and ten firemen were sent to get the engines ready for use; thus during the night there were on board only the guard of thirteen and ten firemen.

I would further state that nothing of any kind was taken or touched by any of the officers or men of the *Seminole* belonging to the *Sir William Peel*, that came under my knowledge.

The above is a clear, full, and concise statement of all that transpired while I was on board the Sir William Peel, in command of the marine guard.

I have the honor to be, sir, yours, very respectfully,

JOHN MACKIE,

*Orderly Sergeant United States Marine Corps,
Commanding Marine Guard, United States Steamer Seminole.*

HENRY ROLANDO, Esq.,

Commander United States Steamer Seminole.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 12, 1864.

MY LORD: I have the honor to communicate a copy of a telegram this day received from the United States consul general at Montreal, relative to a supposed gathering of insurgents at Windsor, Canada. This information is imparted in order that you may take into consideration the expediency of making the same known to her Majesty's authorities in Canada.

I have the honor to be, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Giddings to Mr. Seward.

[Telegram.]

UNITED STATES MILITARY TELEGRAPH,

War Department.

[Received in cipher, January 12.]

Montreal, January 12, via New York, January 12, 1864.

Lieutenant Braine, Colonel Talbot, and other confederates are here on their way to Windsor. There seems to be a concentration there for some purpose.

J. R. GIDDINGS,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 13, 1864.

MY LORD: Referring to my note of the 20th ultimo, relative to the extradition of John C. Braine, H. A. Parr, John Parker Locke, *alias* Vernon G. Lock, David Collins, George Robinson, John Wade, and others, fugitives from the justice of the United States, then supposed to have taken refuge in the British province of New Brunswick, or of Nova Scotia, I now have the honor to inform you that it is possible that the fugitives above named, especially John C. Braine, may have taken refuge in Canada. I will consequently thank you to take the necessary measures for their delivery up by the Canadian authorities in pursuance of the 10th article of the treaty of Washington.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 13, 1864.

MY LORD: With reference to your communication of the 22d ultimo, relative to the case of the British bark Julia, and to my reply, I have the honor to enclose herewith the copy of a letter of the 11th instant, and addressed to this department by the Secretary of the Treasury.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *January 11, 1864.*

SIR: I have the honor to return herewith the despatch of Lord Lyons, of the 22d ultimo, and accompanying papers, relative to the voyage of the British bark Julia from Amoy.

The charter-party is express in its provisions that the "charterers (are) to have the option of sending the vessel to Montreal, New York, Charleston, or New Orleans, but to one port only, and to either of the southern ports only, if the blockade is raised and the port open for commerce," of which the master would be advised on reaching St. Thomas.

Relying on the integrity of the papers submitted, I am satisfied that the voyage to be made is perfectly legitimate, and that the insertion of the name of Charleston in a charter-party made in China, with the provision above cited, is no cause for seizure on the arrival of this bark into the port of New York, and have so advised the collector of customs of that port.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 13, 1864.*

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, has the honor to acknowledge the receipt of the note dated the 9th instant, which the honorable William H. Seward, Secretary of State of the United States, has addressed to him, with regard to the proceedings in Nova Scotia of the United States naval officers engaged in the pursuit of the steamer Chesapeake.

The undersigned has hastened to communicate a copy of the Secretary of State's note to her Majesty's government.

He begs the Secretary of State to accept the assurance of his very high consideration.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 13, 1864.*

SIR: I had yesterday afternoon the honor to receive your note of the same day communicating to me intelligence which you had received from the United States consul general at Montreal, respecting a gathering of enemies of the United States at Windsor, in Canada. I immediately transmitted the intelligence to the governor general at that province.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 13, 1864.*

SIR: Her Majesty's government have been informed that the British brigs *Volante*, of Jersey, and *Dashing Wave*, of Liverpool, have been captured by United States cruisers at Matamoras; and her Majesty's government have directed me to inquire of you on what grounds these vessels, which are stated to have been engaged in a legitimate trade between the United Kingdom and the Mexican port of Matamoras have been thus captured.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 14, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, in which, under the instructions of your government, you ask to be informed of the grounds upon which the British brigs *Volante*, of Jersey, and *Dashing Wave*, of Liverpool, have been captured by United States cruisers at Matamoras, and to state that I have made application to the Secretary of the Navy for the desired intelligence.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 15, 1864.

MY LORD: Referring to your communication of the 17th ultimo relative to

the case of Patrick Hamilton—a prisoner in Fort Warren—and to my reply, I have the honor to enclose herewith the copy of a letter of the 7th instant, addressed to this department by the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *January 7, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, enclosing a copy of a letter from Lord Lyons, with copies of the accompaniments, relative to the case of Patrick Hamilton, a prisoner in Fort Warren, who claims to be a British subject.

Patrick Hamilton was captured while violating the blockade, and was detained because he was represented to be a pilot and a dangerous man—one who had been constantly engaged in violating the laws and regulations of this government.

I am, very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 15, 1864.*

SIR: I have the honor to transmit to you copies of a despatch and its enclosures which I have this day received from the governor general of Canada, relative to the detention of live stock by the United States customs authorities at Niagara suspension bridge. I beg you to be so good as to recommend these papers to the immediate attention of the proper authorities, and I should be extremely obliged to you to let me have an answer at your earliest convenience.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, January 9, 1864.

MY LORD: I have the honor to transmit herewith to your excellency an approved minute of the executive council of this province, together with a report of the chief officer of the customs department on which that minute is founded.

I shall feel obliged if your excellency will bring these documents before the notice of the Secretary of State of the United States, in order that, if the construction put by the United States customs officers at the suspension bridge, Niagara, on the orders issued by the Treasury and War Department is erroneous, instructions may be given accordingly.

I have, &c.,

MONCK.

LORD LYONS.

Report of a committee of the honorable the executive council, approved by his excellency the governor general on the 8th January, 1864.

On a representation made by Messrs. Nash and Davies, of Hamilton, C. W., stating that a large number of live hogs imported by them from American markets have been stopped by the American customs authorities at the Niagara suspension bridge, under certain alleged orders from the War and Treasury Departments at Washington, which they interpret as prohibiting the exportation of live hogs, and requesting the assistance of the government to obtain relief in the premises, the honorable the minister of finance recommends that a copy of a report on the above case made by the commissioner of customs be transmitted by your excellency to her Majesty's minister at Washington, with the view of having its subject-matter brought under the notice of the American government.

The finance minister states he is persuaded there must have been some misapprehension of the scope of the orders issued by the War and Treasury Departments at Washington, on the part of the custom-house official on the Niagara frontier, as they have not been construed as prohibiting the exportation of live hogs to Canada at any other point.

The committee advise that the above recommendation be approved and acted on.

Certified.

WILLIAM H. LEE,
Committee Executive Council.

Report upon the case of Messrs. Nash and Davies, of Hamilton, C. W., relative to certain live stock detained by the United States customs authorities at the suspension bridge.

FINANCE DEPARTMENT CUSTOMS,
Quebec, January 5, 1864.

Messrs. Nash and Davies are, it appears, large dealers and contractors in the pork-packing business at Hamilton, C. W., and having lately made, as such, large purchases of live hogs in American markets, had directed that the hogs should be forwarded to them in Canada, *via* Niagara suspension bridge.

They now represent that on the 21st of December last, the hogs in question were detained in transit by the American customs authorities, at the suspension bridge, under certain orders issued by the War and Treasury Departments of the United States, prohibiting the exportation of arms, ammunition, and munitions of war, the first of which orders having date November 21, 1862, appears from the copy transmitted to have issued under the direct authority of the President; the other two bearing, respectively, date the 13th and 19th of May last, having issued the one from the War and the other from the Treasury Department of the United States.

Messrs. Nash and Davies do not appear to have been aware of the existence of such a prohibition, or at least of its extending to live stock, it being well known that down to the time of the detention of their hogs at the bridge, importations of all sorts of live stock, horses, horned cattle, sheep, swine, &c., had been made into Canada from the United States throughout the year, and long therefore after the date of the prohibitory orders referred to.

By the official returns to this department, it would appear that during the first

three quarters of 1863 the importations of live stock from the United States into this province were as follows :

	Horses.	Horned Cattle.	Sheep.	Pigs.
First quarter.....	445	1, 521	900	1, 768
Second quarter.....	451	2, 093	441	5, 299
Third quarter.....	423	1, 903	1, 414	3, 300
	<u>1, 319</u>	<u>5, 508</u>	<u>2, 755</u>	<u>10, 367</u>

The returns for the last quarter of 1863 have not all come in, but the statements received from eight only of the Canadian ports show the following importations :

Horses.....	277
Horned cattle.....	664
Sheep.....	2, 707
Pigs.....	7, 517

Messrs. Nash and Davies were therefore taken by surprise when informed that 211 live hogs, which they had purchased in American markets, were stopped at the suspension bridge under the prohibitory orders referred to, and thus now appeal to this department to ascertain, it is presumed, how far through its instrumentality any measures of relief could be obtained, to meet the consequences of their inability, under such circumstances, to fulfil the contract they have entered into of the right of the government of the United States, as of all other national governments, to prohibit the exportation of any article, or class of articles, which it may be their policy to retain at home for war and other purposes, there can, it is believed, be no doubt.

The prohibitory orders in question do not appear to transcend that right, and the undersigned can therefore see no means by which their consequences can be avoided in Canada ; nor can this non-exportation order be viewed, as supposed by Messrs. Nash and Davies, in the light of an interference with the reciprocity treaty, such order having no bearing upon our exports to the United States under that treaty. Under these circumstances, the case of Messrs. Nash and Davies appears to be without any direct remedy, except by special representation of the government at Washington, founded upon the fact, which it so abundantly established by official returns, that long after the promulgation of the orders in question in the United States, and before their existence or scope were generally known to the trade in Canada, importations of live stock continued to be made as usual from the United States into Canada, justifying the impression that the prohibition was not considered by the customs authorities of the United States as extending to the exportation of live stock.

Upon this basis it is believed that the case of Messrs. Nash and Davies might be brought under the notice of the Treasury Department in Washington, and submitted for favorable consideration ; at the same time the undersigned would respectfully suggest that public notice be given in this province of the prohibitory order in question, issued by the United States government, so soon as the scope of such order can be officially ascertained.

Respectfully submitted.

R. S. M. BOUCHETTE,
Commissioner of Customs.

Hon. L. H. HOTTEN,
Finance Minister.

Lord Lyons Mr. Seward.

WASHINGTON, *January 16, 1864.*

MY DEAR SIR: I send you herewith the papers relative to the affair of the Chesapeake, which I showed you this morning. I have added a copy of a letter from the mayor of Halifax to the provincial secretary.

The papers enclosed comprise, therefore, an extract from a despatch from General Doyle, administrator of the government of Nova Scotia, to me, dated 6th instant, a copy of a telegram from General Doyle to me, dated 14th instant, and a copy of a letter from the mayor of Halifax to the provincial secretary, dated 30th December last.

Believe me to be, my dear sir, your very faithful humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract of a despatch from General Doyle to Lord Lyons, dated Halifax, January 6, 1864.

"MY LORD: I have the honor to acknowledge the receipt of your lordship's despatch of December 22, communicating the application of the honorable W. H. Seward, Secretary of State at Washington, for the extradition, under the treaty, of John C. Braine, H. C. Parr, John Parker Locke, *alias* Vernon G. Locke, David Collins, George Robinson, John Wade, and others, but upon which no action has been taken, as I had previously granted my preliminary warrant for the apprehension of the same persons upon the requisition of the vice-consul of the United States at this port.

"I beg also to enclose herewith a corrected copy of my despatch of the 23d ultimo to his grace the Duke of Newcastle, to be substituted for the copy previously forwarded to your lordship, as some slight alterations were made in that document before it was forwarded to England. I also transmit, for your information, my second despatch of the 24th of December, forwarded to his grace by the same post.

"As your lordship has been already addressed by telegraph, my government having decided to put the Chesapeake into the court of vice-admiralty, precluded the adoption of any suggestion to dispose of her by the direct action of the government.

"Surrounded as this matter is with complicated legal questions, the course thus taken to secure the decision upon them of a judicial tribunal will, I doubt not, meet with your approval.

"Although no apprehension on the part of my government existed as to the safety of the Chesapeake from any attempt to interfere with her, I felt it my duty to take every precaution to put that beyond doubt by placing an armed party on board, and mooring her securely in Halifax dock-yard.

"The advocate general has been engaged in completing the necessary papers, and she was this day handed over to the court of vice-admiralty.

"I have further to inform your lordship that having learned that goods had been landed from the Chesapeake in the country districts of this province, I despatched duly commissioned revenue officers in search of them, and they have seized all that could be found and sent them to this port, where they are now warehoused, and will abide the decision of the court.

"As your lordship has been already advised, I issued a commission to investigate the charge contained in a telegram to the vice-consul here, to the effect that Braine had been arrested at Petite Rivière, but rescued by the people. The report of this commission proves that statement was inaccurate, as Braine had not been served with any legal process on the occasion referred to.

“Up to the present time none of the parties against whom warrants were issued have been apprehended in this province, although every facility has been rendered by my government for that purpose.

“In accordance with my previous letter to his worship the mayor of this city, offering any assistance the civil power might require, that officer made application to me to aid him with a military force a few days since, when Braine was expected here by the railway train. This was promptly granted, and every means taken to secure him, but in vain, as he was not found.—(Vide accompanying copies of letters from the mayor.)

“The parties accused of having prevented the arrest of Wade were summoned to appear before the proper authorities with a view to requiring bonds for their appearance to answer the charge at the first sitting of the supreme court in April next. Upon their application for time for defence the case was remanded until Monday, the 11th instant.

“In conclusion, I beg to say that I will keep your lordship informed of any additional facts that may transpire in connexion with this matter.”

Telegram from General Doyle to Lord Lyons, dated

HALIFAX, January 14, 1864.

The examination of witnesses for the crown against Drs. Almen and Smith, and Mr. Keith, accused of having assisted Wade to escape, occupied from twelve until half past seven, on the 11th instant, and the facts were brought out too clearly for misapprehension. The substance of Lieutenant Reyne's report, which is in your possession, was proved in every particular.

First. The civilians on the Queen's wharf, which is a very large one, were not in all forty, (40,) and all of respectable position.

Secondly. Not a shadow of evidence of concert or premeditation to obstruct arrest of Wade.

Thirdly. Only the three gentlemen above named at all implicated; the latter two in the slightest degree possible, and after a struggle between Dr. Almen and the constable had commenced.

Fourthly. No arrest made. The obstruction: Dr. Almen calling a boat proceeding in the stream, and interfering with constable's pistol when presented against the boat. All three above named bound over to stand their trial at the first sitting of the supreme court, I waiting until recognizances were completed (which they were not until yesterday) to telegraph to you.

HASTINGS DOYLE.

Major General and Administrator.

The Mayor of Halifax to Mr. Tupper.

MAYOR'S OFFICE, HALIFAX,

December 30, 1863.

SIR: I have the honor to request that you will convey to his honor the administrator of the government my thanks for the military aid so promptly afforded me yesterday in the intended arrest of John C. Braine.

I regret to say that the effort was unsuccessful, although no precautions were omitted for securing the object in view. I directed two policemen to proceed with the warrant to the Bedford station, (about nine miles from the town,) and to return to town by the evening train from Truro. If Braine should be a passenger, they were to arrest him and hand him over to the city marshal, who was directed to be at the terminus with a strong force to receive him.

I was present myself on the arrival of the train, as was also the city marshal with the whole available police force, aided by a military party of sufficient strength to overcome any attempt at interference, should such have been contemplated.

I had requested the American consul to send some person to accompany the police who could identify Braine, and an engineer and fireman of the Chesapeake were accordingly sent for that purpose.

No passenger, however, could be found in the train, after a most thorough search, bearing any resemblance to Braine.

As it was possible that, for the purpose of misleading the authorities, he might have exchanged at one of the country stations from the Truro to the Windsor train, I thought it prudent to await the arrival of the latter, but with equally unsuccessful results.

I have, &c.,

P. CARTERET HILL, *Mayor.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 16, 1864.

MY LORD: This department has been informed by Mr. Leas, the commercial agent of the United States at Belize, British Honduras, that recently the United States schooner *J. L. Gerrity*, while on a voyage from Matamoros to Havana, with a cargo of cotton and with six passengers, was taken possession of by the latter, her master and crew being placed in the boat from which it is supposed they subsequently landed on the coast of Mexico. The flag of the insurgents having then been hoisted on the vessel, and her name changed, she went to Belize and disposed of her cargo. The leaders in this act of piracy were J. F. Brown and Thomas Hogg. The names of the four others are not known.

Mr. Leas endeavored to have them arrested, in order that they might be delivered up for trial in this country, pursuant to the tenth article of the treaty of Washington; but although the authorities at Belize were prompt and courteous upon the occasion, the pirates, according to our last intelligence, had probably escaped beyond the jurisdiction of those authorities. If, however, they should hereafter be found there, or in any other part of her Majesty's dominion, their delivery as aforesaid will be expected, in conformity with the very proper disposition manifested by the authorities at Belize. The vessel remains at Belize. Her restitution will also be expected.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 18, 1864.

MY DEAR LORD LYONS: I have received your lordship's papers relating to the case of the Chesapeake at Halifax, described as follows: An extract from a despatch from General Doyle, administrator of the government of Nova

Scotia, to you, dated the 6th instant; a copy of a telegram from General Doyle to you, dated the 14th instant; and a copy of a letter from the mayor of Halifax to the provincial secretary, dated the 30th of December last.

It gives me pleasure to acknowledge that the proceedings of the governor general of Nova Scotia in regard to this matter seem to have been conducted in good faith towards his own government as well as towards that of the United States.

It appears to the President, however, that the governor general, as the executive officer of the province of Nova Scotia, under the circumstances of that extraordinary case, ought to have relinquished to the agents of this government the stolen vessel and the pirates found on board of her, subject to the express engagement of this government to answer to the British government any claim that it might have either upon the ship or the men. It will be fortunate, indeed, if the delays which have resulted from the opposite course adopted by his excellency do not encourage the same or other offenders to the commission of new crimes against the peace and dignity of both countries. We shall await the termination of the judicial proceedings which have been instituted in the case with deep interest, and it can hardly be necessary for me to say that, in the view of this government, no adverse decision of the provincial tribunals can modify the claim of the owners of the vessel and cargo to the full restitution which has been asked by this department.

I am, my dear Lord Lyons, faithfully yours always,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 18, 1864.

MY LORD: I have now the honor to communicate to your lordship the facts relating to the arrest of James McHugh, referred to in your note of the 26th ultimo, with the views of that case which are taken by this government.

James McHugh claims that he was born in Ireland, and is, therefore, a subject of the Queen of Great Britain. He was domiciled, residing, and pursuing a mercantile business in Savannah when the insurrection broke out; and, at the time of his arrest, he was a clerk in the service of John Treanor, an insurgent, residing in Savannah. It is not known, nor does it appear, that McHugh, since coming to this country, has manifested or entertained any intention of returning to Great Britain, and renewing his alleged native allegiance. It is not known to this government whether or not he has been naturalized, or has made the preliminary legal declaration of an intention to become a citizen of the United States. He left Savannah after the war began, but at what time is not known to this government, and, by running the blockade, proceeded to Ireland. In pursuance of instructions from his employer in Savannah, he purchased in some British port merchandise, to be shipped and run through the blockade to Savannah. The merchandise was of the value of between seventeen thousand and eighteen thousand dollars. It was shipped at Liverpool, on board of the Bermuda, which claimed—whether truly or not this government is not informed—to be a British vessel, and which bore the British flag. She carried, besides the freight, drugs, gunpowder, and canvas before named. The shipping-agents were Fraser, Trenholm & Company, agents at Liverpool of the insurgents at Richmond. The captain of the Bermuda was an insurgent citizen of the United States, born in Charleston, and residing there or in some other part of the region now in insur-

rection. The vessel was cleared for Bermuda, and no other port, and arrived at that port—McHugh being on board, together with the aforesaid freight. After some stay there the Bermuda proceeded to sea, under a pretence of going to Nassau, but really intending to run the blockade. She was captured; her captain destroyed his papers. The prisoner was found on board; and he admits that he was proceeding to reach Savannah through the blockade. The Bermuda was taken into Philadelphia, when the prisoner's examination was taken, and then he was discharged from custody, under a belief that he was a neutral subject of a foreign power.

In the month of December last this government found it necessary to institute a search of vessels and papers departing from the port of New York, in order to prevent piracy in our waters and on the high seas. McHugh was found on board of the steamship *City of Washington*, then about to leave New York. On his person was found a collection of pictures, illustrative of his devotion to and habitual association with the insurgents, and of hostility to the United States, and letters addressed by disloyal citizens of Baltimore to pretended officers in the insurgent forces, bearing the pretended postage stamps of the insurgents.

Under these circumstances, James McHugh was arrested, and is detained in military custody, as an active enemy of the United States, who has no claim to be treated as a neutral subject of her Majesty the Queen of Great Britain.

I am further to inform your lordship that since it is now confessed and fully known that the pretended insurgent authorities at Richmond are engaged in loading vessels and cargoes from British ports to the American ports on so-called government account, and since the Bermuda was despatched with her unlawful cargo by Fraser, Trenholm & Company, this government presumes in her case, until those who shall be found in her service shall prove to the contrary, that she is not a neutral merchantman, but a war transport, and that James McHugh, a resident owing temporary general allegiance to the United States, having been found on board of her, with arms and munitions of war for the enemy, is, on that ground, detained as an insurgent, amenable to the laws of the United States.

I append a copy of an intercepted letter written by the prisoner, McHugh.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

[From the Washington Chronicle of the 16th January, 1864.]

MR. M'HUGH HAS STEAMERS FOR SALE.

Mr. McHugh to Mr. Lamar.

BELFAST, July 24, 1863.

DEAR SIR: Your favor of the 22d is come to hand. I was pleased to see your name in the paper as having arrived by the *Canada*, as I feared you were on board the steamer *Victory*, captured by the United States steamer *Florida*, off *Frying Pan* shoals, last month. Should you not succeed in procuring steamers, we have still a few left here that may be had at a price. A very nice little river steamer, called the *Heroine*, leaves here at the latter end of next month, virtually for the Australian trade. Although the parties have paid £500 of a deposit, yet they may back down, as they bought her thinking that *Vicksburg* would still be able to hold out.

I shall be glad to hear from you, as to what day I may expect you over here. If not convenient, I shall go over and meet you in Liverpool.

Waiting your reply, I remain, very respectfully, your obedient servant,
JAMES McHUGH.

C. A. L. LAMAR, Esq.

Lord Lyons to Mr. Seward.

WASHINGTON, January 18, 1864.

SIR: I had, ten days ago, the honor to receive your note of the 8th instant, informing me that the attention of this government was seriously directed to the subject of the imprisonment of the master and crew of the British steamer *Banshee*.

The case, as presented to me in the despatch from her Majesty's consul at New York, which I had the honor to communicate to you on the 26th of last month, is that of British subjects—the master and crew of a British vessel—captured on suspicion of breach of blockade, who are detained as prisoners under direct instructions from the United States government.

You will at once perceive that, as the case stands, it is impossible for me to acquiesce in this exercise of power by the government of the United States. You will remember that it has more than once been my duty to declare to you, by order of her Majesty's government, that it cannot be admitted that subjects of the queen are to be treated as prisoners of war because they form part of the crew of a vessel captured for breach of blockade; and you will not have forgotten the distinct and positive declaration to that effect which I made, by the express command of her Majesty's government, in the note which I had the honor to present to you on the 31st October last, with regard to the case of the *Victor*. You will therefore readily understand that I feel bound to press, without further delay, for an explicit answer to my request or information as to the grounds of the imprisonment of the master and crew of the *Banshee*.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, January 18, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the day before yesterday's date, relative to the United States schooner *J. L. Gerrity*, which was seized by passengers on board and carried to Belize. I have lost no time in forwarding a copy of it to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 19, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's

note of the 18th instant in relation to the imprisonment of the master and crew of the so-called British steamer *Banshee*. This case was first brought to the notice of this department by a note from your lordship, written on the 26th day of December, in which you communicated an extract from a despatch of her Majesty's consul at New York, wherein it is stated that the master and crew are detained under direct instructions from the United States government, and that they are confined in New York jail. In each of your lordship's communications it is stated that the prisoners were captured on a charge of breach of the blockade. The advices of the capture which have been received by the government stated that the *Banshee* belonged to the rebels. She appears to have been captured by an army transport instead of a vessel belonging to the naval service, and it is presumed to be owing to this fact that the papers which have been received at this department from the Secretary of the Navy, in compliance with my accustomed inquiries, fail, on examination, to give the full and exact information which was expected, and which is needed to enable me to give the explanations which your notes require. On discovering this deficiency, I have lost no time in calling on the proper agents to supply the information wanted, and I expect to be able to recur to the subject after a few days.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 20, 1864.

MY LORD: I have already had occasion to apologize to your lordship for unavoidable delays of attention to such of your lordship's favors as were received during my recent absence from the department on a short visit to the State of New York.

Among those favors was a note which was addressed to me, on the 23d of December last, by you on the subject of the alleged violation of the sovereignty of Great Britain, in May last, by Captain Trenchard, of the United States steamer *Rhode Island*, in the chase of the blockade runner *Margaret and Jessie*.

That transaction was first brought to the notice of this department by the consul of the United States residing at Nassau, in a despatch written on the 16th of May last. [38th Congress, 1st session, House Ex. Doc. No. 1, page 644.] The case having been made the subject of communication (oral, if I remember rightly) between your lordship and myself, I had the honor to inform you, by a note bearing date on the 16th of June last, [38th Congress, 1st session, House Ex. Doc. No. 1, page 644.] that Captain Trenchard, in writing of the chase of the *Margaret and Jessie* to the United States consul at Nassau, says that he did not chase that vessel within British jurisdiction. I added that, if reports should be made conflicting with this statement, I should think they would prove to be erroneous, as Captain Trenchard had been distinguished for his caution and correct exercise of his authority. Nevertheless, I concluded with saying that if it should appear that any act of hostility or of pursuit was committed within the maritime jurisdiction of Great Britain, the act would be disavowed, and ample redress would be promptly given.

In reply to this note, the honorable Mr. Stuart, charged with the conduct of her Majesty's legation here, in your lordship's absence, on the 12th of September last, [38th Congress, 1st session, House Ex. Doc. No. 1, page 693,] addressed to me a note, in which he stated that the evidence which had been laid

before her Majesty's government seems to put beyond all doubt the fact that a very grave violation of international law and of the Queen's territorial rights and jurisdiction was committed upon the occasion in question, and that he had, consequently, been instructed to press for immediate explanations from the United States government. Mr. Stuart proceeded to observe that the fact which appears certain, that the shot and shell of the United States war steamer repeatedly struck the shore and objects on the shore of her Majesty's territory, makes it very difficult to understand how the captain of that vessel could have honestly reported that he did not chase the Margaret and Jessie within British jurisdiction. Mr. Stuart concluded with saying that unless the captain of the war steamer could rebut this testimony, which does not appear possible, her Majesty's government would of course expect that the redress which is usual in such cases of violation of territorial rights and jurisdiction would be promptly given by the United States, as announced by you in your note above mentioned. On the 15th of September [38th Congress, 1st session, House Ex. Doc. No. 1, page 694.] I had the honor to acknowledge the receipt of Mr. Stuart's note, and to inform him that the Secretary of the Navy had been called upon for information on the subject, and to assure him that this government would lose no time in ascertaining the merits of the case, and rendering such decision upon it as justice and the law of nations require.

On the 22d of September last I addressed to Mr. Stuart a further note, in which I had the honor to inform him that the Secretary of the Navy had requested that the Navy Department might be supplied with a copy of the testimony which had been laid before her Majesty's government, in order that an opportunity might be afforded to the accused party to rebut it before a court-martial or court of inquiry, as might be directed, and therefore I had the honor to request that Mr. Stuart would be good enough to furnish me with a copy of the evidence in question for communication to the Secretary of the Navy. Mr. Stuart, on the 22d of September, informed me that the evidence referred to had not been furnished to him by his government, but he would not fail to communicate my request to Earl Russell by the first opportunity. Your lordship's note, just above acknowledged, gives the answer of her Majesty's government to the request which I had just made for a copy of the evidence upon which the claim of that government rests. In this note your lordship informs me that her Majesty's government readily comply with that request, and accordingly you have submitted to me in the original all the documents containing evidence bearing on the case.

You proceed in your note to inform me that it is your duty, in execution of instructions, to state distinctly that her Majesty's government cannot consent that the demand for redress which they have preferred should be in any way affected by the proceedings of the government of the United States relating to the conduct of any officer or other person who may be responsible to this government for his misconduct in the matter, and that you are further directed to express the confident hope of her Majesty's government that upon receiving evidence of the facts so clear and decisive as that contained in these documents the government of the United States will, without further delay, give proper satisfaction for so very serious an outrage upon the territorial rights of her Majesty.

In acknowledging the receipt of this important testimony I have to inform your lordship that a copy of it will be immediately taken for the use of this government, and thereupon, in compliance with your request, the original will be promptly remitted to your lordship's care. The Secretary of the Navy will be furnished with the testimony submitted. If the honor and interests of the United States shall permit of a decision of the case, upon that testimony, without waiting for evidence supporting or combatting, it will give the President pleasure to make such a decision. If, on the contrary, further investigation

shall be found necessary it will be made without injurious delay, and will be made in such a form as shall seem best calculated to elicit the exact truth and prepare the way for a disposition of the subject which shall be just and honorable to both countries.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, January 20, 1864.

SIR: It has been represented to her Majesty's government that a schooner named the "Etta," owned by Messieurs G. Renonard & Company, of Nassau, was seized at New York by the United States authorities in the autumn of last year; and her Majesty's government have directed me to ask you to inform me as to the grounds of the seizure, and as to the steps taken by the United States government to establish its legality against the British owners who claim the vessel.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 21, 1864.

MY LORD: Having obtained from the district court of the United States for the southern district of New York the proceedings and proofs on file in that court in the case of the British brig "Isabella Thompson," I have now the honor to recur to your lordship's note of the 31st of December last in relation to that case.

It appears by the proceedings before mentioned that an appeal from the decree against which her Majesty's government complains has been taken by the claimants and is now pending in the Supreme Court of the United States. This appeal is perfectly regular and in accordance with the rules and principles of universal admiralty law. Every question which is raised in your note, whether of law or of fact, is a proper one for examination on the appeal, and the appellate tribunal is competent to decide it. In theory that tribunal is more competent to investigate these questions than the executive department of the government, and I think it quite certain that her Majesty's government would be of that opinion if the President, attempting to withdraw the case from the judiciary, should decide it against, instead of in favor of, the claimants. If he should so withdraw the case and then decide it in their favor, there is still no law of the United States under which the money needful to pay the damages and costs he might award could be drawn from the treasury, and it might well be apprehended that Congress would require better reasons than any the President could give, in that case, for having arbitrarily attempted to charge the United States with a liability which the prize court has pronounced to be without any

legal or just foundation. It seems to me, therefore, that the case must be allowed to remain, at least for the present, with the eminent tribunal in whose care it has so properly been placed.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 21, 1864.

MY LORD: Your note of the 30th ultimo, relative to the case of the "Victor," was duly received, and has been taken into consideration. This department expects to have occasion soon to address you again on that subject.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 21, 1864.

MY LORD: I have now the honor, by the President's direction, to reply to the note with which I was favored by your lordship on the 29th of October last, in relation to the steamer General Rusk, alias the Blanche.

In performing this duty it seems to me necessary to do little more than to extricate the argument presented in the note concerning that case which I had the honor to address to your lordship on the 4th of August last from the misapprehension thrown over it by her Majesty's government.

Your lordship, referring to that communication, observes as follows: "Your note states that Commodore Hunter has been visited with the censure of the United States government for having intentionally violated the maritime jurisdiction of Spain; but it alleges that this outrageous and indefensible proceeding on the part of a United States officer imposes no obligation on the government of the United States to indemnify those upon whom that officer, acting in the name and under the flag and authority of this government, has inflicted a very grievous injury."

If your lordship will do me the favor to recur to my communication of the 4th of August,* you will find that what I did say in that communication on the point thus raised was as follows: "The undersigned admits, as he has always heretofore admitted, that it has been established upon satisfactory evidence that Commodore Hunter intentionally violated the maritime jurisdiction of Spain, for which he has deservedly received the censure of the government of the United States, as her Majesty's government has truly shown; nevertheless, the undersigned cannot admit that that intentional wrong, committed by a subordinate naval agent of this government against the sovereignty of Spain, has created or at all affects any liability against the United States to indemnify the alleged master and owners of the steamer General Rusk and her cargo beyond the in-

*38th Congress, 1st session, House Ex. Doc. No. 1, page 685.

juries which the officers and crew of the United States war steamer actually inflicted upon the vessel and cargo."

After having submitted this correction to your lordship, I must be allowed to say that it was quite unnecessary for her Majesty's government to reply, as they do, through your lordship's note now before me, that the censure of Commodore Hunter, or even his dismissal from the United States navy, for a gross and deliberate violation of international law, can constitute no substantial redress to the owners of the *Blanche* (thereby meaning the *General Rusk*) and of her cargo.

The argument of my note of the 4th of August was, that the steamer *General Rusk* and her cargo were not British or neutral property, but property of citizens of the United States; that her officers and crew were not British subjects, but insurgent American citizens, and that the destruction of the vessel and cargo by fire was an act of barratry committed by said officers and crew, and not at all the act or a consequence of any action of the officers and crew of the United States steamer *Montgomery*; and upon a survey of these grounds I ventured the statement which I have already quoted from my said note, that the act of intentional violation—by the commander of the *Montgomery*—of the sovereignty of Spain neither created nor affected any liability on the part of this government to indemnify the officers and owners of the *General Rusk*.

I very cheerfully admit that there is a marked and manifest conflict of testimony in the facts on which I thus insisted. In deference to the opinion of her Majesty's government which you have expressed, I have very cheerfully reviewed the evidence with the aid of the arguments by which you have sustained that opinion, but I am obliged to confess that this examination has not resulted in working any change of the conviction which was expressed by me in my former communication. Certainly, I cannot admit, as your lordship would seem to require, that the original protest which was made before the British consul at the Havana on the 10th of October, 1862, although it does not state who set fire to the *Blanche*, (otherwise called the *General Rusk*), ought, in the peculiar circumstances of the case, to satisfy this government that the firing of the ship was either the act of the wrong-doer himself, (Commodore Hunter is supposed to be indicated,) or the consequence of his aggression. On the contrary, I am not able to discern anything in the legal or moral form of an *ex parte* protest which entitles it to outweigh the controverting judicial evidence which has been taken by this government in a manner the most open, fair, and solemn which it could adopt. I fail also to perceive the peculiar circumstances which are supposed by your lordship to increase the legal value of the protest.

It was far from any purpose of mine, in my former note, to intimate that her Majesty's government, or even the claimants, were under any obligation to attend the court-martial before which the transaction of the burning of the *General Rusk* was investigated, much less to intimate that they are concluded by default of such attendance in court, from contesting every word of testimony that was taken on that occasion. At the same time I hope it may be permitted to me to regard that evidence as the fullest and best which it has been within the power of this government to obtain in its very earnest efforts to ascertain the truth of the facts upon which a solution of the question between the two governments depends.

I regret that another part of my note of the 4th of August has been misapprehended as much as the portions which I have already cleared up. Referring to that part of my note in which I stated that the sale of the *General Rusk* was open to suspicion on the ground of fraud, notwithstanding the formalities which attended it. Your lordship quotes from me as follows: "And further on in your note it is stated that the judge of the United States for the southern district of Florida has recently decided in two cases very similar in their circumstances, namely, that of the *Emma* and her cargo, and that of the *Florida*, that such a transfer, though apparently regular, is in point of fact collusive, and, therefore,

a fraud upon the belligerent rights of the government under the law of nations." Having made this quotation, you observe "that her Majesty's government find it difficult to suppose that the judgments in the cases mentioned can affect the demand made by them for compensation to the owners of the *Blanche* (otherwise the *General Rusk*) and her cargo."

I feel quite sure that upon a re-examination of my note your lordship will perceive that I alleged that the sale of the *General Rusk* at Havana was made in fraud, although it was attended with certain legal formalities, and that I referred to the before-recited decisions of the court in Florida for the purpose of showing that a sale of a vessel in a foreign port, though apparently regular and made with due legal formalities, may, nevertheless, be impeached on the ground of fraud. Certainly, I did not contend that the judgments rendered by the court in those cases have any direct bearing on the decision to be made in the present case.

If I understand your lordship correctly, her Majesty's government admit the competency of a court of admiralty to rule in a prize case, in the manner and to the effect that I have stated the ruling of the prize court in Florida. But your government contend that the claim of the Queen of Spain upon the United States for indemnity to the master and owners of the *General Rusk* would not be affected by the fact, even if it were conceded that the title of the master and owners in that vessel was fraudulent and void as against the United States within their own jurisdiction or upon the high seas.

Differing not without diffidence from the view thus taken by her Britannic Majesty's government, I must be allowed to insist that, in my judgment, the same principles of justice and the same rules of evidence prevail in the cabinets of sovereigns which are recognized in courts of justice.

Apparently taking exceptions to the statement in my note, that the *General Rusk* was notoriously an American vessel, your lordship declines to receive it in the place of proof. I confess that making this statement by the authority of this government, I did suppose that it would be considered at least as support in regard to a collateral fact, knowledge of which might be presumed to be in the possession of this department. But I cheerfully accept the correction, and I therefore have now the pleasure of supplying the documentary evidence, which I trust will be sufficient to prove that the *General Rusk* was originally an American vessel. I can hardly think it necessary to pursue this branch of the case further on the present occasion, and I cheerfully rest upon my former argument, together with this proof, until her Majesty's government shall show how by a sale in Havana the pretended neutral acquired titled to a vessel, which, so far as we have any evidence of legal title, belonged to citizens of the United States by whom it has never been lawfully sold or conveyed.

In conclusion, I beg leave to remind your lordship that, as the facts are understood by this government, Great Britain seems to the United States to be involuntarily insisting that, under the shield of an appeal for satisfaction to the Queen of Spain for a national grievance and insult for which this government has given all honorable satisfaction, the United States shall pay a band of insurgents against their authority for a ship and cargo to which they had no lawful title, and which they themselves criminally destroyed with their own hands within the waters of Spain, where they had taken refuge from lawful pursuit, by the naval forces of their country.

I have the honor to be, with high consideration, sir, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 22, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 15th instant, transmitting a copy of a despatch and of its enclosures, received by you from the governor general of Canada, relative to the detention of live stock by the United States customs authorities at Niagara suspension bridge.

In reply, I have the honor to enclose herewith the copy of a letter of the 19th instant, addressed to this department by the Secretary of the Treasury, to whom the matter was referred, and to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT,

January 19, 1864.

SIR: I have to acknowledge the receipt of your letter of January 18, enclosing and calling attention to a communication addressed you by Lord Lyons on the 15th instant, with enclosures from the governor general of Canada, containing reports from officers of that province, relative to a recent seizure of live stock by the customs authorities at suspension bridge.

I understand it to be the object of these letters not merely to present the particular case complained of, for such redress as may be proper and practicable, but to make inquiry as to the scope and purpose of the orders forbidding the exportation of live stock. To this question there can, of course, be but one answer. The circular of the Treasury Department declaratory of the prohibition, which bears date May 19, 1863, was issued in pursuance of the construction placed by the War Department on the existing executive order, forbidding the exportation of munitions of war. It is general in its character, admits of no limitation or exception by this department, and is, therefore, fully applicable to attempted exportation to Canada.

I cannot but add that I have examined with much surprise and regret the tabular statement contained in the report of the commissioner of customs of Canada; a statement which seems to prove conclusively that the order of May 19 has had little or no effect in diminishing the exportation of live stock to Canada. This fact, while it explains and justifies the doubts of the Canadian authorities, makes manifest a degree of negligence or misapprehension on the part of the customs officers on the northern frontier, which I shall immediately endeavor to correct.

If it be true that Messrs. Nash and Davies, the parties interested in the case presented, have acted in ignorance of the prohibitory order, and have but pursued a course which has been followed out with success in many other instances, I certainly regret the inconvenience to which they have been subjected; but, as I have already remarked, this department cannot, with propriety, make an exception in their favor.

With great respect,

S. P. CHASE,

Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,

Secretary of State

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 23, 1864.

MY LORD: Recurring to the parts of your notes of the 17th of July last,* and of the 31st of October, which relate to the alleged cruel treatment of the master, mate, and engineer of the British steamer *Victor*, at Fort Taylor, Key West, I have the honor to enclose, in reply, a copy of a communication of the 16th instant from the War Department on the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

General Canby to Mr. Seward.

WAR DEPARTMENT,
Washington City, January 16, 1864.

SIR: The Secretary of War instructs me to transmit to you the accompanying copy of the report made to this department regarding the complaints preferred by the master, mate, and engineer of the British steamer *Victor*, of cruel treatment in Fort Taylor, Key West, to which attention was invited in your letter of the 4th of November last, enclosing a copy of a note from Lord Lyons of the 31st of the month previous, on this subject.

I have the honor to be your obedient servant,

ED. R. S. CANBY,
Brigadier General, A. A. G.

The SECRETARY OF STATE,
Washington, D. C.

General Woodbury to General Stone.

HEADQUARTERS DISTRICT OF KEY WEST AND TORTUGAS,
Key West, Florida, December 19, 1863.

GENERAL: I have received the copy of a communication from Lord Lyons to Mr. Seward, dated October 31, 1863, with your indorsement requiring from me a report.

On the 9th of July last, Mr. Butterfield, her Britannic Majesty's vice-consul, laid before me a complaint made by several officers of the captured steamer *Victor*.

I caused an investigation to be made, and here give the copy of a letter from Colonel Good, dated July 9, 1863, and of my remarks appended thereto.

Colonel Good to Captain Bowers.

"FORT TAYLOR, KEY WEST, FLORIDA,
"July 9, 1863.

"CAPTAIN: I have the honor to submit the following statement in reference to the confinement, in this fort, of John T. Pearce, G. W. Ardill, and Lumbrey Kennedy, captain, mate, and first engineer of the steam-tug *Victor*.

* 38th Congress, 1st Session, House Ex. Doc. No. 1, page 666.

"They were received on the 9th of June, 1863, with instructions to have them confined and allowed no communication with any person until after they had been examined before the prize commissioners.

"They were taken in charge and offered the choice of the only two vacant rooms in the fort, where they could be held in accordance with the orders. The room they selected is situated on the second floor, in the barracks buildings, directly over the sally-port, and adjoining the officers' quarters; it compares equally in size with the majority of the latter. The door is air-tight; but they have omitted to state that there are two windows of two and a half feet square in it, which admit a free circulation of air. With regard to time allowed them to take their meals, they were at all times allowed as much time as desired by them. They at all times had the privilege of communicating with the commanding officer, the officer of the day, and were allowed, and did have, communication with the British vice-consul, Mr. Butterfield. The mate complained of being unwell, and was immediately removed to other quarters, where medical treatment was afforded him. The fort at the time contained a number of prisoners, and strict surveillance, at least, was deemed necessary. No complaint from them reached the commanding officer of the fort, nor is he aware of any inconvenience suffered by them further than confinement. They were of course treated as prisoners, it having been so ordered, and received as such, but had every courtesy consistent extended them.

"Regretting that their confinement here should have given any cause for complaint, I have the honor to be, very respectfully, your obedient servant,

"T. H. GOOD,

"Colonel 47th Pa., Commanding Fort Taylor.

"Captain BOWERS,

"Assistant Adjutant General.

"To the above statement of Colonel Good I wish to add a few remarks:

"The prisoners confined in Fort Taylor have always been treated with kindness. This is the first complaint I have ever heard of. The individuals who now complain were free to appeal at any time to the British consul, to Colonel Good, or to the undersigned. On such an appeal all just cause for complaint would have been removed immediately. They made no complaint, and they discover, apparently, a disposition to exaggerate their sufferings to make out a case. The 'dungeon,' so called, is on the second story of the barracks, over the sally-port, adjacent to occupied officers' quarters. The 'two holes protected by strong bars,' are windows two and a half feet square each, with five vertical wooden grates, which reduce the clear space in each to two feet six inches by two feet one inch. And these windows are so low that any man of ordinary height can reach their sills from the floor. On the upper side of the arch the room is three feet higher than the affidavits make it. The room has the height and width of the adjacent officers' quarters. Both of the windows communicate with the open halls; one of them is at the head of an open stairway. The room has no stench whatever.

"D. P. WOODBURY, *Brigadier General.*

"HEADQUARTERS DISTRICT OF KEY WEST AND TORTUGAS,

"Key West, Florida, July 10, 1863."

I will here add that the persons in question were placed in Fort Taylor at the request of Admiral Bailey, who also desired that no communication should be permitted between them and other prisoners.

They were confined three days, being released as soon as the case of the *Victor* came up before the court. The admiral did not desire them to be confined for punishment, but to prevent collusion between the witnesses who were

about to be called before the court. They were not treated, "as prisoners of war," still less "as felons;" and if they were not comfortable, they could have made themselves so at any moment by appealing to Colonel Good, to the British vice-consul, or to myself.

In this connexion I take the liberty of giving an extract from a letter of Mr. Butterfield, her Britannic Majesty's vice-consul, addressed to me July 11, 1863, when he was about to leave this place for a time and intrusted the business of his office to Mr. Joseph B. Brown :

"I would therefore request that you will be good enough to extend to him the same attention in reference to any representations he may have to make to you in regard to British subjects, or British interests, as you have universally bestowed on the same when made by me."

I return herewith the copy of Lord Lyons's letter to Mr. Seward.

Respectfully,

D. P. WOODBURY, *Brigadier General.*

Brigadier General CHARLES P. STONE,

Chief of Staff, New Orleans, Louisiana.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 23, 1864.*

SIR: I have the honor to transmit to you a copy of a despatch from her Majesty's consul at New York, calling attention to an order issued by Major General Dix, commanding the military department of the east, for the appointment of a military commission to investigate the cases of persons arrested and detained at Fort Lafayette and Fort Warren, other than prisoners of war and convicts.

As there are among the prisoners confined in these fortresses some who appear to have well-founded claims to British protection, I deem it to be my duty to ask you for information as to the nature of the proposed investigation, and as to the mode in which it is to be conducted.

The second paragraph of the orders seems to show that in some cases prisoners will also be sent for trial before this military commission.

If this article be held to apply to cases of British subjects, it seems proper that I should ask, first, on what principle it has been determined to bring these cases to trial before a military commission, rather than before the regularly constituted courts of law; and secondly, what is to be the character of the proceedings, and what facilities are to be given to the prisoners for making their defence.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE, NEW YORK,

January 21, 1863.

MY LORD: I have the honor to call your lordship's attention to the enclosed or promulgated by Major General Dix, commanding the department of the east, in reference to the commission appointed to investigate the cases of persons arrested and imprisoned at Fort Lafayette and Fort Warren.

The order was published in the newspapers of yesterday, and this morning I called at General Dix's headquarters to ascertain the mode in which the pro-

posed investigations are to be conducted in reference to the cases of British subjects imprisoned at Fort Lafayette. I was referred to Major Bolles, the judge advocate, who, with two other members of the commission, was then at the headquarters, and was informed by him that there would be, in the first instance, an examination of an *ex parte* character, in the nature of an inquiry by a grand jury, after which, if a further investigation were deemed necessary, the parties would be duly notified, and, as I am led to infer, counsel would be permitted to assist them in their defence of any charges which might be brought against them. In any case in which a further investigation might be deemed unnecessary, the commission would recommend the discharge of the arrested party.

I have, &c.,

N. M. ARCHIBALD.

LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 23, 1864.*

SIR: I have the honor to transmit to you a copy of a despatch from her Majesty's consul at New York, informing me of the reported arrival at that place of fifty-one prisoners, said to be principally foreigners, taken on board the steam-vessels Antoniquos, or Antonica, and Dare.

The information which has reached me concerning these individual prisoners is as yet so incomplete, that if the despatch had related to them only, I should not so soon have called your attention to it. You will observe, however, that at the end of it the consul quotes from a New York newspaper the following passage, purporting to be an extract from an order recently given by the Secretary of the Navy to the United States marshal:

"Henceforth British blockade violators will not be released, but detained, and any orders which you may have received inconsistent with this are hereby revoked."

I have recently had, on more than one occasion, the honor to remind you of the very positive declarations which I have so frequently made to you, by order of her Majesty's government, respecting the treatment of British subjects taken on board vessels captured for breach of blockade; you will, therefore, easily understand that it has not been without pain and alarm that I have seen even a report in a newspaper that an order such as that attributed to the Secretary of the Navy has been issued. You will also, I am sure, fully comprehend my anxious desire to be enabled to send, on authority, a contradiction of the report, or a satisfactory explanation of it, to her Majesty's government by the first packet.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE, NEW YORK
January 21, 1864.

MY LORD: I have the honor to report to your lordship, that the United States supply steamer Newburg arrived here from Wilmington on Saturday

last, bringing, as is reported in the newspapers, fifty-one prisoners, said to have been captured from the steamers Antoniquos and Dare. These prisoners were handed over to the custody of the United States marshal.

I have not been enabled to ascertain the nationality of the Antonica. I believe her to be a foreign vessel. The Dare was a small British steamer, and was driven ashore and destroyed while attempting to violate the blockade at Wilmington. I have to-day made inquiries at the marshal's office, and also at the county jail and house of detention, but cannot discover that any of the crew or passengers of the Dare have been brought to this port.

In the announcement in the New York Herald of Monday last, of the arrival of these prisoners, the following statement is made, to which I beg leave to call your lordship's attention: "Connected with this affair, it may be well to state that Mr. Gideon Welles, the Secretary of the Navy, has sent a letter to the United States marshal, ordering that henceforth British blockade violators will not be released, but detained, and any orders which you may have received inconsistent with this are hereby revoked."

I have, &c., &c., &c.

E. M. ARCHIBALD.

LORD LYONS, &c., &c., &c.

P. S.—I have just received from Mr. J. J. Edgcomb, the capture of whose vessels the expeditions formed the subject of my despatches of June 21, and of July 13, 1863, a letter written from the county jail, stating that he was on board the Antonica, which vessel was wrecked on the Frying Pan shoals on the 20th ultimo, while on a voyage from Nassau to Wilmington, and the crew were picked up by one of the United States blockading vessels. He does not state whether the Antonica is a British vessel or not.

E. M. A.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 23, 1864.

MY LORD: I have the honor to acknowledge with thanks the receipt of the note of the 13th instant, in which you advise me that you have transmitted to the governor general of Canada the intelligence from the United States consul at Montreal which the preceding day I had the honor to communicate to you, respecting a gathering of enemies of the United States at Windsor, in that province, and to be, with high consideration,

Your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 25, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of 23d instant, which is accompanied by a copy of a despatch which was addressed to you on the 21st instant by her Majesty's consul residing at New York.

There is no information in this department concerning the prisoners said to have been taken on board the steam-vessels "Antoniquos," or "Antonica," and

"Dare," or even of the capture of these vessels, and, of course, I am now unable to answer whether the prisoners are natives or foreigners, neutrals or enemies. I shall lose no time in calling upon the Secretary of the Navy for the facts in the case.

In regard to the extract from a New York Herald, which the consul has communicated to you, I have the honor to say that, on inquiry, I learn that the statement contained in the extract is entirely unofficial and unauthorized.

On the subject to which it refers it is proper for me to remark, that her Majesty's government have already been informed that this government has lately learned that a hostile expedition against the United States had been organized in the province of Canada, and was defeated only through the good offices of her Majesty's authorities residing there. I may add that we have now information that a similar expedition is again being attempted, to be organized at Windsor, in Upper Canada, and that the provincial authorities there have called out a military force to observe that movement. Her Majesty's government were also duly informed, in December last, that certain persons had made their way from her Majesty's provinces of New Brunswick and Nova Scotia to New York; that they having embarked at that port in disguise as passengers on board the steamer Chesapeake, rose upon her officers, assassinated the engineer, and carried the vessel into British colonial waters, and, with the aid of a pilot and other accomplices there, carried the vessel to Halifax, selling out her freight at nominal prices as she passed along the coast. Her Majesty's government were also informed that on the arrival of the Chesapeake at Halifax, a mob arose at that place, and rescued the pirates from pursuit, and set them at liberty to pursue their course of crime and aggression; and that the governor of Nova Scotia declined even to give up the stolen vessel to her lawful owners, on the requisition of the United States. Her Majesty's government have also been informed that enemies of the United States, in New York, had shipped one thousand rifles at New York for their confederates in Halifax, by collusion with parties residing there, in Liverpool, and in Richmond. Her Majesty's government has also been informed that parties in Richmond, Liverpool, New York, and Halifax, had matured a plan, and were ready, about the 25th of December last, to proceed on board of two other steamers sailing from New York, and to seize them on the high seas, to carry them into British waters, there to be armed against the United States. Her Majesty's government have been further informed that these conspirators against their peace and dignity have a combination of agents in her Majesty's principal colonial ports in this hemisphere, as well as in Great Britain, to organize naval war against the United States from British ports, and even from the city of New York, as a base of operations, under the shield of British neutrality. Her Majesty's government have been further informed that the insurgents at Richmond, besides the ships-of-war so long engaged in piracy, already have several war transports belonging, in whole or in part, to themselves, built or bought in British ports, and freighted by belligerent insurgents, but navigated in whole or in part by British subjects, under insurgent pay, and carrying supplies to the insurgent forces, under the British flag, upon the false pretence of neutral traders engaged in simple violations of the blockade. Her Majesty's government have been further informed that many of the persons engaged in the aggressions and crimes I have mentioned had been once or more captured as blockade runners, and on a hasty examination discharged by this government on the false plea that they were lawful and peaceful subjects of neutral or friendly powers, although they were actually belligerent enemies of the United States. Her Majesty's government have been further informed that, in the belief of this government, these aggressions beginning within and returning to British jurisdiction, and even in the city of New York, carried on under the shield of British neutrality, if allowed to continue, must bring on border collisions and war between her Majesty's colonies and the United States. This government has represented

this conclusion to her Majesty's government, together with the facts from which it was deduced, and it has asked that government to take such measures as their wisdom should suggest to avert the evil I have indicated. This government determined to leave no effort omitted on its own part, has instituted temporary military searches and seizures of suspected persons in the city of New York. It is a part of this temporary system, that persons captured in entering the insurgent lines with munitions and supplies, under whatever flag, shall not be at once discharged, as heretofore, upon a superficial examination on the ground of their claim to neutrality, but shall be detained in military custody until a full and thorough investigation of their cases can be made, whereby it can be ascertained whether, in fact, they are neutral aliens, or are belligerent enemies of the United States. This investigation will be promptly ordered and made in every case, and neutral blockade runners, when their claim is thus ascertained, be released, while the belligerent enemies found among them will be detained.

The President has learned with much satisfaction, by late advices, that her Majesty's government, acting, as is supposed, upon the representations which I have recited, have directed prosecutions to be instituted against the offenders described in British ports, and also that the authorities in Canada are exercising new and proper vigilance to prevent aggressions from the northern shores of the lakes; he has reason also to hope that the judicial authorities in Nova Scotia are manifesting a proper conviction of duty in the premises. It is hoped that, by the measures resorted to by this government, with so gratifying a concurrence of her Majesty's authorities, the dangers which I have indicated will be speedily passed, and this government will then be left at liberty to relax the rigorous searches and examinations which are now necessarily enforced. In the mean time I hardly need say that they will be conducted in such a manner as to subject lawful and peaceful persons to as little inconvenience as possible.

I have the honor to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 26, 1864.

MY LORD: Referring to my note of the 18th instant, relative to the case of James McHugh, I have the honor to call your lordship's attention to the fourth paragraph of the synopsis of letters found in the trunk of Mr. James A. Gray, which mentions the contents of a letter addressed by James McHugh, of Belfast, to Mr. Gray; a copy of which synopsis accompanied my note of the 9th ultimo to your lordship in regard to the arrest and detention of Mr. Gray.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

[Extract from synopsis, fourth paragraph.]

James McHugh, of Belfast, writes to Mr. Gray, asking him to use his influence with Governor Brown to have a friend made paymaster on one of the confederate men-of-war, and congratulating him on the defeat of Rosecrans; also telling him to hold on to his bonds, as they will soon be at par, and as Mr. Gray is about returning to the confederacy to return and bring out more bonds.

OCTOBER 2, 1863.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 26, 1864.

MY LORD: Recurring to your note of the 13th instant, inquiring, under the instruction of her Majesty's government, concerning the capture of the British brigs *Volante*, of Jersey, and *Dashing Wave*, of Liverpool, I have now the honor to enclose a copy of a letter of the 19th instant, from the Secretary of the Navy, which contains the desired information.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *January 19, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing a copy of a note addressed to you by Lord Lyons, in which, under the instructions of her Britannic Majesty's government, he asks to be informed of the grounds upon which the British brigs *Volante*, of Jersey, and *Dashing Wave*, of Liverpool, have been captured by United States cruisers at Matamoras.

In reply, I have to state that the brigs at the time of their capture were in American waters, and, having contraband cargoes, they were sent in for adjudication. The merchandise of which their cargoes consisted was not believed by the officers of the United States navy who made the seizure to be either legitimate or neutral. The judgment of the court will be conclusive.

Very respectfully, &c.,

GIDEON WELLES.

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 28, 1864

MY LORD: I have the honor to inform your lordship that it has become known to this government that the British steamer *Will-o'-the-Wisp* will this week leave Halifax in ballast for Bermuda, on account of the insurgents of the United States, and under the direction of their agents, now having harbor at Halifax. That, on arriving at Bermuda, she will take in ordnance and stores, for the use of the insurgents, and attempt to make her way into Wilmington, and that this proceeding will be under the direction of insurgent agents at Bermuda. By the President's direction, I have to suggest for your lordship's consideration the propriety of advising the colonial authorities at Bermuda of this hostile proceeding, with a view that they may arrest it.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 29, 1864.

MY LORD : On the 8th of January instant I informed your lordship that the attention of this government was seriously directed to the subject of the imprisonment of the master and crew of the steamer *Banshee*, a vessel which had been captured in an attempt to run the blockade, and which had been represented by you to be a British vessel.

It is known to this government, from evidence which has been communicated to her Majesty's government, that the pretended insurgent authorities at Richmond are directly engaged in importing ordnance and supplies and in exporting cotton and tobacco through the blockade, in vessels sometimes owned and sometimes chartered by themselves, under the disguise of neutral merchantmen; and that instructions are given by them to their agents engaged in such trade to conceal the belligerent character of their navigators, and to simulate in all cases the neutral character of British vessels. It has been further made known to her Majesty's government that enterprises of the nature I have indicated are begun in, and prosecuted from, and return at last into, many of the British colonial ports, as well as into the ports within the British realm.

It has also been made known to her Majesty's government that released blockade runners have availed themselves of their freedom to contrive and execute the crimes of murder and piracy within the harbors and on board of vessels of the United States; and that, for this reason, it has been deemed necessary to institute a rigorous investigation into the character of all persons who are found on board of captured vessels in the act of violating the blockade, before they can be set at liberty.

Such an investigation has been made in the case of the officers and crew of the *Banshee*.

That vessel was captured on the 21st day of November last, by a war transport of the United States, in attempting to enter Wilmington. Her papers were all understood to have been thrown overboard, and the captain stated that he had so thrown them overboard. She had a so-called confederate flag; and it is stated that this flag was flying when the vessel was captured. She was built at the yard of Jones, Quiggin & Co., in Liverpool, and, while her construction was going on, she was repeatedly reported to this government by our consul at that place as being built like the *Alexandra* and *Alabama* and *Florida*, for piratical purposes, and this suspicion had been communicated to the naval officers in our blockading squadron. She was upon these grounds reported to the navy as an insurgent vessel, and the imprisonment of her officers and crew was ordered under a belief or suspicion that this was her true character. The suspicion was strengthened by the fact that, on her trial in the prize court, no person came to claim either the vessel or the cargo.

The inquiry which has been made results in the following facts: that she was not a privateer or insurgent vessel, but was owned in England and employed in running the blockade on account of British subjects.

It is not yet known by whom she was chartered or freighted on the voyage in which she was captured. It does not appear whether the pretended insurgent authorities in Richmond were concerned in the voyage or not. Jonathan Steele, the captain, is an Englishman. He has run the blockade eight times, and has been captured and released twice.

Richard Armstrong, an Irishman, was chief steward, and has once before run the blockade.

Thomas Burns, a British subject, born in Nassau, has once run the blockade.

John Byford, an Englishman, has twice run the blockade.
 John Byrnes, an Irishman, has run the blockade once.
 Charles Bethel is a negro lad and British subject.
 W. Campbell, an Irishman, has run the blockade six times.
 Christopher Connor, a ship's boy, was born in Liverpool.
 John Duff, an Englishman, has run the blockade twice.
 Jerry Driscoll, an Irishman, has twice run the blockade.
 Roger Donnelly, a Scotchman, has run the blockade seven times.
 James Erskine, chief engineer, has twice run the blockade.
 Nathan Erskine, a Scotchman, has run the blockade once.
 F. Foley is an American traitor and insurgent.
 Adam French, an Englishman, has run the blockade twice.
 Cecil Gardner, an Irishman, has run the blockade twice.
 David Houston, a Scotchman, has run the blockade twice.
 Owen Hughes, a Welshman, has run the blockade once.
 Samuel Johnson, an Irishman, has run the blockade twice.
 Robert McKeon, a Scotchman, has run the blockade three times.
 James Kenny, an Irishman, has run the blockade four times.
 James Kamichan and William Lindsay are Scotchmen, each of whom has run the blockade once.
 J. McCallum, a Scotchman, has run the blockade twice.
 Samuel McCann, an Irishman, has run the blockade once.
 William Miller, British subject, a native of New Brunswick, has run the blockade six times.
 James McCaffrey, a native of Liverpool, has run the blockade twice.
 Walter McDonald, a Scotchman, has run the blockade four times.
 Con. McClusky, an Irishman, has run the blockade twice.
 William Marshal is a British subject.
 John A. Power, an Irishman, has run the blockade twice.
 H. E. Rover is a German, and not a British subject.
 Allan Smith is an Irishman. He has run the blockade twice.
 Richard Sherrin, an Irishman, has run the blockade twice.
 Thomas Sherridan, an Irishman, has run the blockade three times.
 John Thompson, born in France, but claims to be a British subject; he has run the blockade once.
 John Watson was born in Ireland; has run the blockade four times.
 Valentine Walsh is an Englishman, who has run the blockade twice.
 Thomas White, an Irishman, has run the blockade twice.
 Malcolm Wilke, an Englishman, has run the blockade once.

In view of the facts thus ascertained, all of these persons, except F. Foley, who is an insurgent, will, under the circumstances, be released from their confinement. But I think it proper to inform your lordship that all of them will be held under vigilant surveillance as dangerous persons, whose residence in this country cannot be permitted; and they will all be expected to leave the United States within fifteen days after their discharge from custody. I think it proper, also, to say that, in all cases where blockade runners are hereafter captured, during the present insurrection, the character of the parties will be subjected to a severe scrutiny, and they will receive such a disposition as the public safety shall at the time seem to require.

I have the honor to be, with high consideration, your lordship's obedient servant,
 WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 30, 1864.*

SIR: I lost no time in communicating to the governor general of Canada the note dated the 13th instant, in which you did me the honor to inform me that you considered it possible that John C. Braine and others, fugitives from the justice of the United States, might have taken refuge in Canada, and that you would therefore ask that the necessary measures should be taken by the Canadian authorities for their extradition, in pursuance of the 10th article of the treaty of Washington.

The governor general has informed me, in reply, that he has referred this application to the law officers of the crown in Canada for their report.

The governor general had not any reason to suppose that any of the persons named had come within Canadian jurisdiction.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 1, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 20th ultimo, asking, on behalf of her Majesty's government, for information as to the grounds of the seizure of the schooner Etta, owned by Messrs. G. Renouard & Co., of Nassau, at New York, in the autumn of last year. I have the honor to inform your lordship that I have referred the matter to the proper department.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

[Memorandum.]

DEPARTMENT OF STATE,

Washington, February 2, 1864.

The Secretary of State, having taken into consideration the copy of a report of the 13th ultimo, addressed to his honor Major General Doyle, administrator of the government of Nova Scotia, by Attorney General J. W. Johnston, giving a summary of the result of the evidence in the cases of Doctors Almon and Smith, and Mr. Keith, charged with having obstructed the execution of a warrant issued by the mayor of Halifax against George Wade and others, and the printed copy of a phonographic report of the testimony contained in a supplement to the Halifax Reporter, both of which papers were left at the Department of State by Lord Lyons yesterday, finds that there are passages in the former which seem to call for comment; but the comment will be reserved until it is known whether the Chesapeake will be restored to its owners, any one of the pirates arrested and surrendered, or whether any one of the rescuers shall receive the punishment due to his course, as atonement to the United States.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 2, 1864.

MY LORD: I regret the necessity of again calling your attention to the Sioux Indians from the United States who have taken refuge in the British territories to the north of the State of Minnesota. According to information received from the War Department, those Indians, after having been fed for some months by order of Governor Dallas, at Fort Garry, have at length been induced to return within United States limits, upon the condition of being furnished with food for a considerable period; and also with powder, to the extent of at least one pound a man. These savages will thus be ready in the spring to renew their onslaughts on the frontiers of the United States. It seems to me that this government has a right to expect of her Majesty's government that a force will be stationed at Fort Garry, or elsewhere, sufficient to prevent these Indians from violating the neutrality of British territory by screening themselves there, or that, when they are driven beyond our frontier, they will not be furnished with such supplies as will enable them to continue robbing and murdering citizens of the United States.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 2, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 23d ultimo, and its accompaniment, relative to an order of Major General Dix for the appointment of a military commission to investigate the cases of persons arrested and detained at Fort Lafayette and Fort Warren, other than prisoners of war and convicts. I have communicated a copy of the papers to the Secretary of War, and I shall have the honor to communicate with your lordship after conferring with him upon the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 2, 1864.

MY LORD: Your note of the 30th December last, relative to the case of the Victor, captured by the United States steamer Juniata, has been taken into further consideration in connexion with a communication from the Navy Department upon the subject. The conclusion arrived at is, that there is no sufficient ground for the interference of the executive government for the purpose of arresting the ordinary course of judicial proceedings. Captors as well as

claimants have rights which are secured to them by law. The power to restore a prize without trial can, in the President's opinion, only be justifiably exercised in extraordinary clear and unquestionable cases. Mr. Boynton, the United States attorney at Key West, deemed it his duty to appeal to the Supreme Court from the decision of the United States court there. If, however, either party should suppose that further proof would strengthen the probability of the final decision in their favor, it is competent for the Supreme Court to receive such proof.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Archibald to Lord Lyons.

[Despatch referred to in Mr. Seward's note of March 11, 1864, addressed to Lord Lyons.]

BRITISH CONSULATE.

New York, February 6, 1864.

MY LORD: I have the honor to call your lordship's attention to some circumstances connected with the treatment of the British subjects imprisoned at Fort Lafayette, for such action thereon as your lordship may think fit.

The fort, which is surrounded by water at some short distance from the main land, is a structure of moderate size, and, apparently, of limited accommodations for the number of prisoners (now, I believe, about 125 or 130) and the garrison contained therein. It is not fitted for the purpose of a jail, with separate rooms or apartments for the prisoners, or supplied with those necessary conveniences with which ordinary jails are furnished; the prisoners are consequently confined in the casemates, in parties or squads of eleven or more, according to the size of the casemate, and I presume some sort of classification of the prisoners. These consist of merchants, confederate prisoners, sailors, substitute crimps, and others.

From statements made to me by some of the prisoners, on the 29th ultimo, when I visited the fort, and by others to Mr. Edwards, the vice-consul, on a subsequent visit, it appears that in the casemate, for instance, in which Mr. Eneas and Mr. Rooke are confined, and which is about twenty-five feet long, and fifteen feet wide, there are, in all, eleven persons. This room has a fireplace at one end, and is lighted by two small, barred windows, one at either side of the chimney. The bedsteads are hinged, and fold up against the wall in the day time, on either side of the room, to afford space to move about in, and for a small table about three and a half feet long by two feet wide. When the beds are let down at night, there is but a narrow passage between them. There are no chairs, or rather were none until yesterday, when, by special permission of General Dix, I sent one down for the use of Mr. Rooke. There is but one small wash hand-basin for the use of the whole party. They have the privilege of using a tub for bathing, in common with the occupants of another casemate, but, from indecency of exposure and want of privacy, it is of little use.

In this apartment the prisoners are locked up from sunset until half-past seven in the morning, with an allowance of half a candle each night, but no candlestick. During the day they are allowed to walk in a part of one side of the quadrangle on the shady side of the fort. As the privies are rudely constructed on the terrace outside the fort, overhanging the sea, the prisoners, as their necessities require, are taken out thither in parties of four or more, under

the charge of a sentry. At night a bucket is placed in the casemate for common use, as the prisoners, when once locked up, are not allowed to go outside the fort for the calls of nature.

This description applies more or less to the other casemates, except that these, according to their sizes, contain a larger number of prisoners. The room is cleaned by the prisoners in turn; they all, or as they may arrange among themselves, bring in their own coal and water. There is a common eating or mess-room, but the prisoners in the casemate to which I have above referred asked and obtained the privilege of eating their meals in their own apartments, going to the mess-room for the purpose of getting their allowances. The food is not deficient in quantity, but, with the exception of bread, is complained of as not being palatable.

It consists of bread, boiled beef served in junks, a coarse bean soup, and, at breakfast, coffee boiled with sugar or molasses. No milk, butter, or vegetables are supplied. None of the prisoners are allowed to purchase or to be supplied by their friends with other food. Some articles of food of a better description, as also tea and sugar, which have been sent to the fort for some of the prisoners, have been refused to be received.

The foregoing statements I make from the relation of prisoners, several of whom are confined on suspicion or accusation of offences which are yet to be established against them, and for which, indeed, it remains to be seen whether or not they are to be brought to trial. They could hardly be dealt with more harshly were they under sentence of imprisonment after trial and conviction.

I have, &c., &c.,

E. M. ARCHIBALD.

Lord LYONS, G. C. B., &c., &c., &c.

Lord Lyons to Mr. Seward.

[Memorandum—Banshee.]

Mr. Seward to Lord Lyons, 29th January, 1864, announces that the master and crew will be released. They were, however, still at Fort Lafayette on the 6th February, 1864.

FEBRUARY 8, 1864.

Lord Lyons to Mr. Seward.

WASHINGTON, February 9, 1864.

SIR: Information of the capture of the British vessel *Saxon* by the United States ship *Vanderbilt* at Angra Pequena, on the coast of Africa, has reached her Majesty's government from the Cape of Good Hope, and her Majesty's government have instructed me to call the attention of the government of the United States to the apparently extraordinary circumstance of the capture, at so great a distance from American waters, of a British colonial vessel which was certainly, her Majesty's government conceive, not exposed to the suspicion of contemplating any breach of blockade, or, so far as appears, of carrying contraband of war to the enemies of the United States.

Her Majesty's government have, moreover, commanded me to request the government of the United States either to direct the immediate release of the

Saxon, with proper compensation to the owners, or at least to explain the grounds on which her seizure and detention are supposed to be justified.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 9, 1864.*

SIR: I have this afternoon had the honor to receive your note of the 2d instant relative to the Sioux Indians. I will to-day forward a copy of it to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 10, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, in which, under the instructions of your government, you call the attention of the government of the United States to the circumstance of the capture of the British vessel Saxon by the United States ship Vanderbilt, at Angra Pequena, on the coast of Africa, and, moreover, request it either to direct the immediate release of the Saxon, with proper compensation to the owners, or at least to explain the grounds on which the seizure and detention are supposed to be justified.

In reply, I have the honor to state that I have made application to the Secretary of the Navy for information as to the facts and grounds of the capture, and shall have the honor of addressing you again on the subject when his reply reaches me.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 11, 1864.*

SIR: I had, the day before yesterday, the honor to speak to you on the subject of the note which I wrote to you on the 23d of last month, asking for information respecting a military commission established at New York, before which it appeared that several British subjects were to be brought for examination, and possibly for trial.

You were so good as to repeat to me the information which you had given me on the 2d of this month, that you had referred my note to the Secretary of War, but you added that you were not in a position to say more than this.

I have, as I had the honor to state to you in person this morning, strong reasons for desiring to obtain without delay answers to the questions which I ventured to ask in the note, and I trust, therefore, that you will excuse my again calling your attention to it.

I have the honor to be, with high consideration, sir, your most obedient servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE

Washington, February 12, 1864.

MY LORD: Recurring to your note of the 2d ultimo, and to my own of the 3d, relative to the capture of the British schooner the Don José by the United States cruiser Juniata, I have now the honor to enclose a copy of a communication of the 30th ultimo, addressed to me by the Secretary of the Navy, upon the subject, from which it appears that the allegations of the claimants are not borne out by the investigation which has been made.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

P. S.—The papers, the return of which was requested, are enclosed.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *January 30, 1864.*

SIR: I had the honor to receive your letter of the 4th instant, enclosing a copy of a communication of the 2d instant, with accompaniments, from Lord Lyons, relative to the capture of the British schooner Don José by the Juniata, in July last, and suggesting, with a view to directness in the explanation required, that the officer who made the capture be furnished with a copy of the letter of Mr. T. J. Boynton, United States attorney at Key West, of the 15th of July last, which was one of the accompaniments to Lord Lyons's note.

Your suggestion was carried out without unnecessary delay; and I now submit, for your information, a report, dated the 18th instant, from Commander J. M. B. Clitz, the officer who made the capture; also, a report from Acting Master J. H. Stimpson, dated the 24th instant, who boarded and examined the Don José, against whom charges of misconduct were preferred by the master and others of the vessel. Please return these reports to this department after you shall have finished with them.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Commander Clitz to Mr. Welles.

UNITED STATES STEAMER OSCEOLA,
Boston Navy Yard, January 18, 1864.

SIR: In compliance with the department's order of the 8th instant, I have the honor to submit the following supplemental report, relative to the capture of the English schooner Don José by the United States steamer Juniata, under my command, on the 2d of July last.

The Don José was seen about 7 a. m. of the 2d, and overhauled. Upon examination I found but one person, the master, to be English; the others, crew and passengers, were Spaniards. She had no log-book, no letter of instructions, no course printed on the chart, and her papers were imperfect.

I marked the imperfect papers, to call the attention of the United States district attorney to them, and sent them by the prize-master. In what way the papers were imperfect I cannot at this time say, but the imperfections were all pointed out to the prize-master.

Among the papers found on board was one stating that her cargo was intended for the Confederate States; and she also had a considerable quantity of confederate money on board.

The Don José was formerly the pilot-boat Edna Jones, of Key West, and as such had, I was informed, run the blockade previous to my seizure of her.

Considering all the circumstances, I was convinced that she intended running the blockade at some point on the coast, and felt it my duty to send her to the nearest port for trial, which port was Key West.

The crew and passengers were treated kindly, and no complaints were made by any one, to my knowledge, of improper conduct on the part of the boarding officer and crew. Our ensign was flying before I fired the gun to bring the schooner by the wind, and I have no knowledge of the English ensign being hauled down at any time.

Of the conduct of the prize-master and crew after parting company with the Juniata I, of my own knowledge, know nothing; but upon my arrival at Key West, some weeks after, I learned that the prize-master, Acting Master D. G. Taylor, had been sent north by Acting Rear-Admiral Baily for drunkenness, and subsequently dismissed the service.

I regret that I am now separated from the officers of the Juniata, from whom statements might be had which would perhaps be of use to the government.

Acting Master J. H. Stimpson, United States navy, now, I believe, attached to the United States steamer Wachusett, was the boarding officer at the time of the said capture.

I am, sir, very respectfully, your obedient servant,

J. M. B. CLITZ,
Commander United States Navy.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Acting Master Stimpson to Mr. Welles.

PHILADELPHIA, January 24, 1864.

SIR: In obedience to your order of the 22d instant, I beg to submit the following statement concerning the charges the captain, crew, and passengers of the Don José prefer against me:

After a careful perusal of the documents sent me, I find as follows: That I am charged with treating the crew and passengers of the Don José in an un-

necessarily harsh and cruel manner, and, whilst searching the trunk of one Abiel, of taking therefrom the sum of £5,000 in Bank of England notes, and, upon his requesting me to give him a receipt for the same, my reply was, "Go to hell!" also, that I took from him all his private letters and papers, together with about \$300 in cash; also, that upon his leaving the Don José to go on board the Juniata I took from him by force some sixteen dozen silver thimbles, also a purse, containing \$36 in cash, belonging to the cook; and also, after putting the prize crew on board the Don José, I loaded the boat with liquor and provisions, and returned with it so loaded to the Juniata.

To all of which I reply: That I received orders from Commander Clitz to board and examine thoroughly a suspicious schooner which we had given chase to. In obedience to his orders I proceeded on board, accompanied by Acting Master's Mate W. O. Ordway. On reaching the schooner I informed the captain as to whom I was and why I had boarded him, and requested him to allow me to examine his papers. After some conversation with his passengers he showed me his articles, manifest, and clearance, and I found his cargo to consist of one hundred bags of salt, a few bales of cotton, and several demijohns of rum. Thinking that all was not right, I concluded to overhaul the schooner, and in doing so, in the presence of the captain and his passengers, I found in a trunk which the owner opened at my request a written agreement to deliver the one hundred bags salt then on board in the Confederate States of America. Thinking that was enough to warrant my detaining the vessel until I could report the facts to the captain, I returned to the Juniata with the captain and his papers, leaving Mr. Ordway on board the Don José—fearing that they might have other papers which they might destroy in my absence—and *reported* these facts to the captain. The agreement in regard to the salt having been more carefully translated by an officer on board the Juniata, there appeared to be no doubt that it was their intention to run the blockade with the salt.

I was then ordered by the captain of the Juniata to continue the search on board the Don José; I did so, but found nothing of importance. In regard to the £5,000 in Bank of England notes, and the different sums of \$300 and \$30 in cash, which this Abiel says I took from him, together with sixteen dozen silver thimbles, I reply that I saw no such money, nor did I even hear of there being any such money on board, nor did he ask me for any receipt—consequently all he says in regard to the matter is false. The only money which was found on board the schooner was found in a tin box, in the possession of the supercargo, and consisted of a few dollars in gold and silver, and a roll of confederate currency; this the supercargo retained in his possession until it was sealed up with the papers found on board the Don José, and delivered to the prize-master. The passengers and crew, on being transferred to the Juniata, were allowed to take their personal effects with them, (with the exception of several bottles of liquor,) without any opposition from me. In regard to the charge of loading the Juniata boat with provisions and liquor, I would state that nothing whatever was taken from the Don José by me or the boat's crew.

Hoping that this explanation will prove satisfactory, I have the honor to be your obedient servant,

J. H. STIMPSON,
Acting Master United States Navy.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Forward:

C. K. STRIBLING,
Commander.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 12, 1864.

MY LORD: I have the honor to recur to your communication of the 23d ultimo requesting information concerning a military commission for the investigation of the cases of certain persons arrested and detained at Forts Lafayette and Warren, and to acknowledge the receipt of your note of yesterday upon the same subject. Having submitted to the Secretary of War, with a view to being enabled to supply your lordship with the desired information, a copy of your first communication, I have the honor to enclose, in reply, a copy of a letter of the 3d instant upon the subject, addressed to me by Brigadier General R. S. Canby on behalf of the Secretary of War.

Regretting the delay which has occurred in responding to your lordship's inquiries, I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

General Canby to Mr. Seward.

WAR DEPARTMENT,

Washington City, February 3, 1864.

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of the 2d instant, communicating the copy of a note of the 23d ultimo, from Lord Lyons, relative to an order issued by Major General Dix for the appointment of a military commission to investigate the cases of persons arrested and detained at Forts Lafayette and Warren other than prisoners of war and convicts, and, in reply to the questions submitted in the note of Lord Lyons, to say that persons brought before the commission will be tried for violation of the laws of war, and that every facility of defence will be afforded them, with the privilege of counsel, witnesses, &c.

I have the honor to be your obedient servant,

EDWARD R. S. CANBY,

Brigadier General, A. A. G.

THE SECRETARY OF STATE,

Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 13, 1864.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of the 8th instant, relative to the release of the master and crew of the captured British steamer *Banshee*, and, in reply, to enclose herewith to you the copy of a letter of yesterday, addressed to this department by the Secretary of the Navy, from which it will be seen that he has directed the discharge of all of the crew of the *Banshee* except F. Foley, who makes no claim to be a British or foreign subject, and Jonathan Steele, the master of that vessel, who is reported to the Navy Department to be an American.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *February 12, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant in relation to the foreigners captured on board the *Banshee*. In accordance with your recommendation, I have directed the discharge of all mentioned in the list enclosed to me excepting *Foley* and *Jonathan Steele*. The order for their discharge is withheld for the reason that the former was born in *Baltimore*, and makes no claim to be a British or foreign subject, and the latter, although claiming to be a British subject, does not make oath to that effect. He was the master of the *Banshee*, and it was reported to the department that he is an American.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 15, 1864.*

SIR: It is with great regret that I find myself again called upon to remonstrate against restrictions placed upon the trade between *New York* and places within the *Queen's dominions*.

I beg you to give your serious attention to the enclosed extracts from despatches from her Majesty's consul at *New York*, and I trust that some measures will be taken without delay to remedy, or at least to mitigate, the grievances which are set forth in them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract from a despatch from Consul Archibald to Lord Lyons, dated New York, February 9, 1864.

I have the honor again to call your lordship's attention to the restrictions imposed on the exportation of merchandise, more especially of breadstuffs and provisions, from this port to the British provinces and the *Bahamas*.

Since the 1st of *January* last bonds have been required from the shippers of merchandise from this port to the British North American provinces, similar to those previously required from shippers to the *Bahamas*. On the 5th instant a fresh regulation was adopted, by which, in future, bonds are to be required from the master or owner of the vessel in which the shipment is made, instead of from the owners or shippers of the goods, as, in the great majority of cases, the interests of the master and owner of the vessel relate only to the freight, and have no concern with the goods themselves laden on board the vessel. This regulation will operate, practically, as an embargo on not a few vessels now loading or chartered for the purpose of conveying cargoes of provisions and breadstuffs to the British colonies.

I am given to understand that the regulation in question has been made under the powers granted to the collector by the second section of the act of Congress, approved 20th of May, 1862, chapter 81, which runs as follows :

“And be it further enacted. That whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he shall deem it necessary under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the said cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties against the authority of the United States.”

I may remark that to require a shipper of goods, much more the mere carrier of them, to become responsible for the acts of a consignee in a foreign port, is imposing upon them an impossible obligation. In the interests of trade, and under the diversified grounds of title to property specified in a bill of lading, the term “consignee” comprehends a number and variety of persons over whom the carrier has no control, and upon whom he cannot enforce the observance of the prescribed regulation.

Extract from Mr. Consul Archibald's despatch, of February 10, 1864.

Referring to my despatch of yesterday's date, respecting the restrictions on the shipment of merchandise from this port to the British provinces and Bahamas, I have the honor to transmit herewith the enclosed, for your information, a copy of a note received by me from the collector of customs, in reply to a note addressed by me to him, inquiring whether the regulation requiring bonds from the masters or owners of vessels was to be enforced in respect to shipments to all of the British North American provinces and West India islands, or to some, and which of them, only.

From the terms of the collector's note, it would appear that the enforcement of the restriction is discretionary with the collector, according to the circumstances of each case; that it may therefore be enforced in respect of clearances for European as well as American or West India ports; but that bonds in all cases of clearances for the ports indicated by me are not absolutely required by any general regulation or order to that effect.

Judging, however, from the number of the remonstrances against the restriction, as well as from the course pursued at the customs, the requirement of bonds appears thus far to have been enforced in respect of all clearances for the Bahamas and the British North American provinces, excepting Newfoundland.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 17, 1864.

MY LORD: With reference to your communication of the 6th ultimo, respecting the restrictions upon trade between New York and Newfoundland, by the exaction of bonds, I have the honor to state that it appears from the report of the Treasury Department upon the subject, that having reason to believe that shipments from New York for Newfoundland were intended for the Bermudas and Nassau, as their ultimate destination, and for the purpose of evading the

requirement of bonds for shipments to the last-named places, bonds were, in one or two instances only, some months ago, required on cargoes for Newfoundland. That requirement has, however, now been discontinued.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 17, 1864.

MY LORD: With reference to your note of the 20th ultimo, in which, under the instructions of her Majesty's government, you ask for information as to the grounds of the seizure at New York, in the autumn of last year, of the schooner Etta, and as to the steps taken by this government to establish its legality against the British owners who claim the vessel, I have the honor to enclose herewith the copy of a communication of the 12th instant, addressed to this department by the Secretary of the Treasury, to whom the matter was referred.

I have the honor to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *February 12, 1864.*

SIR: I have the honor to transmit herewith a copy of a letter from the assistant collector of New York, received in response to your letter of inquiry of the 30th ultimo, concerning the seizure of the British schooner Etta, alleged to have been made at New York in the autumn of last year.

I am, respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Assistant Collector Clinch to Mr. Chase.

CUSTOM-HOUSE, NEW YORK,

Collector's Office, February 6, 1864.

SIR: I have to acknowledge the receipt of your letter of the 2d instant, transmitting copy of a letter from the Secretary of State, enclosing copy of a communication from Lord Lyons relative to the alleged seizure of the British schooner Etta by the authorities of this port during last autumn, and requesting a report of the facts in the premises.

I do not find that vessel recorded on the books of this office as having been seized, and have made inquiry of the United States marshal, who has no knowledge of such seizure.

Very respectfully, your obedient servant,

C. P. CLINCH,
Assistant Collector.

Hon. S. P. CHASE,
Secretary of the Treasury.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 19, 1864.

MY LORD: Recurring to your note of the 9th instant, which relates to the capture of the British vessel Saxon by the United States ship Vanderbilt, at Angra Pequena, on the coast of Africa, and in which you inform me that her Majesty's government have commanded you to request the government of the United States either to direct the immediate release of the Saxon, with proper compensation to the owners, or at least to explain the grounds on which her seizure and detention are supposed to be justified. I have the honor to enclose, in reply, a copy of a letter of the 15th instant, from the Secretary of the Navy, from which it appears that Commander C. H. Baldwin, commanding the Vanderbilt, reports that he seized the Saxon for having on board a portion of the cargo of the American bark Conrad, which vessel had been captured by the piratical steamer Alabama, and that the Saxon is now in the hands of the district court for the southern district of New York for adjudication.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *February 15, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, enclosing a copy of a note addressed to you by Lord Lyons relative to the capture by the United States steamer Vanderbilt, at Angra Pequena, of the British bark Saxon, and requesting to be furnished with any information possessed by this department as to the facts and grounds of the capture.

From a report of Commander C. H. Baldwin, commanding the Vanderbilt, it appears that he seized the bark Saxon at Angra Pequena, on the 30th of October, 1863, for having on board about one hundred and sixty bales of wool and goat-skins, which were a part of the cargo of the American bark Conrad, which vessel had been captured by the piratical steamer Alabama a short time previous, and had landed her cargo at Angra Pequena, and had been converted into a piratical cruiser (the Tuscaloosa.)

The Saxon was sent in charge of a prize crew to New York, and is now in the hands of the district court there.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 19, 1864.*

SIR: I have the honor to acknowledge the receipt of the note dated the day before yesterday, in which, in reply to a note which I addressed to you on the 6th of last month, you have been so good as to inform me that it had indeed been deemed necessary in one or two instances to require bonds on shipments from New York to Newfoundland, but that this requirement had been discontinued. The information which you have thus been so obliging as to convey to me confirms a report to the same effect which I received some time ago from her Majesty's consul at New York. You will, however, have learned from the extracts from more recent despatches from the same consul which were enclosed in the note which I had the honor to address to you on the 15th instant, that restrictions of a still more onerous character are now imposed upon shipments from New York to several of her Majesty's possessions. The copies or extracts enclosed herewith from letters from merchants at New York will give you more detailed information on the subject, and will, in particular, bring to your notice the very great hardships which are produced by the restrictions on shipments to Nova Scotia and New Brunswick.

I have the honor to be with the highest consideration, sir, your most obedient humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Messrs. Hunter & Co. to her Britannic Majesty's Consul, Archibald.

NEW YORK, *February 6, 1864.*

SIR: We have been engaged for this last twenty-five years in the transaction of business with Halifax, N. S. and other ports in the British provinces.

We have been in the habit of shipping American produce, &c., mostly required for the consumption of the fisheries. Since the 1st January last the custom, house authorities required bonds of the shippers, with two real estate owners for double the amount, to produce landing certificates of captain, mate and consignees, that the goods were intended for consumption. Yesterday a new order was made by the custom authorities, requiring the captain of the vessel to give a bond for double the amount of the cargo, with two real estate owners in the district.

This new regulation will, in our opinion, put an efficient stoppage to the trade, which is a valuable one for this country, and annually increasing. It will drive the trade from this port to Montreal, Hamburg, &c. It is of great interest to the farmers, millers, and receivers of produce. The two latter would willingly unite in a memorial to withdraw the restrictions as far as we are concerned. We know the goods go into most respectable hands, and are intended for the trade of the provinces; we also know that the goods shipped to Nova Scotia are generally of a coarser description than are used in the insurgent States.

We are, dear sir, &c., &c., &c.,

JAMES HUNTER & CO.

E. M. ARCHIBALD, Esq, &c., &c., &c.

Extract from a letter from A. Smithers & Co. to Mr. Consul Archibald.

68 BEAVER STREET, NEW YORK,
February 5, 1864.

We beg to call your attention to the very oppressive and, as it appears to us, unreasonable requirements at the custom-house here, in regard to shipments to the British provinces of New Brunswick and Nova Scotia.

It is alleged that because goods can be, and *possibly* have been, shipped from said provinces to the West Indies, and thence to States in rebellion, it is necessary to protect the United States against such business, by exacting bonds with every shipment, with two responsible real estate bondsmen to double the amount of the shipment, to provide against such contingency.

We have been engaged in the shipping business to these provinces for a period of fifteen years, during which time the business thereof has greatly increased, of which fact no one is better acquainted than yourself; the shipments of one firm alone last year amounted to upwards of \$800,000 in value, and we are satisfied that none of these goods have been sold for the purpose of being transported, either directly or indirectly, to the rebel States; and yet, after goods have passed through two or three hands, and probably their original character changed, it is almost impossible to say what has become of them; and it is an unreasonable thing to block the trade of a place with which we are at peace merely because a contingency may possibly arise against which we claim it is not our business to protect the United States government.

Our business at the custom-house has always been *bona fide* and aboveboard, and will bear the closest and most minute inspection; and since these bonds were exacted we have offered to furnish to any officer who may be appointed for such purpose the name of every vessel by which we are about to ship; we have further offered to furnish the collector with a list of all our consignees, and have invited his instructions to the American consuls at the foreign ports, in order that they may watch the cargoes on their arrival. You are well aware that these provinces raise no breadstuffs. Before the operation of the reciprocity treaty they imported entirely Canada flour, large quantities of which were forwarded through New York, in bond. Since this treaty has been in force we ship, exclusively, American flour. The operation of the act has thus been to change the character of the trade, and the provinces have become dependent upon the United States for their food, and their supplies cannot, in mid-winter, be suddenly cut off without entailing actual distress upon the community.

Extract from a letter from Messrs. H. J. & C. A. De Wolf to Mr. Consul Archibald.

NEW YORK, February 8, 1864.

We beg, through you, to call the attention of her Britannic Majesty's representative at Washington to the recent action of the custom-house authorities in reference to the shipments to the British provinces of North America.

Since January 1, 1864, the custom-house authorities have not permitted American produce and other lawful merchandise to be shipped until bonds have been given by the shipper that they are intended for consumption in the provinces, and under no contingency to be reshipped so as to give aid to the insurgents; but when landing certificates are obtained, we find difficulty in cancelling. It is impossible for us to trace goods after they have passed through several hands, and should they run the blockade the shipper is responsible. This action of the customs places almost a total prohibition on trade, and is deemed a violation of treaty stipulations. On the 5th of February instant the customs

authorities declined to receive bonds from the shipper, demanding that the captain of the vessel should give bonds, and refusing a clearance until this was done.

The British brig *Stranger*, Captain Campbell, was loaded for Halifax, Nova Scotia, and ready to clear. After three days' delay at the custom-house, the master was compelled to sign a bond (of which the following is a copy) in the amount of \$20,000, the shippers becoming sureties in \$115,000.

"Whereas the said George Campbell is the master of the vessel called the brig *Stranger*, now lying in the port of New York, laden with a cargo of certain goods valued at \$20,111 76, which goods are particularly enumerated in the manifest of said brig, a copy of which is hereto annexed, and the said master has applied to the collector of the port of New York for a clearance of said vessel from the port of New York to the port of Halifax, Nova Scotia, and the said collector, under the circumstances of the case, has deemed it necessary to require a bond in pursuance of the requirement of the statute in such cases made and provided: Now if said goods, wares, and merchandise shall be delivered at Halifax, aforesaid, and shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to the insurgents, with or by the consent, permission, or connivance of the owners, carriers, or consignees thereof, then this bond, &c., &c."

The British brig *T. Congdon* was also refused a clearance until the master had signed a similar bond in over \$9,000, with two real estate sureties in \$40,000. Before the breaking out of the war, the provinces obtained a large quantity of breadstuffs from Richmond, Georgetown, and other southern ports, and now are compelled to obtain their supplies almost exclusively from New York, and the exports have consequently increased about 50 per cent. This can be accounted for in the increase of population in Nova Scotia, together with the supplies needed in the gold mines and fisheries.

Mr. Cunara to Mr. Archibald.

NEW YORK, *February 8, 1864.*

SIR: I have just been informed at the custom-house that, in future, bonds will be required from the *master* or *owner* of the vessel in which shipments may be made to Nassau, instead of from the owners or shippers of the goods, as heretofore; that a bond will have to be given by the master for the whole value of the cargo, with two responsible sureties, who must justify for double the amount of the bond.

Power, it is said, is given to the collector of customs to demand this by statute passed May 20, 1862, chapter 81. The bond which will be required contains this clause: "Now, if said goods, wares, and merchandise shall not be delivered as aforesaid, and shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid and comfort to the insurgents, with or by the consent, permission, or connivance of the owners, shippers, or consignees thereof, then this obligation to be void; otherwise to remain in full force and virtue."

You will at once see that this is tantamount to enacting that no shipments shall be made, for the future, from ports of the United States to Nassau, because no master or owner could enter into such an impossible stipulation.

I beg to request that you will be good enough to bring this subject under the notice of Lord Lyons, so as to ascertain whether the United States government can, under the treaties of trade between the United States and Great Britain, prohibit all trade between certain British ports, or demand from the masters of British ships bonds the stipulations of which is beyond their power to comply with.

I have, &c.,

E. CUNARD.

E. M. ARCHIBALD, Esq.

Extract from a letter from Mr. De Wolf to Consul Archibald, dated New York, February 8, 1864.

Permit me to address you upon a subject which is not only of importance to myself personally, but to all of her Majesty's subjects who are doing business in this city with the British provinces of New Brunswick and Nova Scotia; also one which affects seriously the inhabitants of these provinces, and the interest of ships trading between this and those ports, amounting, in fact, to a prohibition of trade and commerce.

You may not be aware that, for some time past, the government of the federal States has been enforcing from shippers bonds for all goods shipped to the above-named British provinces to twice the amount of shipments, requiring two sureties owning real estate within the southern district of New York, each of whom is required to swear that such real estate is worth the amount of bonds free from all encumbrances. The bond is this, viz.: "That the goods named shall be delivered at the port named, and shall not be transported to any place under insurrectionary control, and shall not in any way be used to give aid or comfort to the insurgents, with or by the consent, permission, or connivance of the owners, shippers, carriers, or consignees thereof.

You can scarcely imagine the great difficulty there is in procuring such sureties; in the first place, it is out of the question to ask a retired merchant or man out of business; in the second place, it is very difficult to get merchants away from their business during business hours, which is the only time those bonds can be signed; in the third place, to procure men who will satisfy the requirements of the government; and in the fourth place, to obtain men who are willing to sign such bonds for you, to any extent, however well disposed they may be to you. One may ask the favor of another twice or thrice, but when it is continued to the amount of \$200 to \$400,000, no man will do it. In fact, shippers cannot reasonably expect it to be done, and any right-thinking man cannot ask it; so it amounts to this, the shipment cannot be made. I have already known two merchants, who have been shippers to St. John's, New Brunswick, who received orders for one thousand barrels each of flour, who would not ship it, to give the bonds required. One shipper, who shipped goods to the amount of \$50, was two days in procuring sureties to satisfy the custom-house authorities.

Another instance, a vessel was detained two days before the shipper could procure his sureties for fifty barrels of flour, the amount being about \$350. The freight on which the vessel would receive, when delivered, was \$15; her time each day was worth \$25. Several merchants have been for some time trying to get the collector of this port to remove this restriction, which, after much deliberation with other officials, enforcing the master or owner of the vessel bound to these provinces to give bonds of the same nature, the same amount, and the same sureties as have heretofore been required of the shippers. This change has made the thing worse, and the burden more than before, for this reason: The master and owners of the vessels usually plying between this and those ports are comparatively strangers, which will make it difficult to procure sureties, in fact, in most instances, impossible, unless the consignees residing here procure them.

Then, again, it increases the amount of the bond, as it covers the whole cargo; the larger the amount, the more difficult to find men with sufficient real estate to answer the requirements of the government. Another difficulty, the bonds of the captain cover the goods both of the regular honest shipper and the dishonest one who may be shipping for the express purpose of reshipping to a port in rebellion, or he may ship goods which are contraband, of which the master of the vessel can have no knowledge. You can at once see the impropriety and

injustice of placing such burdens on masters and owners of vessels. If any one has any right to give any such bond, surely it is the shipper, and not the ship.

I have a vessel now in port for which I had engaged freight to be taken to Halifax, Nova Scotia, but as these bonds are now required from the vessel, the master of which will not take the cargo to give bonds, preferring to go in ballast. I mention this to show the practical working of the thing. The government, on account of the increase of shipments to the British North American provinces, has become suspicious that the increased demand for goods has been caused by reshipment to the States in rebellion, which suspicion is not well founded. It must be borne in mind that previous to the enactment of the reciprocity treaty, or rather the taking effect of that treaty, all the flour shipped was the produce of the provinces of Canada, received here in bond, and exported hence in bond. I think I may say there was not any American flour shipped, for the reason there was a duty on all American flour shipped to the provinces. Since that treaty took effect, almost all, if not entirely all, the flour which has been shipped is of American growth and manufacture. Then, again, the population of these provinces have materially increased. Further, previous to the breaking out of the rebellion large quantities of a low grade of breadstuffs were shipped from the southern States, which, of course, has been cut off, and the demand for the same now centres here. I have been engaged in business in this city for the last thirteen years with those provinces, and know what I have stated to be true

Extract from a letter from Messrs. Tynes & Smith to Mr. Consul Archibald.

NEW YORK, February 9, 1864.

The schooner Nassau, a small vessel of about eighty-six tons burden, was chartered by our house to take a cargo of flour to St. John's, New Brunswick, at twenty-five cents per barrel, the vessel carrying eight hundred barrels.

The authorities demand two sureties of \$5,000 each for the due performance of voyage, to obtain said securities it cost two and a half per cent., which takes entirely all the freight and fifty dollars in addition. The freight was engaged, and the vessel laden before the regulation was made. The master is now obliged to pay fifty dollars over and above his freight to enable him to carry his cargo to St. John's, New Brunswick, for nothing.

Lord Lyons to Mr. Seward.

WASHINGTON, February 19, 1864.

SIR: In a note dated the 29th of last month you were so good as to inform me that all the persons belonging to the Baushee, whose names were mentioned in a list, at the head of which stood that of Mr. Jonathan Steele, the captain, would be released, except F. Foley, who was stated to be an insurgent.

In a subsequent note, however, which you did me the honor to address to me on the 13th instant, you enclosed a copy of a letter from the Navy Department, stating that the order for the discharge of Mr. Steele had been withheld because, although claiming to be a British subject, he did not make oath to that effect, and adding that it had been reported to the department that he was an American citizen. There seems to be some misapprehension on this point, for I am positively assured that on his examination before the prize commissioners Mr. Steele made oath that he was a British subject; and it appears from an affidavit of Mr. Edwin Gerard, which was made so long ago as the 28th of November last, and which I enclose in original, that Mr. Steele is a British subject,

domiciled at Liverpool, in England. Such being the case, I trust that the release of Mr. Steele will no longer be delayed.

I beg you to be so good as to send the affidavit back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Affidavit.

I, Edwin Gerard, a British subject, at present residing in this city, hereby make oath, and solemnly affirm, that J. W. Steele, (late master of the British steamship *Banshee*, recently brought into this port as a prize of war,) is a British subject, well known to this deponent as residing with his wife and family at No. 17 Landstone road, Old Swan, Liverpool, England. This deponent further affirms that the said J. W. Steele has been examined by the prize commissioner, (Mr. Elliott,) and is now detained in the county jail in Ludlow street against his will.

EDWIN GERARD.

Sworn before me this 28th day of November, A. D. 1863.

[SEAL.]

E. M. ARCHIBALD,
Her Britannic Majesty's Consul.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 19, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the day before yesterday's date, enclosing a copy of a report from the assistant collector at New York to the Secretary of the Treasury, from which it appears that the schooner *Etta* is not recorded in the books of the custom-house at that city as having been seized, and that the United States marshal has no knowledge of any such seizure.

It is stated by the owners that this vessel had sailed under the so-called confederate flag, and then bore the name of *Retribution*; that she was sold at Nassau, in the Bahamas, and purchased first by other parties, and then by themselves; that she arrived at New York on or about the 20th of August last, and while preparing for sea, in order to return to Nassau, was seized and detained by the United States authorities.

These particulars will probably suffice to enable the proper authorities to find some record of the transaction, and to supply the information asked for by her Majesty's government as to the grounds of the seizure, and the steps taken to establish its legality.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 20, 1864.*

SIR: With reference to my note of yesterday I hasten to send to you a copy of a despatch from her Majesty's consul at New York, which puts it beyond all

doubt that the statement made to the Navy Department that Captain Steele, of the *Banshee*, does not make oath that he is a British subject, is incorrect.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE, NEW YORK, *February 18, 1864.*

MY LORD: Referring to my despatch of the 16th instant, I have the honor to report to your lordship that I have examined at the district clerk's office the testimony "in preparation" in the case of the *Banshee*, which has been returned from Washington, and I find that the answer to the first interrogatory is as follows:

"To the first interrogatory he says: I was born in Yorkshire, England; I live at Liverpool when I am at home, and that has been my residence for about eleven years. I am married, and my wife and family live there. I am a British subject, and owe allegiance to the British government."

The whole of the answers are subscribed by Captain Steele thus: "*Jonathan W. Steele, master,*" and were sworn to by him, before Mr. Henry H. Elliott, prize commissioner, on the 27th of November last.

I called on Mr. Elliott, and asked him if Captain Steele, on any occasion, had declined to swear that he was a British subject. He replied, "No;" "that so far as he recollected he answered the interrogatory on that subject readily."

I transmit, herewith enclosed, for your lordship's use, a copy of the stated rules and standing interrogatories in prize courts.

I have, &c.,

E. M. ARCHIBALD.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 20, 1865.

MY LORD: I have the honor to acknowledge the receipt of your two communications under the respective dates of yesterday and to-day, relative to Mr. Jonathan Steele, the captain of the captured British steamer *Banshee*, and to inform you that a copy of them has been submitted to the consideration of the Secretary of the Navy.

The affidavit which accompanied the first of these communications is herewith returned,

I have the honor to be, with high consideration, your lordships obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 20, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 15th instant, relative to the restriction placed upon the trade between

New York and places within the Queen's dominions, and to inform you that the subject will receive attention.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Honorable LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 22, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 19th instant, relative to the restrictions imposed upon shipments from New York to several of her Majesty's possessions, and to inform you that it will receive attention.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, February 22, 1864.

SIR: With reference to my note of the 19th instant, respecting the restrictions imposed upon trade between New York and her Majesty's possessions, I do myself the honor to submit to you a copy of a letter, addressed to her Majesty's consul at New York by Mr. Edward Cunard, who represents that the enforcement of these restrictions in the case of the royal mail steamer Corsica would render it necessary to send that vessel to Nassau without freight.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Cunard to Mr. Archibald.

NEW YORK, February 20, 1864.

SIR: I wrote to you on the 8th instant respecting the restrictions imposed by the collector of customs on shipments to Nassau. The royal mail steamship Corsica is advertised to sail on the 29th instant, and I have applications from merchants to send freight by her, but on application at the custom-house I am informed that, before the ship clears, I shall have to give the bond and securities, as stated to you in my letter. As I cannot give these, the steamer must proceed to Nassau without freight; and should it prove that this restriction is not consistent with the treaty stipulations between the United States and Great Britain, I have to request that you will submit, for the consideration of Lord Lyons, that I have a claim for the loss sustained thereby.

I have, &c., &c.,

E. CUNARD.

E. M. ARCHIBALD, Esq.,

Her Britannic Majesty's Consul.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February, 23, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 22d instant, which is accompanied by a copy of a letter that has been addressed by Mr. Edward Cunard to her Britannic Majesty's consul at New York.

In that letter Mr. Cunard, by way of complaint against the requirement of bonds at the custom-house in New York for goods shipped to her Majesty's colonial ports in the Bahamas, remarks, that "the royal mail steamship *Corsica* is advertised to sail on the 29th instant, and I have applications from merchants to send freight by her, but on application at the custom-house I am informed that before the ship clears, I shall have to give the bond and sureties as stated to you in my letter; and as I cannot give these, the steamer must proceed to Nassau without freight."

Simultaneously with this communication of Mr. Cunard, I have a despatch from Major General Banks, to the following effect:

"Since assuming command at Brownsville, Texas, Major General Heron's attention has been attracted to the large stock of goods in Matamoras, and daily arriving there, intended for use in the rebel States, and he has been to some trouble in investigating the matter, for the purpose of satisfying himself from what ports these goods were shipped. He says that many of them came from New York and Boston direct, and that the goods are of such a character that it cannot but be known to the custom-house officers at these places that they were intended for rebel use. He also adds that large quantities of gray cloth for uniforms, cotton goods, bagging, rope, and other articles of that kind, have passed through the custom-house at New York, for Matamoras; that the goods are bought for Texas; that it is well known by every one that such goods are never used in Mexico, yet they are cleared without trouble at New York, and go into Texas as straight as if they were landed at Galveston. Plenty of evidence, he continues, can be had at Brownsville to substantiate these statements, and he submits the matter for the action of the major general commanding."

Having taken the President's directions, I have now to inform you that, in his opinion, the restrictions of which Mr. Cunard complains cannot be relaxed at present, with safety to the United States. The right to suppress contraband trade in our own ports, with our own insurgent citizens, is deemed absolute. It seems to this government that the measures adopted to that end are the only ones which, while they have any efficiency, will in the least degree embarrass or obstruct legitimate commerce.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 25, 1864.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your two notes under the respective dates of the 19th and 20th instant, relative to Mr. Jonathan Steele, the captain of the British steamer

Banshee, the Secretary of the Navy represents that the Navy Department has given instructions for the release of Mr. Steele.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 25, 1864.*

SIR: With reference to your notes, dated the 18th and 26th ultimo, I have the honor to transmit to you extracts from a letter addressed to me by Mr. James MacHugh, and to lay before you an original affidavit showing him to be a native-born British subject.

You will perceive that Mr. MacHugh denies that "he was domiciled, residing, and pursuing mercantile business in Savannah when the insurrection broke out;" and you will observe that he states that he was arrested on landing from, not in the act of sailing by, the steamer "City of Washington," and affirms that no newspapers or letters or contraband articles were found upon him, and that it appeared, on investigation, that the bundle of letters supposed to have been in his possession, were in fact taken from another person.

I request you to be so good as to send the original certificate back to me.

I have the honor to be, with the highest consideration, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract from a letter of James MacHugh to Lord Lyons, dated Fort Lafayette, February 13, 1864.

I avail myself of the earliest possible opportunity to reply categorically to the charges made against me communicated by your lordship to her Britannic Majesty's consul, recently laid before me, consisting of extract and copy of two letters of mine and summary of Mr. Seward, Secretary of State of this government, on the same and other charges respecting that addressed to Mr. Gray, written at Belfast, and addressed to Mr. Gray, Queenstown, Ireland. I claim as a British subject the right to communicate with any one in her Majesty's dominions on any subject not in violation of her Majesty's proclamation and the laws of Great Britain, and as the transaction referred to about Mr. McCoy simply applies to a contemplated appointment by a Governor Brown, through the influence of Mr. Gray, one of whom is at present a belligerent with the United States, and the other, "Gray's," nationality being unknown to me, it is difficult to conceive in what way I have forfeited my right as a British subject, or come under the jurisdiction of the United States authorities for that act; neither am I aware that a commercial recommendation to buy or sell any shares, stocks or bonds, which are openly negotiated on every exchange in Europe, (as are also the United States securities,) constitutes an offence punishable by law in either of the belligerent States, if effected or "recommended to be effected" in a neutral country. The same remarks apply equally to the sale of a steamer or steamers referred to in my letter to a Mr. Lamar at Liverpool, at a price I am justified in selling to any buyer, whether confederate, United States subjects, or Chinese.

As a matter of course, the defeat of Rosecrans or the fall of Vicksburg, aluded to in one and the other communications, affect commercially the value of the bonds or steamers to be traded in, and, as such, only enlist my expressed sympathies, as they would have done in the reverse sense, had I been interested in greenbacks or other United States securities. I beg leave to represent that I am a British subject, born in Ireland; also, "that I was not domiciled, resident, or pursuing mercantile business in Savannah when the insurrection broke out." I joined the house of John Treanors in May, 1861, and left in June, 1861; and his being a so-called insurgent in noways justifies the application of the same term to myself. I was a passenger on board the steamer Bermuda, bound from Bermuda to Nassau, and captured off Abaco light, while steering for the latter port, and not, as asserted, taken when attempting to run the blockade. We were brought into Philadelphia in May, 1862, and I left New York in the following September for Europe, where I have been until my return here on the 18th December, 1863, when on my landing at the revenue office, where my baggage was examined, and I was arrested. I was arrested on landing from, "and not in the act of sailing by the City of Washington."

Respecting the capture of the Bermuda, I have nothing to say, that being a matter for the decision of the prize courts; but I do not see what on earth I have to do with the various agencies of the shipping agents, Frazer, Trenholm & Co., or the nationality, insurrectionary qualities, or birth-place of her commander. I was discharged in Philadelphia as a neutral subject proceeding to Savannah by the only probable means of reaching the place, and I have not before heard it alleged, that being a passenger from one English colonial port to another, even with a view to enter a blockaded port thereafter, constituted an act of hostility to one of two belligerent States. It is also avowedly in legislation, that any one having been discharged, as he was entitled to be in such a case in May, 1862, should be rearrested and reproceeded against for the same offence nineteen months afterwards on his return to this country from Europe on totally different business.

My arrest, as before stated, took place on the arrival of the City of Washington, and not, as stated, on my intended departure, and no papers or letters or contraband were found about me. I was therefore naturally surprised, when examined by the military commission sent down here to investigate the cases of arbitrary arrests in this fort, to find myself charged with being carrier of a bundle of letters, which Mr. Seward alludes to in rather severe terms, and addressed by disloyal citizens in Baltimore, to officers in the service of the so-called Confederate States, on examining which, they proved to be those which had been taken from the person of Lieutenant Rooke, of her Britannic Majesty's service, now here, and, on inquiry, they were identified by him.

The last item on which stress is laid is having in my possession sundry photographs of so-called insurgents, which Mr. Seward claims "to be illustrations of, and devotion to, and habitual association with the same." If this be so, there must be an immense amount thereof in all the fancy stores of this city, where they were purchased.

To all to whom these presents shall come, greeting :

I, John Young, consul of the United States of America, for the port of Belfast, (Ireland,) and its dependencies, do certify and make known, to whom these presents shall come, that John Lytle is mayor of Belfast, and that his signature to the annexed document is genuine.

Given under my hand and the seal of this consulate, at Belfast, this [L. s.] ninth day of January, in the year one thousand eight hundred and sixty-four.

JOHN YOUNG, *United States Consul.*

We, the undersigned, residents of Belfast, county of Antrim, Ireland, being duly sworn, declare and say that we are acquainted with James McHugh; that he was born in county of Tyrone, Ireland, about or in the year 1838; that he went to the United States of America on Wednesday, the 4th day of December, 1863, and that we know him to be a British subject.

HUGH C. CLARKE.
JAMES KAVANAUGH.

Subscribed and sworn to before me, the mayor of Belfast, by H. C. Clarke and James Kavanaugh, who are credible witnesses, on this 9th day of January, 1864, the figures 1863 and also 1864 being just inserted.

JOHN LYTLE.
Mayor of Belfast.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE.
Washington, February 26, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, and its accompaniments, relative to the case of Mr. James McHugh, a prisoner at Fort Lafayette, and to inform you that a copy of the papers has been communicated to Major General John A. Dix, at New York.

In compliance with your request, the original certificate which accompanied your notes herewith returned.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 29, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 19th instant, in which, with reference to my communication of the 17th of this month, relative to the case of the schooner Etta, you gave me some further information in regard to that vessel, and to inform you I have invited the attention of the Secretary of the Treasury to it.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 29, 1864.*

SIR: Her Majesty's government have had under their consideration the notes which you did me the honor to address to me on the 18th of December last, and on the 9th of last month, respecting the case of the Chesapeake.

The readiness on the part of the government of the United States to make all proper and suitable reparations for the acts of its officers which was manifested by the first of these notes has rendered it unnecessary for her Majesty's government to insist upon the question which it would otherwise have been their duty to discuss at once with the government of the United States, namely, the wilful and flagrant violation of her Majesty's territory by the officers of the United States cruiser *Ella* and *Annie*.

The government of the United States having subsequently made by the second note a full apology for the violation of her Majesty's territory, it only remains for me to state to you that her Majesty's government accepts that apology in the same spirit in which it has been offered, and are truly glad that the matter has been settled in a manner honorable to both parties, and calculated to improve the friendly relations which her Majesty's government are always anxious to maintain with the government of the United States.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 1, 1864.*

SIR: Her Majesty's government have carefully considered the information which they have received respecting the recent seizures of the *Sir William Peel*, the *Science*, the *Dashing Wave*, and other British vessels, by the United States cruisers in the *Rio Grande*, and they have felt it to be their duty to direct me to address to you a remonstrance upon the subject.

With respect to the case of the *Sir William Peel*, the attention of her Majesty's government has been directed to a letter from Commander Rolando, the captor, to the Assistant Secretary of the United States navy, dated the 3d of October last, which has been intercepted and published, with which you are of course well acquainted. Her Majesty's government are of opinion that it is scarcely possible to doubt, from the evidence of this letter, the genuineness of which her Majesty's government consider themselves to be fully entitled to assume that the *Sir William Peel* was knowingly seized by the captor in neutral waters; that she was seized without preliminary examination, in violation of international law and of the orders of the United States government; and that she was seized partly on account of her homeward cargo being cotton, which the captain knew was not contraband, but which he chose to treat as contraband.

Indeed, the official report of Commander Rolando to the Secretary of the Navy, a copy of which you did me the honor to transmit to me with your note of the 11th of January last, avows as the reason for the seizure "that the *Sir William Peel* had been landing a portion of her cargo contraband of war, and was receiving confederate cotton from confederate agents at *Brownsville*." That report appears, therefore, to her Majesty's government to be in accordance with the intercepted letter, and to show that the captor relied upon the United States government supporting him in seizing neutral vessels with confederate cotton on board, on the plea that such cotton was contraband. It is true, that Commander Rolando adds in the report, that on searching the ship *after* taking possession of her, "he found sufficient contraband of war to justify the seizure." But, in the first place, her Majesty's government object that this officer considers what he terms "confederate cotton" to be contraband of war; and secondly, that the search which is to justify a seizure ought, by international

law, to precede, and not to follow, the act of taking possession. It appears, therefore, to her Majesty's government to be plain that Commodore Rolando, at the time of making this capture, disregarded the rules of international law; and considering this in connexion with the intercepted letter, and with the fact that the prize court at New Orleans has been unable to find any justification for the capture without further proofs, her Majesty's government conceive that it is impossible to attach any weight to the pretext that contraband was found on board the vessel.

Adverting again to the intercepted letter, her Majesty's government consider it necessary to take notice of the 5th paragraph, which runs as follows: "The vessel is perfectly ventilated with air-ports, and would be comfortable for a crew of 400 men. She will make us a splendid single-deck sloop with pivot guns, raze the spar deck." To her Majesty's government there appears to be only too much reason to infer from this paragraph that the captor was influenced in his unjust proceedings by the desire of employing the Sir William Peel in the service of the United States; and her Majesty's government consider this circumstance is calculated to excite the alarm and vigilance of every neutral maritime power, and that it fully justifies the remonstrance which I addressed to you by their order last year, upon the subject of forcing vessels before condemnation into the naval service of the United States.

Her Majesty's government have accordingly instructed me to make known to you the view they take of the seizure of the Sir William Peel, and to say that unless the authenticity of the intercepted letter is denied, they fully expect the United States government will direct the immediate restoration of the vessel, with proper indemnification to the owners, and will cause a proper rebuke to be administered to the captor. In the face of such positive avowals of a violation of international law as are disclosed in the intercepted letter, her Majesty's government cannot admit that it is a sufficient answer from the government of the belligerent to that of the neutral to say that the case is before the prize court, and that certain statements as to the demeanor and subsequent conduct of the captors (comparatively immaterial and entirely unconnected with the question whether the captor was justifiable or not) are now denied. Her Majesty's government are, on the contrary, of opinion that the intercepted letter shows that the seizure was made upon a wrong principle, on which the captor intentionally acted, and which seems also to have been acted upon in a similar manner by other United States cruisers in the Rio Grande, in open defiance of neutral rights.

With regard to the capture of the *Science*, her Majesty's government observe that, even assuming that she was not seized in Mexican waters, she would nevertheless appear to have been most unjustifiably and illegally captured. According to the papers before her Majesty's government, her imputed offence was having, or having had, contraband on board; but the obvious answer is, first, that cotton, of which her return cargo is stated to have been composed, is not contraband, and that the cargo with which she arrived at Matamoras (of whatsoever articles composed) is declared to have been, before her seizure, actually and *bona fide* delivered in Matamoras, a neutral port, to Mexican consignees; and, secondly, that if her trade was *bona fide* between Great Britain and Matamoras only, she would not be guilty of carrying contraband.

With respect to the *Dashing Wave* it has been represented to her Majesty's government that she was seized without being searched. Her Majesty's government hold that the *Dashing Wave*, like any other neutral vessel, ought not to have been seized before a search made by the captor had established that she had contraband of war on board, or that there was *prima facie* ground for capture; and this is a point of law, the practical breach of which by the officers of United States cruisers affords, in the opinion of her Majesty's government, ground for grave remonstrance with the government of the United States.

Her Majesty's government have accordingly commanded me to state to you that they regard these captures in a very serious light, but that her Majesty's government cannot believe that the government of the United State will refuse the reparation for them which is justly due.

I have the honor to be, with the highest consideration, sir, your obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 2, 1864.*

SIR: You were so good as to repeat to me verbally, on the 2d of January last, the assurance that you would do your best to obtain a fair compensation for the owners of the Labuan before Congress separated.

Her Majesty's government fully rely upon this assurance, and they are confident that Congress will grant to parties interested full compensation for the losses sustained by them.

Her Majesty's government cannot, however, refrain from making some observations on the general circumstances of the case. There can be no question but that an injury has been inflicted on some of her Majesty's subjects by the unlawful act of a ship commissioned by the government of the United States, and that redress in the form of damages is due for such injury.

Her Majesty's government are, strictly speaking, in no way concerned as to the manner in which the money required to pay the amount of damages is to be provided, although they have been prepared to wait a reasonable time to admit of its being appropriated by Congress according to the forms usual in the United States.

But her Majesty's government deem it right to repeat what, from the commencement of the discussion, they constantly sought to impress upon the government of the United States—that, having regard to all the circumstances in the case of the Labuan, the question of damages is one which ought to have been settled immediately between the two governments, without any reference to the prize courts in the United States.

Her Majesty's government ask reparation, and they rely upon the justice of the government of the United States to grant it without further delay.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 2, 1864.

MY LORD: I have the honor to acknowledge with satisfaction the receipt of your note of the 29th ultimo, in which, referring to my notes to you of the 18th of December last and of the 9th of January of this year, respecting the case of the "Chesapeake," you inform me that her Majesty's government, in view of the readiness evinced by the government of the United States to

make all proper and suitable reparation for the acts of its officers, and of the apology made for the violation of her Majesty's territory, accept that apology in the same spirit in which it has been offered.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE.

Washington, March 3, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note relative to the question of damages in the case of the steamer Labuan, and to inform your lordship that the subject shall receive attention.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, March 4, 1864.

SIR: With reference to the conversation which we had yesterday, on the subject of the note which, in pursuance of instructions from her Majesty's government, I addressed to you on the 1st instant respecting the case of the "Sir William Peel," I do myself the honor to transmit to you herewith certified copies of the depositions and decrees in court, in the case, up to the 9th of January last. You will find among these documents a copy of the order of the court granting time to procure further evidence in the cause.

I trust that the information thus supplied will suffice to enable you to come to a decision on the case, without incurring the delay which would be occasioned by a reference to New Orleans.

I have also the honor to transmit to you a copy, taken from the New York Times of the 29th November last, of the intercepted letter from Commander Rolando to Captain Fox.

I beg you to be so good as to send back to me the copy of this intercepted letter, as well as the copies of the depositions and decrees of court.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

The case of the Sir William Peel.—An interesting letter from Captain Rolando, of the Seminole.

The Richmond Enquirer publishes the following correspondence, premising that "this Henry Rolando is a South Carolinian by birth, and disappointed his friends very much by remaining with the enemies of his country. He was with Captain Pegram in the expedition against the Chinese pirates, and behaved very gallantly. Before the war his word would have stood against the oath of any

Englishman, but the amount of lying done by his brother Yankee officers during the war makes it rather doubtful whether his word will pass now among gentlemen. Such is the effect of association."

Mr. Magruder to Mr. Mallory.

HEADQUARTERS, DISTRICT TEXAS, NEW MEXICO, AND VIRGINIA,
Houston, October 17, 1863.

SIR: I have the honor to forward for your information a letter from Captain Rolando, commanding United States steamer Seminole, to Mr. G. V. Fox, Assistant Secretary United States Navy. This letter was in the mail-bag of the Seminole, which, with that of the Cayuga, were intrusted to the captain of a blockade runner, who deceived the federals into the belief that he was bound for New Orleans, and on leaving them at Sabine Pass, ran into Calcasieu, and delivered the mails to an officer there, who transmitted them to these headquarters. The original has been sent to Mr. Mason, in London, for publication, one copy to the British admiral commanding in the gulf, and one to the Mexican authorities at the Rio Grande.

I am, very respectfully, your obedient servant,

J. BANKHEAD MAGRUDER,
Major General Commanding.

HON. S. R. MALLORY,
Secretary of the Navy.

Mr. Rolando to Mr. Fox.

UNITED STEAMER SEMINOLE,
Sabine Pass, October 3, 1863.

MY DEAR FOX: I am sorry that I have been ordered by the commodore to blockade off this place, as I felt I could have been of more service at the Rio Grande, where I seized the Sir William Peel, on the 11th of September.

I could understand the hocus-pocus of those Englishmen there; they were in open daylight landing cargoes of contraband, with the connivance of the Mexicans, and sending into Texas everything they could which would aid the rebellion. I knew it, but could not detect the act, and consequently had to keep quiet until I had sufficient grounds for making the seizure I did.

The Sir William Peel is about three hundred and forty feet long on deck, and has splendid engines, all below the water-line, and built for a man-of-war, iron stanchions and knees fore-and-aft on her main deck, and could be converted into a privateer on very short notice.

I expected to find guns on board, but did not, with the exception of two iron 18-pound guns. Of contraband articles I found about one hundred and fifty axles for gun-carriages, and two casks of iron rings for artillery harness.

The vessel is perfectly ventilated with air-ports, and would be comfortable for a crew of four hundred men. She will make us a splendid single-decked sloop with pivot-guns, raze the spar-deck.

No one knows, who has not been to the Rio Grande, the immense value that river is to the southern confederacy. Steamers are constantly landing cargoes—contraband—which go to Texas in the small steamers and barges which are towed up the river, and landed; on returning bringing cargoes of confederate cotton, just as bad as contraband, as it buys the arms and munitions of war.

When I took the Peel she had steam up, and I thought she was going to run

for it; so I took her at anchor, which I would not have preferred, as I feared the Englishman would cry out neutrality, as he did; but I informed him that he was in error; that I had the advantage; he was on my side of the line; he was quite near the line, but a little to the northward.

I did not take any bearings myself of the position, as my instructions to the master are general, that "he should always take bearings when we stopped near the land." He did so while I was on board the *Peel*, as I seized her myself, and the day after the seizure I found that in the log was noted the bearing of the river Rio Grande, west by south, at the time of the seizure, which puts us a little in American waters. I am glad it was done by the master, as I felt some delicacy about a point of so much interest, personally.

It galled me to have a scoundrel of an Englishman crying out neutrality, when he knew as well as I did that he had been trafficking in the blood of my countrymen and making money out of our misfortunes. That he had landed arms and contraband of every kind before my arrival, (I was only ten days at the Rio Grande,) and had started with the intention of being a privateer, and had so boasted in Matamoras, is well known; but the miserable Mexicans who are helping the trade, and yet will no doubt sustain a claim of neutrality which they themselves are violating, for the *Hawkins*, the *Celt*, *Lebanon*, and *Peel* had all discharged their cargoes, which were contraband and forwarded to Texas by Mexican authorities in the custom-house.

When it is so palpable to any one of our statesmen that Mexicans are hourly, through the custom-house at the Rio Grande, violating their neutrality by assisting and giving aid and comfort to the enemy, I think it devilish hard that any plea for the observance of a neutrality which they don't observe themselves should be listened to by our government; and I hope Mr. Seward will remind them of what they are now doing and have done in the way of violating neutrality by sending to Texas contraband cargoes through the Rio Grande; it is so easy, as the river at the mouth is about three hundred yards wide, with four feet water on the bar, and grows narrower as you go up. I think the government should sustain my course without listening to any plea of neutrality from either English or Mexicans.

The ship will condemn herself, for you know her cargo from information from abroad and what she must have landed. The Mexicans are themselves violating neutrality, as it is the duty of a neutral to show favor to neither side, but be an honest friend to both belligerents.

I can take good care of my position, when the fight comes, on neutrality, as the course I have taken is fully sustained by my officers and the master who placed the ship, by bearings, in our own waters; so you see my reckoning is all right and I can rebut the English version. You saw from that English Captain Hood's despatch how the drift would be. The d——d puppy; I wonder if he recollected how his consul, Mr. Bunch, and some of his brother officers, raised the blockade off Charleston by an imaginary line of horizon. I suppose the boundary of Texas and Mexico is one of the same to him; but I have one of Blunt's compasses, which give a blunter line than theirs.

I hope Mr. Seward will assume a higher law if the case comes before him, as Mexico and England are violating neutrality themselves, and what is meted out by them to us they should be made to feel in a similar way.

There is not enough doing here to keep one alive; I have been here about two weeks and have not seen anything but what is in Sabine Pass, which the rebels are fortifying, and piling across the channel.

I do not anticipate anything in the way of a fight here, unless the *Clifton*, *Sachem*, and the cotton boats in the Pass come out and make one. The *Clifton* is in working order. I can't get near them, as there is only seven feet water at the entrance of the Pass. The army will attack, I suppose, from some other point than the Pass, as it is stronger now than ever.

I trust, my dear Fox, you will drop me a line and tell me how the course I have pursued as regards the Peel is appreciated by the department; for I am really quite anxious at the responsibility I have assumed, particularly when I think of Hunter, who I have understood was charged with violating neutrality. The Englishmen will do any amount of swearing, and the Mexicans likewise, from complicity. My consciousness of having acted to the best of my ability for the interest of my country and its cause, the belief that the vessel was in American waters, and the corroborating testimony of the master and log-book, are the comforts I have in my anxiety, and on which I rest my defence.

Drop me a line soon, and believe me your friend,

HENRY ROLANDO.

A true copy:

W. A. ALSTON, *Captain, A. A. General.*

Lord Lyons to Mr. Seward

WASHINGTON, *March 5, 1864.*

SIR: I deem it to be my duty to ask you to give serious and immediate attention to the enclosed copies of despatches from her Majesty's consul at New York.

If the statements made to her Majesty's consul be correct, the British schooner *Sylvanus*, of Nassau, was fired at and sunk by the United States blockading vessel *Huron*, on the 2d of January last, at Doby's inlet, in Georgia; the master and crew, nine men in all, were taken on aboard the *Huron*, and sixteen days afterwards were transferred to the United States ship *Massachusetts*, and conveyed to Philadelphia; they were kept on board the guardship for nine days, and they were finally sent to Fort Lafayette, where they now are, neither the master nor any of the men having been examined since their capture.

It is stated, moreover, that while on board the *Huron*, the whole of the men, the master excepted, were placed in irons every night, and that, with the exception of the mate, who was suffering from a sore arm, they were sent in irons to Fort Lafayette.

It appears that the master and seven of the crew are British subjects, and that the remaining seaman is a Belgian. It has so often been my duty to call your attention to the positive declarations made by her Majesty's government, that British subjects belonging to neutral vessels captured for breach of blockade ought not to be detained indefinitely as prisoners, nor treated with indignity, that I now make no apology for pressing for immediate information as to the grounds on which the master and crew of the *Sylvanus* are imprisoned, or for urging that, unless there be some valid reasons justifying their detention, they may at once be set at liberty.

I consider it right, also, to ask for information respecting the destruction of the *Sylvanus* and the legal proceedings, if any, which have been taken in the case. Nor can I conclude without drawing your attention to the representations made by her Majesty's consul with regard to the detention or suppression of letters addressed to him by British subjects confined in Fort Lafayette.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD *&c., &c., &c.*

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE, NEW YORK, *February 26, 1864.*

MY LORD: I have the honor to transmit to your lordship herewith a copy of a letter received by me several days after its date, from one of the men lately

belonging to the crew of the Banshee, reporting that several British subjects who were captured on board the schooner *Sylvanus*, of Nassau, on the 2d of January last, are detained as prisoners at Fort Lafayette. This morning, Captain Steele, of the Banshee, informed me that the late master of the *Sylvanus*, Captain Haggin, and eight of his crew, all British subjects, are still imprisoned at Fort Lafayette; that Captain Haggin since he was sent to Fort Lafayette, has twice or thrice written letters to me, calling my attention to his case and that of his crew. Captain Steele confirms the statement of the men having arrived at the fort manacled, in which condition they were brought from Philadelphia; Captain Haggin's wrists being injured by the handcuffs, which were too small for him.

I beg leave to report to your lordship that I have received no letter whatever from Captain Haggin, or any of his crew; and take the opportunity to call your lordship's attention to the delay in the transmission of letters addressed to me by prisoners at Fort Lafayette, which I have often had occasion to notice.

The *Sylvanus*, which was laden with salt, was captured and destroyed by the United States blockading force on 2d of January last, at Dobby's inlet, in Georgia. Neither the master nor any of the crew, as it is reported to me, have been examined before a prize commissioner; nor has any investigation whatever, so far as I can learn, taken place with regard to the capture of the vessel or the imprisonment of the crew.

Mr. Vice-Consul Edwards will to-morrow visit the master and crew at Fort Lafayette, and ascertain more satisfactorily their nationality. In the mean time I deem it right to lose no further time in bringing their case to your lordship's notice. I have, &c., &c., &c.,

E. M. ARCHIBALD.

LORD LYONS, G. C. B., &c., &c., &c.

Mr. Rover to Mr. Archibald.

NEW YORK, *February 12, 1864.*

SIR: I am instructed by Captain A. Haggin, of the schooner *Sylvanus*, of Nassau, that they were captured at Dobby sound, on the coast of Georgia, on the 2d of January, by the United States gunboat *Huron*. They were detained for sixteen days on board of her, and then sent to Philadelphia, and from thence to Fort Lafayette. They kept the crew on board of her in irons every night, and from Philadelphia to New York they sent them all in irons. They have not had any hearing yet of any sort up to last Sunday, and the captain is begging of you to intercede for them, for they are all British subjects.

I am, &c., &c., &c.

H. C. D. ROVER,

One of the Banshee's Crew.

E. M. ARCHIBALD, Esq., &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE,

New York, February 29, 1864.

MY LORD: Referring to my despatch of the 26th instant, I have the honor to report to your lordship, that Mr. Vice-Consul Edwards proceeded to Fort Lafayette on Saturday last, and there examined, on oath, Alexander Haggin, late mas-

ter of the schooner *Sylvanus*, of Nassau. Mr. Haggin states that he is a native of Belfast, Ireland, and a British subject; that he has never been naturalized in the United States, or elsewhere; that he has followed the sea for the last fifteen years, chiefly in the East India trade. The last time he was in the United States was at Darien, in Georgia, in the year 1861, before the war begun; he was then a seaman of the *St. Helena*, and remained there for about five weeks. He had been but once before in the United States, when he was an apprentice. He sailed from Nassau about the end of December last, in command of the schooner *Sylvanus*, of Nassau, with a cargo of salt, six barrels of spirits, and some manilla cord. On the 2d of January last, being then off Darien, the *Sylvanus* was fired at by the United States blockading vessel *Huron*, and was thereby sunk. The crew and himself, nine in all, were taken on board the *Huron*, and sixteen days afterwards were transported to the United States ship *Massachusetts*, and conveyed in her to Philadelphia. While on board the *Huron* the whole of the crew, the master excepted, were placed in irons every night. On arriving at Philadelphia they were placed on board the guardship for nine days, and were then sent to Fort Lafayette, all in irons, with the exception of the mate, who was suffering from a sore arm. They have been at Fort Lafayette for more than three weeks; and that since their capture on the 2d of January, neither the master nor any of the men had been examined. That the master had addressed two letters to me, one on the 4th and one on the 20th instant, to neither of which had he received any reply. The crew consists of the following persons, who are British subjects, viz., Samuel N. Williams, a native of Wales, mate; Robert James Rawlins, native of Belfast, Ireland; William Riley, native of Dublin; George Watson, native of Windsor, Nova Scotia; William Jackson, native of Tipperary, Ireland; William Johnson, native of Nassau, New Providence, and James Wade, native of Dublin. The remaining seaman is a Belgian, named Paul Clark.

In reference to the letters stated by the master to have been addressed by him to me, I beg to observe that I have not received any letter whatever from him.

I have, &c., &c., &c.,

E. M. ARCHIBALD.

LORD LYONS, G. C. B., &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 5, 1864.*

SIR: In a note which I had the honor to address to you on the 23d of January last, I enclose a copy of a despatch from her Majesty's consul at New York, reporting, among other things, the arrival at that place of prisoners, said to be principally foreigners, a considerable number of whom had been taken on board a steam vessel called the *Antonica*. I, at the same time, observed that the information which had reached me concerning these individual prisoners was as yet so incomplete, that if the consul's despatch had related to them only, I should not so soon have called your attention to it.

I have now the honor to transmit to you extracts from further despatches from the same consul, and copies of papers enclosed in them, from which it appears that the *Antonica* was a vessel belonging to the so-called confederates, but that a large number of the crew are British subjects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract of a despatch from Consul Archibald to Lord Lyons, dated New York, March 3, 1864.

I have the honor to transmit, herewith enclosed, for your lordship's information, a copy of a letter, dated the 20th, but received by me on the 26th ultimo, from James Barrett, one of the crew of the late steamer Antonica, complaining of the taking from him, and from another seaman of the above-mentioned vessel, named Thomas Jones, both British subjects, the respective sums of eighty-five and thirty-five dollars, being their own private property.

I transmit, likewise, a copy of a letter from Marshal Murray, to whom I applied for information, acquainting me that the money in question has been delivered into the custody of the prize court at Washington.

In my despatch of the 3d ultimo I informed your lordship that the Antonica was a Confederate States vessel belonging to Charleston, South Carolina, and commanded by an American citizen, but that the crew was composed principally of British subjects.

Mr. Barrett to Mr. Archibald.

NO. 70 LUDLOW STREET, NEW YORK,
February 20, 1864.

MY DEAR SIR: I have to apply to you, as a subject of her Majesty's government, to aid me in getting my money returned to me. It was my own private funds which was taken from me when I was captured on board the steamer Antonica, on the 20th of December last. I have been placed in the New York county jail without any means, and have been kept here two months. I cannot hear anything about getting my money returned; it was taken by force from me, but with the promise that it would be returned on my arrival in New York. The amount was eighty-five dollars in specie. If you can aid me in any way, or compel them to return it, I will feel under many obligations for your kindness. They took my purse with the cash, and also a small masonic square and compass breastpin which I set some value to. I am a stranger in New York, and have been advised to call on you for advice or aid. My friend and shipmate, Thomas Jones, is in the same situation, and requests me to present his case to you. He is from Wales, not far from Liverpool. He had only thirty-five dollars in specie, but it was his all, and he is much in need of it. I belong to Liverpool, but was born in Dublin.

Yours, &c., &c., &c.,

JAMES BARRETT.

E. M. ARCHIBALD, Esq., &c., &c., &c.

Mr. Murray to Mr. Archibald.

UNITED STATES MARSHAL'S OFFICE,
Southern District of New York, N. Y., March 1, 1864.

SIR: I have the honor to acknowledge the receipt of a note addressed to you by J. Barrett, one of the crew of the Antonica, and which communication has been referred to me for explanation.

In reply to the complaints made in that letter by Barrett, that his money had been taken from him, I have to state, that on the arrival of the crew of the Antonica at this port I addressed a letter to the Secretary of the Navy, calling the attention of the department to the fact that the various commanders of the blockading squadron had taken the money belonging to the men, and requesting that some action be taken in the matter. The department at once issued orders

to the commander of the squadron to collect these funds and remit them to Washington. This was done, and the department, under date of the 20th instant, has informed me of the arrival of the money at Washington, and that it has been delivered into the custody of the prize court of that city. I have already informed Captain Adair, of the *Antonica*, of this fact, and suppose he has communicated the same to the men.

Very respectfully, &c., &c., &c.,

ROBERT MURRAY.

E. M. ARCHIBALD, Esq., &c., &c., &c.

Extract of a despatch from Consul Archibald to Lord Lyons, dated New York, March 3, 1864

Referring to my despatch of this date, I have the honor to report to your lordship that, of the crew of the steamer *Antonica*, who are now confined in the county jail, there are, in all, twenty-six British subjects, whose names will be found in a list herewith enclosed. The *Antonica* was wrecked on the Frying-pan shoals, on the 20th of December last, when the crew took to the boats and were picked up at sea by a United States gunboat. They have now been confined in the county jail since about the middle of January last.

These men complain of being constantly pestered by men to enlist in the naval or military service of the United States, and report that they are informed that this is the only way in which they will be able to obtain their liberty. I will communicate with the marshal on this subject, and report if any further action is necessary.

List of British subjects forming part of the crew of the late steamship Antonica.

Name.	Age.	Where born.	Class.
James Barrett	38	Dublin, Ireland	Seaman.
Thomas Jones	28	Wales	Fireman.
Hugh Farley	32	County Cavan, Ireland	Do.
Edward Fortune	32	County Wexford, Ireland	Do.
John Murray	23	County Tyrone, Ireland	Do.
John Corbett	37	County Galway, Ireland	Do.
John Keefe	20	County Donegal, Ireland	Do.
W. G. Finnegan	23	Dublin, Ireland	Second steward.
Robert McMillan	23	Londonderry, Ireland	Seaman.
George Briggs	18	Dublin, Ireland	Do.
Dennis Coughlan	28	County Tipperary, Ireland	Fireman.
Michael Rohan	30	County Mayo, Ireland	Do.
John Carney	33	do.	Do.
James Gorman	38	County Kilkenny, Ireland	Do.
John Cavanaugh	30	Dublin, Ireland	Steward.
James Marsh	28	Bermuda	Assistant engineer.
Michael Cavanagh	27	County Longford, Ireland	Cook.
James Cunningham	27	County Down, Ireland	Fireman.
Alex. Hutton	21	County Wexford, Ireland	Do.
Cornelius Carmody	17	County Limerick, Ireland	Third steward.
Joseph Poland	25	Dublin, Ireland	Seaman.
Francis Farley	22	County Cavan, Ireland	Fireman.
John Leddy	27	County Clare, Ireland	Seaman.
Samuel Wallace	20	Harbor Island	Do.
John H. Murray	29	Dublin, Ireland	Watchman.
James Patty	21	Liverpool, England	Seaman.
James Kelly	14	County Mayo, Ireland	Boy.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 5, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the first of March instant, in which you have communicated to me certain views which her Majesty's government have taken of the cases of the Sir William Peel, the Science, and the Dashing Wave, but more especially of the case of the Sir William Peel.

With a view to a full consideration of the subject, I have asked and received from the Secretary of the Navy the papers affecting the subject which have been received in his department. Finding that these papers did not furnish me full information in regard to points specially raised in your note, I thought it proper to apply to your lordship for such further information as you might be able to give, and I have now to acknowledge your lordship's courtesy in submitting to me a series of documents relating to the subject, upon which papers it is presumed that the proceedings of her Majesty's government were founded.

After a careful examination of all these papers I find that, in order to enable me to reply to your lordship's note with a due regard to the merits of the claim it presents, I need further information from the district attorney of the United States at New Orleans concerning the proceedings and present condition of the cause which has been instituted in the prize court there.

I have lost no time in calling for this necessary information to be furnished without delay. When it shall have been received I shall take the President's directions upon the subject and give you the views of this government thereupon. Your lordship may assure her Majesty's government that the subject will be promptly and fairly considered, with a desire to arrive at a just and satisfactory disposition of the case.

I have the honor to return to your lordship the documents belonging to your legation, which at my request were put into my hands, and to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 5th instant, in relation to the case of the master and crew of the British schooner *Sylvanus*, and to inform your lordship that I have called upon the Secretary of the Navy and the United States marshal at New York for information upon the subject. When their reports come to me I shall do myself the honor to address your lordship again concerning it.

I have the honor to remain, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 9, 1864.

MY LORD: I have the honor to recur to your note of the 1st instant, so far

as it relates to the rights of the United States in regard to maritime captures and jurisdiction, and in reply to enclose a copy of a letter of the 5th instant from the Secretary of the Navy, to whom a copy of your note was submitted, which, it is hoped, will prove satisfactory to your lordship.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *March 5, 1864.*

SIR: I have had the honor to receive your letter of the 3d instant, and accompanying papers, in relation to a difficulty which has seemed likely to grow out of a misapprehension of the instructions given to our cruisers in the gulf and on the coast of Mexico.

I do not understand our government to claim the right of "capturing ships for having carried contraband of war, after the contraband has been actually landed," unless the contraband has been landed by them in a blockaded port and they are on the return voyage from such ports; nor the right of capturing ships in Mexican waters, or in any neutral waters; nor the right to capture neutral ships on a *bona fide* voyage from one neutral port to another, though laden with articles which would be contraband if carried to an enemy's port; nor the right to capture neutral ships bound to an enemy's port, not blockaded, unless such ships have contraband on board; nor the right to exercise exclusive jurisdiction to the extent of more than a marine league from our coast.

With respect to the point last mentioned, any misapprehension which exists may have arisen partly from what may have been an inadvertence, analogous to a clerical error, in the treaty with Mexico, and partly to our municipal law, under which merchant vessels bound to the United States may be boarded by the revenue officers when within four leagues of our coast. Other nations have similar municipal laws, which are to be regarded merely as prescribing the conditions on which trade is permitted.

We claim the right of capturing any merchant vessel returning from a blockaded port, after violating the blockade, such right to exist at any time during the return voyage.

It is not improbable that the commanders of some of our cruisers in the gulf are not accurately informed of the extent of the national rights herein referred to, and the department will lose no time in placing the matter properly before them.

The whole coast of Texas, except such part as may be necessary for access to the port of Brownsville, is to be regarded as under blockade.

The documents are herewith returned.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 9, 1864.*

SIR: Her Majesty's government have been informed that a large quantity of coal, belonging to Messrs. William Anderson, Saxon & Co., British merchants,

was carried off from Aogra Pequina by the United States ship Vanderbilt, when that ship visited the place in the month of October last, and seized there the British vessel Saxon.

Her Majesty's government have directed me to state to you that they cannot doubt that the government of the United States will immediately make to the owners of this coal full compensation for the value thereof, as well as for any loss they may have sustained by the unlawful act of the commander of the Vanderbilt in appropriating it for the use of that vessel.

Her Majesty's government have been unable to find in the reports which have reached them any justification of this violent act, or any excuse for it, and they have accordingly commanded me to address to you, in their name, a direct remonstrance against it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 11, 1864.

MY LORD: I have the honor to invite your attention to the enclosed copy of a letter of the 8th instant from the Secretary of War, and of the report of Colonel L. C. Baker, provost marshal of the War Department, which accompanied it, in regard to piratical designs of insurgents against the United States who have sought refuge in her Majesty's provinces.

I have the honor to request that your lordship will bring the subject under the consideration of his excellency the governor general, with a view to such proceedings as an inquiry into the matter may render expedient.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, March 8, 1864.

SIR: I have the honor of enclosing to you a copy of a report made to this department by Provost Marshal Baker, for your information and such action as you may deem proper.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Colonel Baker to Mr. Stanton.

WASHINGTON, D. C., *March 8, 1864.*

SIR: Herewith I have the honor to forward a statement furnished by one of my agents, who has been in Upper Canada for some two months. The statement can be relied upon as being true in every particular.

"There is now lying in Rondeau harbor, about 17 miles from Cheetham, C. W., a fore-and-aft schooner named the Montreal, commanded by one Captain Whitby, formerly a lieutenant in the confederate navy. She has on board two 24-pounders, a quantity of ammunition, arms-chests, cutlasses, boarding pikes, &c.; she also has a crew of fourteen men, nearly all escaped rebel prisoners.

"There is also lying in New creek, Long Point Marsh, and about 15 miles from Fort. Stanley, C. W., a schooner named the Saratoga; she has four 18-pounders on board and is manned with a crew of 16 men.

"Both of the vessels referred to are not dismantled, as is usual during the winter months in that climate, but are kept in sailing condition at the shortest notice."

My informant has mingled and talked freely with the crews of these vessels, and they do not hesitate to avow their piratical intentions as soon as navigation is resumed in the spring.

I am, sir, your obedient servant,

L. C. BAKER,
Colonel, and Agent War Department.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 11, 1864.

MY LORD: With reference to the despatch of the 6th ultimo, addressed to your lordship by E. M. Archibald, esq., her Majesty's consul at New York, in regard to the treatment of prisoners at Fort Lafayette, a copy of which was left at this department,* I have the honor to enclose, in reply, a copy of a communication from the War Department, to which department the matter was referred for investigation.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

General Canby to Mr. Seward.

WAR DEPARTMENT,
Washington City, February 29, 1864.

SIR: The Secretary of War instructs me to transmit to you the accompanying copy of reports received from Major General John A. Dix, commanding department of the east, to whom was referred your letter of the 12th instant, enclosing copy of a despatch of the 6th instant from the British consul at New York to Lord Lyons, relative to the treatment of prisoners, alleged British subjects, in Fort Lafayette, New York harbor.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,
Brig. Gen. Assist. Adjut. General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

* The despatch above referred to will be found in the order of its date in this correspondence.

Report of the board of officers convened at Fort Lafayette, New York harbor, February 17, 1864, pursuant to Special Orders No. 35, dated headquarters, United States troops, New York city and harbor, New York, February 16, 1864, of which the following is a copy :

HEADQUARTERS UNITED STATES TROOPS,
New York City and Harbor, New York, February 16, 1864.

SPECIAL ORDERS, }
No. 35. }

[Extract.]

IV. Pursuant to instructions from the Secretary of War, received through department headquarters, dated February 13, 1864, the following named officers are appointed a board to investigate and report upon the alleged treatment of British subjects, held in confinement at Fort Lafayette, New York harbor :

Major George W. Wallace, 6th United States infantry ; Major Dickenson Woodruff, 12th United States infantry ; First Lieutenant S. W. Cooper, 8th United States infantry.

The board will meet at Fort Lafayette, New York harbor, Wednesday, 17th instant, at 12.

By order of Brigadier General Stannard.

A. P. FISK,
Assistant Adjutant General.

FORT LAFAYETTE,
New York Harbor, February 17, 1864.

The court convened pursuant to the above order.

Present : Lieutenant S. W. Cooper, 8th infantry. Absent : Major George W. Wallace, 6th infantry ; Major Dickenson Woodruff, 12th infantry.

Owing to the absence of the above-named members, the board adjourned until 12 o'clock m., Thursday, the 18th instant.

SIDNEY W. COOPER,
Lieutenant 8th Infantry, Recorder.

FORT LAFAYETTE,
New York Harbor, February 18, 1864.

The board reconvened pursuant to adjournment.

Present : Major George W. Wallace, 6th infantry ; Major Dickenson Woodruff, 12th infantry ; Lieutenant S. W. Cooper, 8th infantry.

Pursuant to the above special orders, No. 35, the board proceeded to investigate the alleged treatment of British subjects held in confinement at Fort Lafayette, New York harbor.

After some deliberation the board decided to subpoena the prisoners themselves as witnesses, and record their testimony.

For this purpose, Harry William Rocke, a prisoner and a British subject, was first called before the board. Upon his appearance he was asked by the president, if he was willing to testify under oath before the board in relation to the treatment to which he, together with other prisoners confined in the same apartment, had been subject during the period of their incarceration. He replied in the affirmative.

The prisoner having been duly sworn by the recorder, testified as follows :

My name is Harry William Rooke; I am a lieutenant in the royal artillery; I am just 21 years old; have been in confinement seven weeks; I was born in Embleton, Northumberland county, England; I was commissioned as an officer of the British army, December 18, 1860; I was confined in a casemate at Fort Lafayette, about twenty-five feet long and fifteen feet wide; there were eleven in the room; the windows and the fireplace are the same as in the commanding officer's quarters at Fort Lafayette, except our casemate had one window less; the bedsteads were arranged on hinges against the wall and folded up; when the beds were down, there was an interval of about two feet between them; there was one small table in the room; there were no chairs in the room with the exception of the one which the British consul sent me by permission of General Dix. There was one washstand and basin for all the occupants of the room. We had one bathing tub for all the occupants of two casemates, about twenty-one in number, until two or three days ago; we now have two. We bathed at night, and after one had washed, there was no place to throw out the dirty water. We were always allowed to go out during the day; we had a small space for exercise about fifteen feet wide, and thirty-five feet long, between the sentinels' beat and the walls of the fort. We could exercise at all times during the day, from reveille until sunset; the door of the casemate is locked at sunset. We were allowed to pass to the privies at all times between sunrise and sunset, under the guard of a sentinel; we were frequently detained, because of the privies being full, or for want of sentinels. We had fresh beef five days in the week; we brought our food ourselves from the kitchen. The bean soup was good enough. The coffee came to us already sweetened, without milk. We had hash occasionally. I have had provisions sent me, but they were stopped; I received one small basket with apples, &c. I never had butter, pepper, mustard, or milk, as part of the ration. The fresh beef was very bad, inferior in quality, and badly served up. During the night we had one urine bucket in our apartment, which contained eleven prisoners.

At this point the examination closed, and the foregoing testimony having been read to the prisoner, he was asked if it was correct, to which he replied in the affirmative.

Testimony of Joseph Eneas.

Joseph Eneas, a prisoner and a British subject, was next called before the board as a witness, and having been asked if he was willing to testify under oath in relation to the general treatment to which he had been subject during the period of his confinement in Fort Lafayette, and having replied in the affirmative, he was duly sworn by the recorder, and testified as follows:

My name is Joseph Eneas; I was born at Harbor island, Bahama islands; I live in Brooklyn; I have lived there (in Brooklyn) nearly twelve years; in the city of Brooklyn, seven years; the remainder of the time, partly in Brooklyn and partly in New York, except when I have made trips to the West Indies; I am 39 years and some months old; I never voted in my life in this country; I am a British subject; I have been confined in the same room with Mr. Rooke. There were eleven prisoners confined in the same apartment. I was confined January 1, 1864. There is one iron bedstead and a mattress for each prisoner, also a blanket; some have more than one blanket; we might have had more blankets if we had desired them. The beds folded up against the wall; when they are opened out, there is an interval of about eighteen inches between them. There were no chairs in this room when I came here. The British consul sent one to Mr. Rooke about two weeks ago. We had one broken washstand and tin basin for washing for all the prisoners confined in the apartment. We have one bathing tub for our apartment and the adjoining one, containing about the

same number of prisoners. This has been so constantly in use since I have been here, that I have been able to use it but once. There is no screen, therefore I would only use it at night; at night we could not throw out the dirty water; we could do so during the day, and we always had a plenty of fresh water; sometimes we had a whole candle, and sometimes only half a one. We had no candlestick, and never asked for any. We go to the privy in squads of six or seven under guard, and have to wait our turn. The privy will not accommodate more than seven or eight at a turn. The food is very bad. We have fresh beef about six times during the week; but it is of very bad quality, being tough and gristly. We have bean soup daily, but it is not good; it is too watery—no beans in it. We have plenty of good bread. I have never seen any boiled potatoes, and never any at all except what is contained in the stews in the morning. I have never seen any other vegetables of any kind. I have had supplies sent to me, but have only received some oysters in the can brought me by my brother. My friends have sent me cake, &c., but they would not allow it to go to my room; I was permitted to eat it in the officers' room. I had an orange and an apple sent me by my children, but they were taken out of the valise, and I did not get them.

At this point the testimony closed, and the foregoing evidence having been read to the prisoner, he was asked if it was correct, to which he replied in the affirmative.

The hour having arrived for adjournment, Majors Wallace and Woodruff stated to the board, in relation to their absence on the day appointed for the board to convene, that owing to the prevailing storm, it was impossible for them to reach Fort Lafayette.

The court then adjourned until to-morrow at 11 a. m., Friday, February 19.

Lieut. W. COOPER,

Lieutenant 8th Infantry, Recorder.

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FORT LAFAYETTE,
New York Harbor, February 19, 1864.

The board re-convened pursuant to adjournment.

Present: Major George W. Wallace, 6th infantry; Major Dickenson Woodruff, 12th infantry; Lieutenant S. W. Cooper, 8th infantry.

The proceedings of the previous day having been read, the board proceeded with the investigation.

Testimony of Lewis Benjamin.

Lewis Benjamin, a prisoner, was next called before the board as a witness, and having been asked if he was willing to testify under oath in relation to the treatment to which he had been subject during the period of his confinement in Fort Lafayette, and having replied in the affirmative, he was duly sworn by the recorder, and testified as follows: My name is Lewis Benjamin. I was born in London, England. I am a resident of New York city, and have been since 1852—on and off since 1842. I have voted in New York city, and do not claim to be a British subject. I do not think the casemates are overcrowded for healthy persons. There are ten in the room in which I am confined. We have had rice and potatoes served to us twice since I have been here. The coffee is very bitter. There is no coffee in it. It is imperfectly sweetened, and we have no milk. The fresh beef is very bad—very tough. We get it nearly every day. The bean soup is not good. At first the beans were rotten. The bread is good, and we have plenty of it. We have iron bedsteads which fold up—one for each person—with mattress and blanket. The privies are filthy and dirty, and I have frequently been compelled to wait half an hour. We

have no bathing tub in our room. I bought a tin foot-tub for my own use. We have a small space for exercise between the sentries' beat and the wall. The great deprivation is sunlight and air. We have candles every night. We made a complaint at first and requested permission to buy candles, but the officers sent us five or ten pounds. I am confined in casemate No. 3. I have had provisions sent me, but I was not permitted to receive them. My wife applied to headquarters for permission to bring me certain articles of food. They informed her that there was no objection to my receiving them. She brought them down on Sunday, and being unable to cross, sent them to me. I applied to the officer of the day on Monday, and he informed me that he knew nothing about them. The next day I received a note from the officer of the day, saying, that upon consultation with the post surgeon he had learned that it was incompatible with existing regulations that I should receive them.

At this point the examination closed, and having heard the foregoing testimony read, the prisoner was asked if it was correct, to which he replied in the affirmative.

Testimony of Dr. Gibson, Acting Assistant Surgeon.

Acting Assistant Surgeon Gibson was next called before the board as a witness, and, having been duly sworn by the recorder, testified as follows: I have been stationed at this post nearly four weeks. My duties have been exclusively hospital duties. I should not think that eleven prisoners would be an excess in one of these casemates. I think the prisoners have had sufficient exercise for all purposes of health. I have never found any disease, in my experience here, resulting from their confinement or treatment. The condition of the prisoners is good. I have known but one instance here of a man suffering for want of proper food. I have reported his case. He has been receiving provisions from his friends from time to time. The prisoner Benjamin has never applied to me for medical treatment. I have refused provisions to be sent to him, not knowing anything of his case.

At this point the examination closed, and the foregoing testimony was read to the witness, and having asked if it were correct, he replied in the affirmative.

Testimony of Lieutenant Stanley, 10th Infantry, Post Adjutant.

Lieut. Stanley, 10th infantry, post adjutant, was next called as a witness before the board, and, having been duly sworn by the recorder, testified as follows:

I have been post adjutant since November 8, 1863. The Secretary of War has prohibited any provisions being sent to the prisoners. The post surgeon has permission (by Gen. Dix's instruction) to pass in provisions for the sick. It is the duty of the officer of the day to examine the food. The garrison and the prisoners all have the same food, and cooked the same, at the same time, in the same manner, and in the same utensils. They have the same coffee, the same bean soup, same beef, and the same pork. The food is prepared by details of soldiers from the garrison. They are allowed to go to the mess-room and eat their food. The coffee is the same as is issued all through the army as a part of the ration—inferior, in my opinion. The fresh beef is of good quality. Potatoes are issued twice in ten days by the ration table. They are furnished frequently with boiled rice. No other vegetables are ever given to the prisoners. The food is examined by me once a month as acting inspector general, and reported upon by me. This inspection embraces everything. The food is properly cooked and in a cleanly manner. The beef is composed equally of "fore" and "hind" quarters. It is as good as I have purchased in the market for my own mess. I have eaten this beef myself. The sugar and beans are of the first quality. A requisition

was made in January for furniture, but it has not been filled. Another requisition was made a few days ago. The prisoners have plenty of fuel. They have stoves in the large casemates, and grates in the small ones. They have the regular ration of candles. Tubs for bathing are furnished the prisoners, as many as they have room for. A candle is never cut. We always issue whole ones to the different casemates. There is one wash-basin and one wash-stand in each casemate. The prisoners are furnished with mattresses, sheets, pillows, pillow-cases, and blankets by the government. Prisoners go to the privies in squads of seven or eight at a time whenever they wish, under guard. The privies are always kept clean. I frequently make inspection, and always, when I am officer of the day. I inspect both the provisions and the quarters. The prisoners are furnished with corn-brooms and water buckets. They may have their clothes sent out or washed in the garrison. There is no distinction made between British subjects and other prisoners. They are all treated alike. By direction of the commanding officer, I requested any seven prisoners in "No. 5," which held twenty-seven in all, to remove, if they pleased, to "No. 6," which had but eleven in it; they all refused, saying they were very comfortable. The bedsteads are single iron bedsteads, furnished by the government. The casemates in which British subjects are confined are not so much crowded as the other casemates. I have purchased the same beans and the same sugar for my mess as are issued to the prisoners. The prisoners and soldiers eat separately—they alternate in eating first.

At this point the examination closed. The foregoing evidence having been read to the witness, and having been asked if it was correct, he replied in the affirmative.

The court then adjourned until to-morrow, (Saturday, the 20th instant,) at 11 o'clock.

SIDNEY W. COOPER,
Lieutenant 8th Infantry, Recorder.

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FORT LAFAYETTE,
New York Harbor, February 20, 1864.

The board convened pursuant to adjournment.

Present: Major George W. Wallace, 6th infantry; Major Dickenson Woodruff, 12th infantry; Lieutenant S. W. Cooper, 8th infantry.

Testimony of Lieutenant C. S. Robertson, 10th Infantry.

Lieutenant C. S. Robertson, 10th infantry, was next called before the board as a witness, and, having been duly sworn by the recorder, testified as follows:

I have been post quartermaster at Fort Lafayette since the 21st of September, 1863. I am also commissary of subsistence at the post. There have never been any complaints made to the officers of the post, nor to me as commissary of subsistence, by the prisoners in relation to their food.

The coffee issued to the prisoners is the same as is issued throughout the army as a part of the ration. It comes from Colonel Eaton, assistant commissary general at New York. The fresh beef issued to the prisoners is the same as is issued to the garrison six days during the week. The seventh day they have salt beef or pork. The bean soup is the same that the garrison have, as fine soup as I have ever seen made for a company. We issue thirty pounds of potatoes to every one hundred rations. The prisoners have boiled rice and molasses twice a week. If they do not choose to have rice and molasses they may have molasses and bread. There is always a plenty of bread, more than they can use, and of excellent quality.

The number of prisoners in the casemates has been equalized as much as possible. Each prisoner has a bunk, mattress, pillow, pillow-cases, sheets, and three blankets. There is always a plenty of fuel, and fires are kept up night and day; the prisoners are supplied with a whole candle in each room every night. There is a wash-basin and stand in each room. They might have had more wash-basins and stands if they had applied for them. There is one bathing tub in each casemate, and there may be more if it is necessary. There is always a plenty of fresh water. The large privy is divided into two parts, the prisoners using one half and the garrison the other. A sentinel is placed over it, and it is his duty to cause all parties entering it to preserve cleanliness. Prisoners are permitted to walk in front of their rooms. In my opinion the casemates in which the British subjects are confined are not over-crowded. I have made requisitions for furniture upon the commissary general of prisoners, and they have not been filled. The casemates in which the British subjects are confined are less crowded than those in which the soldiers of the garrison live.

At this point the examination closed, and the foregoing testimony was read to the witness, and having been asked if it was correct he replied in the affirmative. The court then adjourned until 12 o'clock, Monday, the 22d instant.

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FORT LAFAYETTE,
New York Harbor, February 22, 1864.

The court convened pursuant to adjournment.

Present: Major George W. Wallace, 6th infantry; Major Dickenson Woodruff, 12th infantry; Lieutenant S. W. Cooper, 8th infantry.

After some deliberation, accompanied by the officer of yesterday, the board made a careful and thorough inspection of the food served to the prisoners, and of the quarters in which they were confined. The casemates were clean and apparently comfortable, and the food of the best quality, neatly prepared and palatable. The board directed the recorder to prepare a report upon the evidence adduced, to be submitted for the approval of the board on the morrow; and there being no further business, the board adjourned until 12 o'clock Tuesday, the 23d instant.

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FORT LAFAYETTE,
New York Harbor, February 23, 1864.

The board convened pursuant to adjournment.

Present: Major George W. Wallace, 6th infantry; Major Dickenson Woodruff, 12th infantry; Lieutenant S. W. Cooper, 8th infantry.

The recorder submitted his report to the board, and, after some modifications, it was adopted; and there being no further business, the board adjourned *sine die*.

GEORGE W. WALLACE,
Major 6th United States Infantry, President Board.

SIDNEY W. COOPER,
Lieutenant 8th Infantry, Recorder.

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FORT LAFAYETTE,
New York Harbor, February 23, 1864.

The board convened pursuant to the above special orders, and having continued its labors from day to day, after a most careful and thorough investigation, have the honor to submit the following report:

1. That the Secretary of War has prohibited any provisions or supplies being sent to the prisoners confined in Fort Lafayette, but, by construction of Major General Dix, commanding department of the east, the post surgeon is authorized to receive food and supplies for such prisoners as may require a change of diet.

2. That the casemates in which the British subjects are confined are much less crowded than those in which persons of a different character are incarcerated, or those in which the soldiers of the garrison live; that eleven prisoners is not an excess in one of these casemates; that the prisoners have sufficient exercise in the open air for all purposes of health; that the prisoners are in excellent physical condition, and that, according to the report of the post surgeon at Fort Lafayette, there has not been, nor does there exist now, any disease which is the direct or indirect result of the treatment to which the prisoners have been subject.

3. That each prisoner is furnished with an iron bedstead, which folds up during the day, and when let down at night leaves an interval between that and the adjoining one of about two feet; that each prisoner is supplied by the government with a mattress, (hair or straw,) sheets, pillows, pillow-cases, and three blankets, and that when the door is closed at night the ventilation is sufficient for all purposes of health.

4. That if deficiencies exist in the matter of chairs and tables, requisitions have been twice made upon the commissary general of prisoners and forwarded, but up to the present time have not been filled.

5. That each casemate is supplied with a bathing tub, and the occupants may have more if they so desire; and that the prisoners have a constant and abundant supply of fresh water during the day for bathing purposes.

6. That the privies used by the prisoners are constructed similarly to those used by the officers of the garrison, and from necessity extend over the water. That a sentinel is placed over them, who is instructed to enforce cleanliness in their use; that they are kept clean; that the prisoners are permitted to visit the privies in squads of six or seven under guard of a sentinel, from reveille until sunset, when the doors of their apartments are closed; and that a tub is placed inside the casemate for the use of the prisoners during the night.

7. That the soldiers composing the garrison and the prisoners in the fort are all supplied with the same articles of food; that this food is cooked at the same time, in the same manner, and in the same utensils; that it is prepared by details of soldiers composing the garrison; that the coffee is the same as is issued all through the army as a part of the ration; that the fresh beef, which is supplied six days during the week, is of excellent quality; that the bean soup is such as is made by every company in the army; that potatoes are served out, 30 pounds to every hundred rations; that the bread is of superior quality, and supplied in abundance; that rice and molasses are frequently furnished; that the regular ration of candles is furnished, and in no instance is a candle cut in half; that the prisoners alternate with the soldiers of the garrison in going first to meals; that the food and quarters are daily inspected by the officer of the day, and once a month by the post adjutant, as acting inspector general, and reported upon, and frequently at other times.

We have the honor to state that every facility was afforded the board by the commanding officer of Fort Lafayette for prosecuting this investigation.

Accompanied by the officers of the day, the officers of the board made a careful and thorough inspection of the food furnished the prisoners, and of the casemates in which they are confined.

GEORGE W. WALLACE.

Major 6th U. S. Infantry, President of the Board.

SIDNEY W. COOPER,

Lieutenant 8th Infantry, Recorder.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 13, 1864.*

SIR: I have had the honor to receive your note of the day before yesterday, respecting two schooners now lying in Canadian waters under circumstances which are held to be suspicious.

In compliance with your request, I have, without loss of time, brought the matter to the notice of the governor general of the province.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 13, 1864.*

SIR: I have the honor to enclose for your consideration a copy of a letter which I have received from the governor general of Canada, transmitting a copy of a letter addressed to his excellency by Mr. White, an extensive breeder of cattle, requesting that the United States government, will so far relax the order against the exportation of live stock as to enable him to take into Canada a bull lately purchased by him in the United States.

I venture to express a hope that the governor general's request in favor of Mr. White may be taken into favorable consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

QUEBEC, *March 8, 1864.*

MY LORD: I have the honor to enclose a letter addressed to me by Mr. White, member of the provincial parliament, requesting me to endeavor, through your excellency, to obtain from the government of the United States a relaxation of the order against the exportation of live stock so as to enable him to bring into this province a bull which he has lately purchased in the United States.

Mr. White is an extensive breeder of valuable cattle, and the bull which is the subject of the present application is sought to be imported for the purpose of improving the blood of Mr. White's herd.

Under these circumstances, I trust that the United States government will not object to the relaxation of the rule in the present instance.

I have, &c.,

MONCK.

LORD LYONS, G. C. B., &c., &c., &c.

Mr. White to his Excellency the Governor General of Canada.

QUEBEC, *March 5, 1864.*

MY LORD: I purchased a bull from James O. Sheldon, esq., of Geneva, United States, for the purpose of improving my stock of short-horns, and find, by an order issued to the collectors on the Niagara frontier, that they have received imperative instructions from the authorities at Washington, restraining the exportation of live stock as contraband of war.

My object in addressing you is for the purpose of procuring a relaxation of that order so far as relates to the animal purchased from Mr. Sheldon.

I have, &c.,

JOHN WHITE.

His Excellency the GOVERNOR GENERAL, &c., &c., &c.

Lord Lyons to Mr. Seward.

[Memorandum, received March 15, 1864.]

Communications from various parts of the province have been addressed to the government of Canada, complaining of the injurious operation of the orders issued some time ago by the federal government, prohibiting the exportation from the United States of live stock and anthracite coal.

By the order prohibiting the exportation of "live stock," the slaughtering of animals from the United States in Canada is prevented, but no restraint whatever is placed upon the exportation of the flesh of these animals, either cured or in the carcass. Heretofore a considerable quantity of bacon from American hogs has been cured in Canada with special reference to its adaptation to the English market. This traffic, advantageous alike to the American grower and the Canadian buyer, is suppressed, without accomplishing in any degree the professed object of the restriction. If a short supply of animal food for the use of the armies of the United States were apprehended, so grave a danger could hardly be averted by simply prohibiting the exportation of live animals while permitting the unlimited exportation of the meat of the same animals if slaughtered within American territory. Although the restriction respecting anthracite coal presents no such anomaly as that just adverted to, it is productive of far greater inconvenience to the people of Canada than the other regulation. There are scattered through the western part of the province numerous iron foundries and other factories which have heretofore been wholly supplied with fuel from the United States, consisting mainly of anthracite coal. The sudden and unexpected stoppage of the usual supply of fuel must be productive of the most disastrous consequences to the innocent owners of these establishments, who, of course, relied on the continuance of the ordinary freedom of commercial intercourse so long as relations of amity subsisted between the governments of the two countries.

The prohibition is believed to have been solely designed to prevent American coal from passing into the hands of the enemies of the United States, or being used for purposes hostile to the United States, neither of which consequences would be likely to flow from the exportation of coal to Canada, at points so remote from the sea as to preclude the probability, if not the possibility, of any intercourse with the enemies of the United States.

The enforcement of these prohibitive regulations is entailing not only great inconvenience, but serious positive loss on a good many people in Canada, and it is believed that it might be made apparent to the United States government that no military object is gained by maintaining the application of them to that province

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 16, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 9th instant, relative to a quantity of coal taken from Angra Pequena by the United States steamer Vanderbilt, which coal is claimed as the property of Messrs. William Anderson Saxon & Co., British merchants.

Upon inquiry at the Navy Department it has been ascertained that the Vanderbilt did take on board a quantity of coal at the place, which, as it had notoriously been sent thither to supply the insurgent steamer Alabama, there was every reason to suppose was insurgent property. If, however, the claimants will show that it was sent for a different purpose, and that, in point of fact, it was their property, a fair price will be paid for the article.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 16, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 13th instant, informing me of the course adopted by your lordship concerning the representation made in my note of the 11th instant as to reported piratical designs of the insurgents in connexion with the schooners Montreal and Saratoga in Canadian waters, and to express my thanks for your prompt proceedings in the matter.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 17, 1864.

MY LORD: I have the honor to recur to your note of the 15th ultimo, enclosing extracts from despatches addressed to your lordship, on the 9th and 10th of the same month, by Mr. Archibald, her Majesty's consul at New York, in regard to the restrictions imposed on the exportation of merchandise, more especially of breadstuffs and provisions, from that port to places within the Queen's dominions, and expressing a hope that some measures will be taken, without delay, to remedy, or at least to mitigate, the alleged grievance set forth by Mr. Archibald.

Having submitted the subject to the consideration of the Secretary of the Treasury, to whom a copy of your note, and of its accompaniments, was communicated, I have the honor to inform your lordship that, by the act of May 20, 1862, (Laws XIII, p. 404,) it is provided "that whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector granting the same, if he shall deem it necessary under the circumstances of the case, to require a bond to be executed by the master or owner of a vessel, in a

penalty equal to the value of the cargo, and with sureties, to the satisfaction of said collector, that the said cargo shall be delivered at the destination for which it is cleared, or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authorities of the United States." And in accordance with said provisions of law, bonds have been required, of which I have the honor to enclose a copy. It appears that the houses known as Messrs. Hunter & Co. and Smithers & Co. complain that the collector has made the penalty of their bonds double the amount of the shipment. In this he is believed to have exceeded the requirements of the act above cited, and he has been so informed. Bonds are not required by law of all parties. Firms whose high standing for worth and loyalty place them above all suspicion may, if the collector so please, make their shipments without a bond; but of this the collector is the judge, and while the law stands as it does, it is not seen how he can be controlled in the discharge of the duties with which he is charged.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Know all men by these presents, that we, _____, are held and firmly bound unto the United States of America in the sum of _____ dollars, lawful money of the United States of America, to be paid to the said United States of America, or their assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the _____ day of _____, one thousand eight hundred and sixty-three.

Now the condition of this obligation is as follows: Whereas _____, about to ship from the port of New York to _____, in the vessel called the _____, certain goods, wares, and merchandise _____ enumerated in the manifest or invoice of said _____: Now, if said goods, wares, and merchandise shall be delivered at _____ aforesaid, and shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to the insurgents, with or by the consent, permission, or connivance of the owners, shippers, carriers, or consignees thereof, _____, then this obligation to be void; otherwise to be and remain in full force and virtue.

STATE OF NEW YORK,

City and County of New York, ss:

On this _____ day of _____, A. D. 1863, before me personally appeared the within named _____, to me known to be the persons described in and who executed the foregoing bond, and severally acknowledged that they executed the same.

_____, *Notary Public.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 18, 1864.

MY LORD: With reference to the correspondence which has taken place between your lordship and this department on the subject of the exportation of live stock and anthracite coal from the United States to her Britannic Majesty's possessions in this vicinity, I have to remark, that the temporary restrictions

which it has been deemed necessary to place upon that trade have not been occasioned by any unfriendly spirit towards her Majesty's government, or towards British subjects. The measure has been adopted after due deliberation, and has been dictated by public exigencies growing out of the present civil war. These have produced an extraordinary demand for fresh meat, for the military and naval forces of the United States; a demand which has created a comparative scarcity of that article, and a corresponding advance in its price. It has been deemed expedient to check that scarcity and that advance, so far as it can be done, by a restriction upon the exportation. The same consideration has ruled in the case of anthracite coal. With reference to this article, however, another element has measurably, at least, influenced the policy of this government, namely, the notorious fact that fuel of that character is, for obvious reasons, preferred by blockade-runners, who, before the restriction went into effect, were in the habit of supplying themselves with the article at those ports of her Majesty's possessions near us, which, ever since the spring of 1861, they have made the bases of their operations.

It is confidently hoped, therefore, that her Majesty's government will see that the measure complained of has been actuated by the high motive of self-preservation, and by no want of due sympathy for those residents of the adjacent British colonies to whom it may occasion temporary inconvenience.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 19, 1864

MY LORD: I have the honor to recur to your two notes of the 5th instant, one of which relates to the detention of three of the crew of the British schooner *Sallie*, in jail at New York, and the other to that of the master and crew of the British schooner *Sylvanus*, at Fort Lafayette, and to inform your lordship that, at the recommendation of this department, the Secretary of the Navy has directed their discharge from custody.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 21, 1864.

MY LORD: This department has information to the effect that some of the parties who were concerned in the piratical capture of the steamer *Chesapeake*, belonging to the mercantile marine of this country, who took refuge in the province of New Brunswick or Nova Scotia, and whose extradition was requested in my note to you of the 20th of December last, were ordered by the magistrate before whom they were brought to be delivered up, pursuant to the requisition. The prisoners, however, applied to a judge for a *habeas corpus*, which was granted, and they were released by his order, for reasons set forth in an opinion

a copy of which has been received. The reasons referred to seem to be so erroneous and inconclusive, and so much at variance with the intentions of the parties to the treaty of Washington, that it is to be hoped the proceeding adverted to may not be final in regard to the persons to whom it relates. Awaiting, however, the result of any further proceedings which may take place upon the subject, it will be reserved with reference to a further communication to you.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 21, 1864.

MY LORD: I have the honor to inform your lordship that Commander Rolando is supposed to be on his way north, and that when he arrives, inquiry will be made of him in regard to the authenticity of the intercepted letter, a copy of which accompanied your note of the 4th instant, respecting the case of the Sir William Peel.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 21, 1864.*

SIR: With reference to the note which I had the honor to address to you on the 23d of December last, and to the answer which you were so good as to make to it, on the 20th of January last, I beg leave to transmit to you, with this note, a box which has been sent to me by her Majesty's government, and which contains one of the cannon balls fired at the Margaret and Jessie by the United States ship Rhode Island, together with the piece of iron struck by it.

In pursuance of instructions which I have received from her Majesty's government, I take this opportunity of pressing the United States government for a decision in the case of the Margaret and Jessie and of expressing the regret of her Majesty's government that the case has not already been satisfactorily disposed of.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 22, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday relative to the case of the Margaret and Jessie, and of the box referred to therein.

Your lordship informs me that, in pursuance of instructions from her Majesty's government, you take the opportunity of pressing the United States government for a decision in this case, and of expressing the regret of her Majesty's government that it has not already been satisfactorily disposed of.

I have the honor to inform your lordship, in reply, that I cannot admit that there has been inattention, or other than unavoidable delay. A copy of your note, and the box which accompanied it, have been forwarded to the Secretary of the Navy for his attention in connexion with all the testimony which has been adduced concerning the affair.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 22, 1864.

MY LORD: I do myself the honor to enclose a copy of a letter of the 16th instant, and of the accompanying affidavit, addressed to this department by Messrs. Haidy & Hardy, of Brantford, Canada West, upon the subject of the alleged abduction of Ira Lee and George Cooper from United States territory by a Canadian constable. It is desirable that the case should receive due investigation, and that proper amends should be made, if the facts should turn out to be as set forth in the papers.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Messrs. Haidy & Hardy to Mr. Seward.

BRANTFORD, CANADA WEST, *March 16, 1864.*

SIR: We are instructed, on behalf of Ira Lee and George Cooper, citizens of the United States, to represent to the American government the following facts and circumstances:

That they are citizens of the United States, and came to Canada a few months since. They left Canada in February last and proceeded to Tonawanda, in New York State. While sleeping at a hotel in the village they were arrested by the American authorities of the place, on a charge of stealing horses at the town of Paris, and county of Brant, in this province, and, by a policeman or constable, handed over to a constable by the name of Gardiner, from Canada, who handcuffed them and brought them against their will to Canada. This without an investigation before an American justice of the peace, and without an order or other authority from the governor of the State, or the authorities at Washington. They were taken before a magistrate for a few minutes at Tonawanda, but no investigation was held, and they were remanded by him to prison to await evidence, and handed over to the Canadian constable for remand. Instead of placing them in prison he brought them into Canada. They were brought to this place and committed to take their trial at the quarter sessions

for this county, and the trial took place on the 10th instant, and being found guilty, they were sentenced, Lee to three years and three months, and Cooper to three years, in the provincial penitentiary. Lee, we understand, is a deserter from the 2d Michigan cavalry. It is a clear case of kidnapping, and as your government have heretofore, under like circumstances, demanded that the prisoners should be released, we are instructed to make application to your government that a demand may be made upon the Canadian authorities for a release of the prisoners.

We beg to enclose a copy of the sworn statement of the prisoners, and to say that the facts stated were fully borne out by the evidence on the trial. We shall be happy to furnish you with any further facts in our power, and to substantiate them by evidence such as you may require. Lee has friends in New York State and Michigan, and Cooper in Pennsylvania. May we request a reply at your convenience?

We have, sir, the honor to remain your obedient servants,

HAIDY & HARDY, *Barristers, &c.*

Hon. WILLIAM H. SEWARD,

Secretary of State U. S. A., &c., &c.

In the Court of Quarter Sessions for the county of Brant.

THE QUEEN

vs.

GEORGE COOPER AND IRA LEE. }

We, George Cooper and Ira Lee, at present confined in the common jail of the county of Brant, in the province of Canada, make oath and say :

1st. That on the 22d day February, A. D. 1864, we were arrested at Tonawanda, in the State of New York, by the (as we were informed) chief of police at Tonawanda, on the charge of stealing the horses of a Mr. Robinson, at Paris, in the said county of Brant and province of Canada.

2d. That by said policeman we were taken before a justice of the peace at Tonawanda, and by him remanded to the jail or prison at Niagara Falls, on the American side, as it appeared in the commitment read to us.

3d. That by said policeman we were handed over to a person by the name of William Gardiner, a constable, a policeman acting as such, in or near the village of Clifton, on the Canada side, and having no authority to act as such in the said State of New York, and by the said William Gardiner we were at once conveyed across the suspension bridge into Canada, without a hearing before a justice of the peace in said State, and without the authority or warrant of the governor of said State of New York, or of any person having authority or power to deliver up to the authorities of Canada.

4th. That we were brought to the county of Brant, and consigned to the said jail, where we were remanded until the 10th day of the present month of March, when we were tried on the aforesaid charge, and on being declared guilty were sentenced—I, the said Ira Lee, to imprisonment in the provincial penitentiary of Canada for a period of three years and three months, and I, the said George Cooper, to a period of three years in said penitentiary.

5th. That it came out in evidence that the said Robinson paid the said William Gardiner the sum of \$17 for kidnapping us as aforesaid.

6th. That on being arrested, and before we were brought to the Canadian side, we remonstrated with the said Gardiner, and told him he had no authority to bring us into Canada.

7th. That we believe we were sent into Canada by and with the connivance of the

government of the said magistrate at Tonawanda, whose name we do not know.
8th. That we are citizens of the United States of America, and claim the protection and benefit of their laws and institutions.

9th. That we were unlawfully kidnapped from the said State of New York.

IRA LEE.

GEORGE COOPER.

Sworn before me, at Brantford, aforesaid, this 14th day of March, 1864.

ARTHUR S. HARDY,

A Commissioner for taking Affidavits, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 23, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, relative to the alleged abduction of Ira Lee and George Cooper from United States territory by a Canadian constable, and to inform you that I have lost no time in calling the attention of the governor general of Canada to the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 24, 1864.*

SIR: I have the honor to transmit to you a copy of a letter which I have received from Mr. Cory, the master of a British steam vessel named the Don, and an extract from a letter which I have received from Mr. Ferries, chief officer of the same vessel.

I am informed that the Don was captured at sea on the 4th of this month, on suspicion of an intention to break the blockade; that Mr. Cory and Mr. Ferries (and probably the seamen also) were examined before the prize commissioners and discharged; and that thereupon, instead of being set at liberty, they were sent as prisoners to Fort Warren.

The letters of Mr. Cory and Mr. Ferries seem to leave no doubt that they are themselves British subjects, and the presumption is that the three seamen are British subjects also.

I am, therefore, obliged again to remind you that I am positively instructed by her Majesty's government to press in the strongest manner upon the attention of the government of the United States the rule, that neutrals found on board neutral vessels captured for breach of blockade are not in the category of prisoners of war; that the authority of the belligerent over them extends only to the detention of the witnesses necessary to establish the case, and that it is the duty of the belligerent to afford every reasonable facility for their early release.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Cory to Lord Lyons.

FORT WARREN, BOSTON HARBOR,

March 14, 1864.

MY LORD: I am an Englishman, and was born in Homsen, East Biding, Yorkshire, on the 21st of December, 1832. My father was the Rev. Charles Cory, vicar of Skipsin and Broome, East Riding, Yorkshire. I was captured in the British steamer *Don*, by the United States steamer *Pequot*, on the 4th instant, about fifty miles from Wilmington, North Carolina. I joined my ship in London, England, as chief officer, July 20, 1863, and on the 20th of February, 1864, became her commander. All my officers, and nearly the whole of my crew, are British subjects. I have never been in the service of either of the belligerents, and have no interest whatsoever in any way.

My lord, as a subject of her Britannic Majesty, I claim your lordship's protection for myself, officers, and crew, and beg leave to ask your lordship, on receipt of this, what course to pursue to obtain the much cherished and esteemed boon to all Englishmen, "liberty."

I have, &c.,

FRED. CORY.

LORD LYONS, &c., &c., &c.

Mr. Ferries to Lord Lyons.

FORT WARREN, BOSTON HARBOR,

March 12, 1864.

MY LORD: As a subject of her Britannic Majesty I entreat your lordship's protection in my present position.

I was chief officer of the British steamer *Don*, commanded by Captain Cory, owned by British subjects, and sailing under the flag of England.

The *Don* cleared from Nassau, New Providence, on the 28th February last, and was made a prize on suspicion of being a blockade runner, by the United States steamer-of-war *Pequot*, on the 4th of this month, the nearest land being distant from forty-five to fifty miles.

No resistance was offered to the prize-masters by myself or any other of the officers or the crew, nor had we other than English colors on board.

The commander of the *Don* and myself, with three of the crew, were brought to Boston, and we were to-day forwarded to this post as prisoners.

Allow me to add, my lord, that I was born in Scotland, in October, 1839, of Scottish parents, my father being the Rev. P. Ferries, of Edenkillie parish, New Brunswick. I have never held any position in either army or navy of the northern or southern States of America, and I have never been in any port of the American continent south of New York.

Under these circumstances, my lord, I beg for your lordship's most favorable and speedy consideration of my case.

I have, &c.,

JAMES SMITH FERRIES,

Late Chief Officer Steamer Don.

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 24, 1864.*

SIR: With reference to the note which you did me the honor to address to me on the 11th instant, respecting two schooners which were lying in Canadian waters under circumstances thought to be suspicious, and to my reply thereto, dated the 13th instant, I have the honor to state that, in answer to a communication which I addressed to the governor general upon this subject, his excellency has informed me that he will take immediate steps to ascertain the accuracy of the report respecting the schooners in question, and so prevent any violation of the neutrality of her Majesty's dominions, should it prove to be well founded.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 25, 1864.*

SIR: I am directed by her Majesty's government to ask permission for a British man-of-war to take Mr. Crawford, her Majesty's consul general at Havana, to Charleston or Wilmington, in order that he may proceed to Richmond to remonstrate with the so-styled confederate authorities at that place concerning certain grievances relative to British subjects, and to confederate agents in Great Britain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 26, 1864.

MY LORD: I have submitted to the President of the United States your lordship's note of the 25th instant, in which permission is solicited by her Britannic Majesty's government for a British man-of-war to take her Majesty's consul general at Havana to Charleston or Wilmington, in order that he may proceed to Richmond to remonstrate with certain insurgents there concerning grievances relative to British subjects, and to insurgent agents in Great Britain. After due consideration it was made my duty to answer, that the request of her Majesty's government cannot be conceded. It is presumed that the grounds for deciding it will present themselves without special explanation to her Majesty's government. It is, however, proper here to say, that they are such as would cause this government to decline any request of any foreign power for leave to communicate in any way upon any subject whatever, with disloyal citizens in arms against the United States.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 29, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 24th instant, in which your lordship informs me that, in answer to a communication which you addressed to the governor general of Canada, at the instance of this department, respecting two suspicious schooners in Canadian waters, his excellency has informed you that he will take immediate steps to ascertain the accuracy of the report in regard to the schooners, and to prevent any violation of the neutrality of her Majesty's dominions, should it prove to be well founded.

I beg your lordship to accept the thanks of this department for your ready intervention in this matter, and to convey to his excellency the governor general the grateful acknowledgments of this government for his prompt attention to its representation.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 30, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's communication of the 24th instant, respecting the detention at Fort Warren of Mr. Corcy, the master, Mr. Ferries, the chief officer, and three of the seamen of the British steam vessel *Don*, and reminding me that you are positively instructed to press in the strongest manner upon the attention of the government of the United States the rule that neutrals found on board neutral vessels captured for breach of blockade are not in the category of prisoners of war; that the authority of the belligerent over them extends only to the detention of the witnesses necessary to establish the case; and that it is the duty of the belligerent to afford every reasonable facility for their early release.

I have the honor to inform your lordship that I have transmitted a copy of your note and of its accompaniment to the Secretary of the Navy, with a view to an investigation of the particular cases to which they relate.

In regard to the same general subject, I have to state that this government has always admitted the principle on which her Majesty's government insists. The only difficulty lies in applying it. While insurgents are permitted to build and buy blockade-running vessels in British ports, and to man them with insurgent Americans as well as British subjects promiscuously, and such vessels so owned and manned by the insurgents are allowed to proceed to and from her Majesty's colonial as well as home ports, by a fraudulent assumption of the British flag, this government in the case of capture must insist on having in every case satisfactory evidence that the vessel captured does in fact belong to British or other neutrals, and not to insurgents, and that the persons navigating them are neutrals and not insurgents, before it releases them from custody. Every neutral person captured on board a neutral blockade-running vessel has been released just so soon as the fact of his neutrality and that of the vessel could be satisfactorily established. Blockade runners throw away their papers, simulate flags, and commit frauds and perjuries, and these circumstances unhappily render necessary the vigilance which this government is exercising.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 1, 1864.*

SIR: I hasten to submit to you the following papers which have been sent to me by Vice-Admiral Sir James Hope, commander-in-chief of her Majesty's naval forces on the North American and West Indian stations :

1. Copy of letter from the British vice-consul at Matamoras to Captain Von Donop, of her Majesty's ship Jason, dated February 13, 1864.
2. Copy of pass to enter the harbor of Brazos Santiago, given to the British vessel Scylla by Major General F. J. Herron, dated January 24, 1864.
3. Copy of statement of Francis Denty Hamilton, master of the Scylla, dated February 15, 1864.
4. Copy of letter from Captain Von Donop to Major General Herron, dated February 15, 1864.
5. Copy of letter from Major General Herron to Captain Von Donop, dated February 17, 1864.
6. Copy of letter from Captain Von Donop to Major General Herron, dated February 20, 1864.

You will see with great pain that there is too much reason to fear that the United States military authorities in the Rio Grande have had recourse to a device involving a direct breach of faith, for the purpose of entrapping and seizing the Scylla. In sending me the papers, Vice-Admiral Sir James Hope expresses his conviction that immediate redress will be given by the United States government when the circumstances are brought to its notice, and I am myself confident that the United States government will be prompt in taking measures to vindicate the honor of its army, and to make reparation for the injury inflicted on the subjects of a friendly sovereign.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD. &c., &c., &c.

Vice-Consul Zurn to Captain Von Donop.

BRITISH VICE-CONSULATE,
Matamoras, February 13, 1864.

SIR: I have to communicate to you, that, under pretext of buying her cargo of provisions, and by means of a permit of General Herron, original of which is in my possession (copy No. 1,) the military authorities in Brownsville have enticed the British brigantine Scylla, of Liverpool, Francis D. Hamilton, master, into Brazos harbor and then seized her and taken away \$13,000 in specie.

The statement of the master appears to me of so serious a nature, that I have ordered him to make his deposition before you immediately. At the same time you may see fit to ask him minutely in regard to certain threats the said master will have heard from the commander of a United States gunboat now stationed off Brazos harbor, referring to the intended seizure of the British ship Herbert, which is now on her way from Liverpool to this port, with a considerable sum of money on board, and with a cargo which I have been credibly informed does not contain a single article of contraband merchandise.

I have, &c., &c.,

PAUL ZÜRN,

Her Majesty's Acting Assistant Vice-Consul.

Captain VON DONOP,

Her Majesty's Ship Jason, off the Rio Grande.

Major General Herron to Captain Loud.

HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,
Brownsville, Texas, January 24, 1864.

Permission is merely granted the brigantine *Scylla*, Captain Loud, master, to enter the harbor of Brazos Santiago to discharge the stores purchased from her by Roult, assistant quartermaster for the United States.

She will also be permitted to remain in the harbor to reload, should there be any cotton or other property there to ship.

F. J. HERRON, *Major General.*

Statement of Francis Deuty Hamilton, master of the British schooner Scylla.

HER MAJESTY'S STEAMER JASON,
Off the mouth of the Rio Grande, February 15, 1864.

Francis Deuty Hamilton, British subject, and master mariner, certificate of the first class, states:

We left Liverpool 26th September, 1863, with a few tons of ballast, consisting of stones and four hundred bags of salt, bound to New York, where we arrived the 7th December. I was there shown a letter from the owners by W. Y. Loud, directing me to be guided by the said Loud's directions.

Loud purchased a cargo of provisions of various kinds, chiefly beef, pork, and bread.

The *Scylla* cleared for Havana on the 19th December, and left, with Mr. Loud on board as supercargo, for that port on the 22d; arrived at Havana on the 3d January.

Not being able to dispose of the cargo, we left on the 5th for Matamoras, where we arrived on the 16th, and anchored—the mouth of the river bearing west by north two miles.

During the last ten days we sold a small portion of the cargo to various vessels here, and in the mean time the supercargo sold the remainder to the federal government to be delivered at Brazos, receiving at the same time an order from General Herron, the commandant at Brownsville, for permission to enter Brazos, there discharge the said cargo, and reload the schooner.

I left this on the 26th January, and anchored the same evening off Brazos. On the 28th the federal steamboat *General Banks* towed us over the bar and into the harbor. On the 30th, Colonel Hodge, commandant of the federal army at Brazos, came on board with a guard of six soldiers, seized the vessel, made myself and crew, consisting of seven altogether, prisoners on board. Colonel Hodge then demanded the specie that was on board, amounting to \$13,000 in gold, which I delivered to him, and received a receipt for it from him. Colonel Hodge refused to assign any reason for these proceedings.

On the 1st February Colonel Hodge came on board again and released myself and crew, but took away the supercargo, who has not since returned. The vessel is at present detained at Brazos with a guard on board; we are allowed perfect freedom, either to go on board or remain on shore.

On the 3d instant I waited on General Herron at Brownsville, and on my asking the reason why the vessel was seized, he told me that they had proof that a certain Mr. Adams was connected with the vessel who was a blockade-runner, and that they had had their eyes on him for the last two years. I told him I knew nothing of Mr. Adams, and that my vessel had always been legally employed.

The general also told me that the seizure would be decided in a few days by orders from New Orleans, and in the event of the vessel being confiscated, he would see that the crew were paid their wages.

This statement was made before me on board her Majesty's steamer Jason, off Rio Grande, on the 15th February, 1864.

E. P. B. VON DONOP, *Captain.*

Captain Von Donop to Major General Herron.

HER BRITISH MAJESTY'S SHIP JASON,
Off the mouth of the Rio Grande, February 15, 1864.

SIR: Herewith I beg to enclose the statement of Francis D. Hamilton, master of the British schooner Scylla, detained at present by the federal government at Brazos, and as the vessel had permission from you, by an order dated the 24th January, to enter Brazos for the purpose of discharging her cargo, which was sold to the federal government, I shall feel obliged by your informing me the reasons for seizing the vessel, and the specie found on board of her.

I have, &c.,

VON DONOP,

Captain and Senior Officer in the Gulf of Mexico.

General HERRON,

Commanding Federal Forces at Brownsville.

Major General Herron to Captain Von Donop.

HEADQUARTERS UNITED STATES FORCES ON THE RIO GRANDE,
Brownsville, Texas, February 17, 1864.

SIR: Your communication under date of the 15th instant, covering statement of Captain F. D. Hamilton, of the schooner Scylla, is at hand. The cause of detention of said schooner is this: Mr. C. W. Adams, the owner of the cargo and specie, (if not of the schooner,) has been for the past two and a half years engaged in purchasing and supplying to the rebels, through Matamoras, arms, ammunition, and other supplies. His movements have been known and watched by my government for some time, and upon his arrival in American waters I placed Mr. Adams and the schooner in a position that they may be held responsible for their conduct.

The case has been submitted to Major General N. P. Banks, at New Orleans, and I am expecting instructions in regard to it by the next steamer.

I have, &c.,

F. J. HERRON, *Major General.*

Captain VON DONOP,

Her British Majesty's Ship Jason.

Captain Von Donop to Major General Herron.

HER MAJESTY'S SHIP JASON,
Off Matamoras, February 20, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant respecting the seizure of the British schooner Scylla and the specie on board that vessel. I have to inform you that I consider the fact of the federal

government having purchased the cargo, and your giving the vessel a pass into Brazos, appears to have been done solely with the intention of enticing that vessel into American waters, for the purpose of seizing her when there, which you could not have legally done while she was in Mexican waters.

I consider the whole proceeding to be unjustifiable and unparalleled among civilized nations.

I may much regret having to bring such facts to the notice of Vice-Admiral Sir Alexander Milne, the commander in chief, but in the mean time it is my duty to protest, in the name of her Britannic Majesty's government, against the seizure under such extraordinary circumstances of the vessel, her cargo and specie, together with the temporary detentions of her crew; and,

I have, &c., &c.,

E. V. B. VON DONOP,

Captain and Senior Officer in the Gulf of Mexico.

Major General F. J. HERRON,

Federal Headquarters on Rio Grande.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 1, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of this date and, of its accompaniments, relative to the case of the British vessel Scylla, seized by the United States military authorities on the Rio Grande.

In reply, I have the honor to acquaint you that the subject shall receive due attention.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 4, 1864.*

SIR: In a note dated the 26th of February last, you were so good as to inform me that the statements made by Mr. McHugh, which I had the honor to submit to you with my note of the previous day, had been forwarded to Major General Dix.

As more than a month has since elapsed, and as I have reason to believe that Mr. McHugh is still a prisoner at Fort Lafayette, I venture to ask you to be so good as to let me know how the case now stands, and especially to inform me whether any doubt has been thrown on the accuracy of Mr. McHugh's statements.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 5, 1864.*

SIR: Her Majesty's government have considered very seriously the correspondence which I have held with you concerning British subjects captured on

board neutral vessels, who have been detained as prisoners by the United States government, and they have given especial attention to the notes which you did me the honor to address to me on the 11th, 15th and 29th January last, as well as to the note dated the 25th January last, which I had the honor to receive from you on the 8th of the following month.

The first of these notes relates specifically to the case of James O'Neill, who was detained for many months as a prisoner, after having been severely wounded by an officer of the United States navy, and who was during a part of his imprisonment kept in irons. Her Majesty's government cannot admit that the injuries inflicted upon the British subject are satisfactorily accounted for. The justification offered, namely, that large quantities of gunpowder were mixed up with the coal, and that O'Neill was about to blow up the vessel, appears to her Majesty's government to be in itself incredible, and to be unsupported by evidence. Her Majesty's government consider that the officer who wounded O'Neill ought to be put upon his trial for the offence, and they have directed me to press the government of the United States to bring him to trial accordingly.

With respect to the case of Patrick Hamilton, which forms the subject of your note of the 15th January, her Majesty's government observe that the only defence made for his imprisonment is the allegation that he was a pilot and a dangerous man, and one who had been constantly engaged in violating the laws and regulations of the United States government, and her Majesty's government are altogether unable to accept this justification as satisfactory.

Her Majesty's government are equally unable to admit the validity of the reasons given in your note of the 29th January for the imprisonment of the crew of the *Banshee*.

The note addressed, on the 9th of March last, by her Majesty's principal secretary of state for foreign affairs to the United States minister in London will have already made you acquainted with the views taken by her Majesty's government of the general question of the imprisonment of British subjects captured on board blockade-running vessels. You will therefore be prepared to hear that her Majesty's government very much regret the announcement made in your note to me, of the 25th January, of its being the intention of the United States government to detain in military custody all persons captured in entering the so-called confederate lines.

It may not be unreasonable that in cases of real doubt as to whether a *particular* person is a neutral or an enemy, time should be allowed for necessary investigation, but her Majesty's government cannot concede that a system may be adopted by the belligerent towards the neutral, which will have the practical effect of placing neutral subjects in the same position as those of the enemy.

Her Majesty's government do not deem it necessary to offer any further remarks upon the note in question, because answers have been already made by them on the several matters of which it treats. They cannot, however, refrain from pointing out that it is impossible for them to admit the accuracy of the statement which it contains with regard to the case of the *Chesapeake*, nor from observing that that statement keeps entirely out of view the unlawful proceedings of the United States officers.

Her Majesty's government are unwilling to see in the course adopted by the United States government indications of a determination to treat the crews of prize vessels as prisoners of war, in order thereby to stop the continual violation of the blockade.

Her Majesty's government cannot allow that any exigence of the belligerent will warrant him in departing from the observance of his obligations towards the neutral. In matters of maritime prize the relations of belligerent and neutral are for the most part clearly established, and her Majesty's government conceive that they cannot be disturbed without great danger. The law of nations has not affixed the penalty of imprisonment to the offence of breaking

a blockade, or of importing contraband of war; and having regard to all that has passed, her Majesty's government conceive that they shall best manifest their regard and esteem for the government of the United States, and their anxious desire to maintain cordial and friendly relations with that government, by at once stating, frankly, that they are not prepared to assent to any alteration of the law of nations in this respect.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 5, 1864.

SIR: Her Majesty's government have had under their consideration the notes which you did me the honor to address to me on the 18th and 26th of January last, concerning the case of Mr. James McHugh, a prisoner at Fort Lafayette.

Her Majesty's government have deemed it right to wait for further information before sending me instructions respecting the imprisonment of Mr. McHugh; but with regard to the statement made in the note of the 18th January, that "since the Bermuda was despatched with her unlawful cargo by Fraser, Trenholm & Co., this government presumes, in her case, until those who shall be found in her service shall prove to the contrary, that she is not a neutral merchantman, but a war transport," her Majesty's government have directed me to state distinctly to you that they cannot admit that the fact that a ship belonging to Messrs. Fraser, Trenholm & Co. should be held to warrant an assumption, until the contrary is shown, that such ship is a war transport.

Her Majesty's government insist that in every such case, unless it can be proved by proper testimony that the vessel captured is a war transport of the so-called confederates, those persons of the crew who may be British subjects, and whose evidence may not be required for proceeding against the vessel, should be liberated immediately, and that those whose evidence may be wanted should not be treated as prisoners of war, but as necessary witnesses, and should not be detained beyond the time which may be reasonably required for their examination.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 5, 1864.

MY LORD: Recurring to your note of the 21st ultimo, respecting the case of the Margaret and Jessie, and to my reply, I have now the honor to communicate to your lordship a copy of a letter of the 2d instant from the Secretary of the Navy, informing me that a court of inquiry has been ordered to convene at Boston on the 7th instant for the purpose of investigating the circumstances con-

nected with the alleged violation of British territorial jurisdiction in the case of the steamer above named.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, April 2, 1864.

SIR: I have the honor to state for your information that the United States steamer Rhode Island, under the command of Commander Stephen D. Trenchard, having recently arrived at Boston, the department has ordered a court of inquiry to convene at the navy yard in that city on Thursday next, the 7th instant, for the purpose of a thorough investigation of the circumstances connected with the alleged violation of British territorial jurisdiction in the case of the steamer Margaret and Jessie.

In conformity with the suggestion made in your letter of the 28th ultimo, the evidence in the case submitted on the part of the British government will be transmitted to the court for its guidance in the investigation; but it is proper to state, in this connexion, that the court, in its findings, must be governed by evidence of a legal character, and the party whose conduct is the subject of inquiry has the right to cross-examine witnesses.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 6, 1864.

MY LORD: With reference to your note of the 1st instant, and the accompanying documents, relative to the brigantine Scylla and her cargo, seized at Brazos, Texas, by order of Major General Herron, commanding the United States forces in that quarter, I have the honor to state that that vessel is understood to have been, in fact, owned by C. W. Adams, a native of this country, and a member of a mercantile house doing business in Texas. Adams reports that she was chartered by him; but neither he nor any other person has produced or shown any evidence that the Scylla belongs to British owners, or ever pretended to give the names or residence of the alleged British owners. Some time since this department received information that Adams was engaged in shipment of cargoes from Europe and elsewhere for the purpose of being illegally introduced into Texas, and that those cargoes consisted in part, at least, of munitions of war. The information thus received was made known to the general in command in that region, who was directed to be on the watch for Adams, to arrest him, and to seize any vessel which might be employed by him in the business referred to. The proceedings of General Herron with reference to the brigantine Scylla, to Adams, and to W. Y. Loud, who is an American citizen, and who was a supercargo in the employ of Adams, undoubtedly were occa-

sioned by the orders thus given. Adams and Loud were making their complaints to the British vice-consul at Matamoras; they applied to this government, as Americans, for such redress or lenity as it might think proper to afford to them. So far as relates to the vessel in question, it is understood that she has been sent to New Orleans, so that the legality of her voyage and her national character may be judicially ascertained. Measures have also been adopted for the purpose of further verifying the information which led to the proceedings in question. If it shall ultimately appear that the Scylla was in point of fact a British vessel, and that there was no probable cause for the seizure, or that her seizure was unlawfully or improperly effected, such amends will be made to any British subjects who may have been aggrieved as the circumstances may call for.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 6, 1864.

MY LORD: Recurring to your communication of the 24th ultimo in relation to the imprisonment in Fort Warren of Mr. Cory the master, and Mr. Ferries the chief officer, and three of the crew of the British steamer Don, I have now the honor to enclose, in reply, a copy of a letter of the 1st instant from the Secretary of the Navy, stating that their release has been ordered, and that measures are being taken for the discharge of all *bona fide* foreign subjects captured in neutral vessels seized for breach of blockade, where there is no other charge against them warranting their detention, and they are not needed as witnesses.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *April 1, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, enclosing a note from Lord Lyons in reference to the detention and imprisonment in Fort Warren of the master, mate and three of the crew of the blockade-running, steamer Don, who claim to be British subjects.

Orders have been given for the release of the persons referred to, and measures are being taken for the discharge of all *bona fide* foreign subjects captured in neutral vessels seized for breach of blockade, where there is no other charge against them warranting their detention, and they are not needed as witnesses.

Very respectfully, &c.,

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 9, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, and that of the 5th, relating to the case of Mr. James McHugh, and to inform your lordship, in reply, that they will receive due attention.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 9, 1864.

SIR: Her Majesty's principal secretary of state for foreign affairs has transmitted to me a copy of a representation made to her Majesty's government by Mr. John Mulholland, of Belfast. This gentleman states that in the year 1859 he advanced to the Southern Railroad Company, of Mississippi, various sums of money upon their sterling bonds, repayable in five years, with interest, payable in England, to the amount in all of fifty thousand pounds. He represents that this debt was secured by mortgage bonds, which, by an agreement with the Girard Bank, of Philadelphia, from which the road had been purchased by its present proprietors, were a first charge upon the property and earnings of the railroad.

It appears that in 1860, and the first half of 1861, the interest was duly paid, but that since the blockade began, in the latter year, the railroad company have found it impossible to make any remittance, and that they have, therefore, invested the three years' arrears of interest in cotton for the account of Mr. Mulholland and his partners. A deed of sale of this cotton, certifying it to be British property, is stated to have been lodged, on the 13th July last, with her Majesty's consul at Charleston.

It seems that the railway in question is that running across the State of Mississippi, from Meridian to Vicksburg, and that, since the capture of Vicksburg, the terminus there and a part of the line have been in the possession of the federal authorities.

Mr. Mulholland prays her Majesty's government to procure the consent of the government of the United States to this cotton being shipped at a southern port, and allowed to pass through the blockade, or to its being sent through the federal lines in Mississippi to New Orleans, to be there shipped in the regular course of trade.

In case of its being found absolutely impossible to obtain permission to export the cotton, Mr. Mulholland expresses a hope that the United States government will be induced to register the fact of its British ownership, and to instruct their naval and military commanders to respect it, in case of the occupation of the territory in which it is lying, or to give compensation for it if it should be destroyed.

Her Majesty's government are of opinion that the facts which appear to be established—namely, first, that the cotton represents the dividend of a railway due to a foreign and neutral creditor, the contract having been entered into while the territory occupied by the railway was under the authority of the United States; and, secondly, that a portion of the railway is now in the occupation of and used by the United States authorities—afford sufficient reasons

for making the application as requested by Mr. Mulholland, and they consider that it may reasonably be hoped that one alternative of it, at least, may be granted, namely, the protection of the cotton in question from belligerent seizure or destruction.

Her Majesty's government have accordingly instructed me to make this application to the government of the United States; not, however, urging it as a matter of right, but addressing it only to the equitable consideration of that government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 11, 1864.

SIR: I have the honor to transmit to you copies of two despatches, and their enclosures, which I received from the acting British consul at New Orleans, and which contain representations on the subject of cotton owned by British subjects in Louisiana and the neighboring States.

The first despatch relates specifically to a complaint brought forward by Miss Mary Murray, who makes oath that she is a British subject, and states that one hundred and seven bales of cotton belonging to her have been seized by General Ellett, of the United States marine brigade. I have the honor to request that this complaint may be investigated, and that redress may be given for any wrong which Miss Murray may have suffered.

The second despatch contains some general suggestions made by the acting consul, with a view to the security of cotton, the property of British subjects. I venture to recommend the subject to the consideration of the government of the United States, and to represent to them the advantage of adopting the plan proposed by the acting consul, or of taking some other measures for the protection of cotton belonging *bona fide* to the subjects of neutral sovereigns.

I beg you to be so good as to return the original affidavit of Miss Murray, which is among the papers enclosed in this note.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Coppell to Lord Lyons.

BRITISH CONSULATE, NEW ORLEANS,
March 8, 1864.

MY LORD: I have the honor to transmit herewith to your lordship a copy of a letter I have this day received from Miss Mary Murray, a British subject, informing me that 107 bales of cotton, owned by her, on a plantation in Jefferson county, Mississippi, had been seized by General Ellett, of the United States army. The letter encloses an affidavit, also transmitted herewith, from which it appears that purchase of the cotton was first attempted by a Mr. Clements; but, failing in which, the power of the United States was invoked, and the property confiscated.

Miss Murray asks my assistance in the recovery of her property, but believing that any direct claim or remonstrance would have little or any effect, I have thought it would be better to go through General Ellett's superior officers at Washington, and trouble your lordship with the matter.

I have, &c.,

G. COPPELL.

LORD LYONS, &c., &c., &c.

Miss Mary Murray to Mr. Coppell.

NEW ORLEANS, *March 8, 1864.*

SIR: I enclose an affidavit, made by me, respecting the seizure, by General Ellett, of the marine brigade, United States army, of one hundred and seven bales of cotton owned by me. Said cotton was acquired by me in a lot of four hundred bales, by purchase from Mr. W. Dent, and at the time of seizure by General Ellett it was on Mr. Dent's plantation, Holly Grove, Jefferson county, Mississippi.

Asking your interference in the recovery of my property, or its value,

MARY MURRAY.

P. S.—I was registered at your consulate as a British subject, on the 7th of August, 1863.

GEORGE COPPELL, Esq.,

Her Britannic Majesty's Acting Consul, New Orleans.

STATE OF LOUISIANA, *City of New Orleans:*

Be it known that on this 8th day of March, A. D. 1864, before me, Andrew Hero, a notary public, in and for the parish of Orleans, State of Louisiana, duly commissioned and qualified, personally appeared Miss Mary Murray, a British subject, who being by me duly sworn, deposed that General Ellett came to Mr. W. Dent's house, near Rodney, Mississippi, on the 12th of February, 1864. He, the said General Ellett, introduced Mr. Clements to Mr. Dent, as a person whose property was confiscated by the confederates, and that he had permission from the United States government to buy cotton.

Mr. Dent remarked that he had no cotton, and what cotton was on his plantation belonged to me, and she could sell it if she chose. I replied, I do not wish to sell. Mr. Clements remarked, said cotton does not belong to you, and you have no right to own property, not having taken the oath to the United States. He then asked Mr. Dent to make this lady withdraw her claim. Mr. Dent replied that he could not, and I remarked that I would not relinquish my claim for him or for Mr. Dent.

The said General Ellett did confiscate 107 bales of my cotton, and which I do solemnly swear was my property; and he further remarked, I confiscate said cotton as *your* property.

MISS MARY MURRAY.

[Stamp]

Sworn and subscribed before me, the said notary, the day and year above written.

[L. s.]

ANDREW HERO, *Notary Public.*

Mr. Coppell to Lord Lyons.

BRITISH CONSULATE, NEW ORLEANS,

March 10, 1864.

MY LORD: It is not irrelevant to the subject of the despatch which I had the honor to address to your lordship on the 8th instant, to suggest a preventive to the repetition of the wrong complained of by Miss Murray.

There is much cotton now on plantations on the Mississippi river and in its vicinity, owned by British subjects, and registered as British property at this consulate; in the present state of the country, it is impossible to be moved by private individuals to shipping ports, but if the United States forces take possession of and remove it, much trouble and loss will ensue, and rightful owners will be deprived of their property, at best, for some time.

The cotton thus registered is, when it is possible to place it, accompanied with a consular certificate showing that, upon oath of the owner, it is the property of a British subject. I have the honor to transmit herewith a copy of the certificate I have adopted for this purpose.

I have received some complaints from parties who state that their cotton had been removed by the United States forces, yet they have been unable to trace it or obtain any satisfactory proof of the fact.

Might I be allowed to suggest for your lordship's consideration and approval, with a view to an arrangement with the United States government, that when cotton has a consular certificate, or other satisfactory proof of being owned by a British subject, that it be allowed to remain in its present position until such time as the owner can move it with safety to a shipping port? Should there be doubt in the minds of the United States authorities as to the actual ownership of the cotton, or of the legality of purchase, it will be time enough to investigate that point, it seems to me, when the property is brought to market, instead of taking forcible possession when the owner is helpless, as in Miss Murray's case.

This course would undoubtedly save much trouble to the United States authorities in the matter of claims, and, on the other hand, prevent anxiety and loss to innocent owners.

The arrangement of such a matter as proposed would no doubt be met by many difficulties, which could only be surmounted by orders from the highest authorities.

I trust your lordship will pardon the suggestion I have made if impracticable, in consideration of the very large amount of British capital invested in cotton by parties in England and in this country.

I have, &c.,

GEORGE COPPELL.

LORD LYONS, &c., &c., &c.

Her Britannic Majesty's consulate for the State of Louisiana.

Know all persons to whom these presents shall come: That I, William Mure, esq., her Britannic Majesty's consul for the city of New Orleans and State of Louisiana, do hereby certify that on the day of the date hereof personally appeared before me ———, who, being duly sworn, says that the ———, as described on the document hereunto attached, is the property of and belongs to British subjects, and is duly registered as such at this consulate.

Given under my hand and seal of office, at the city of New Orleans, in the State of Louisiana, — day of —, one thousand eight hundred and —.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 13, 1864.*

SIR: With reference to the note which you did me the honor to address to me on the 17th of last month, and to the previous correspondence in which I have been for many months engaged with you on the subject of the restrictions imposed on the trade between the United States and British colonies, I desire to ask you to take into serious consideration the two papers which I transmit to you herewith.

The one is a copy of a despatch from the lieutenant governor of Prince Edward's island to me, and the other a copy of a memorial addressed to the lieutenant governor of New Brunswick by the Chamber of Commerce, of the town of St. John, in that province.

Waiving for the moment all discussion on the principle involved in the exaction of the bonds which merchants are now in many instances compelled to give on shipments from the United States to British colonies, I cannot but hope that the statements made in the enclosed papers will convince you that while the exaction of such bonds is particularly injurious to the provinces of New Brunswick and Prince Edward's island, it may certainly, in the case of those two provinces, be safely dispensed with.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lieutenant Governor Dundas to Lord Lyons.

GOVERNMENT HOUSE,
Prince Edward's Island, April 2, 1864.

MY LORD: It is represented to me by a leading merchant of this island that the custom-house authorities at New York are making all shippers to this province give bonds for their shipments in double the amount of invoice; that the shippers are also required to find two sureties, owners of real estate in the city of New York, such estate to be unencumbered and worth double the amount of invoice; that the nature of the bond is, that the goods are to be consumed in the province, and not to be reshipped to any port under the control of the so-called Confederate States.

It is further represented to me that these bonds are not enforced in the case of shipments to Newfoundland, for the reason that no reshipments have been made from that island to such ports.

I have no hesitation in expressing my conviction that shipments have not been made from this island to any such ports. I understand that the United States consul of this island will address the State Department at Washington with his certificate to this effect. Under these circumstances, I have the honor to bring the subject under your lordship's notice, in the hope that your lordship may be able to obtain an exemption on this ground in the case of shipments made to this island.

It is unnecessary for me to remark on the serious embarrassment which will be occasioned to the trade with this island should these rules be enforced.

I have, &c.,

GEORGE DUNDAS,
Lieutenant Governor.

LORD LYONS, &c., &c., &c.

MEMORIAL OF THE CHAMBER OF COMMERCE OF ST. JOHN, N. B.

To his excellency the Hon. Arthur Hamilton Gordon, lieutenant governor and commander-in-chief of the province of New Brunswick.

ST. JOHN, *March 11, 1864.*

The memorial of the Chamber of Commerce of the city of St. John, in the province aforesaid, respectfully represents: That this chamber has learned that by a recent regulation of the customs authorities in the city of New York bonds are required on the shipment of goods to this province, providing, under heavy penalties, that such goods shall be landed in the province, and shall not be transported to any place under insurrectionary control of the so-called Confederate States of America, and shall not be used in any way to give aid or comfort to such insurgents, with consent, permission, or connivance of the owners, shippers, carriers, or consignees thereof.

Your memorialists would respectfully represent that they cannot but regard the requirement of bonds of this nature as an imputation upon the integrity and honor of importers in the province, inasmuch as it is an implication that said importers seek to possess themselves of goods for a purpose at direct variance with the proclamation of her Most Gracious Majesty the Queen, and opposed to their principles as being engaged in the prosecution of regular and legitimate business.

Your memorialists are of opinion that, while it may accord with the practice in certain cases to demand bonds for the due landing and delivery of goods at their declared destination, to seek to retain control over such goods and merchandise, after being so landed and delivered, is, in respect to articles imported from the United States into this province, both unusual and unnecessary.

The absence of any ground for such proceeding can readily be made apparent.

The tables of the trade and navigation of the province conclusively show that no shipments have been made from its ports of goods, in any appreciable quantity, (originally imported from the United States,) to any ports or places that can be suspected of complicity with blockade-running operations. This fact, your memorialists would urge, ought to secure our trade from a regulation which, if it were really required, could not but be regarded as burdensome, but which, when clearly shown to be unnecessary, as a security against contraband trading, cannot but be deemed vexatious and inconvenient.

Your memorialists would further beg to draw attention to the fact that the trade of this province is a growing one, and that the imports from the said United States consist mainly of breadstuffs and salted meats, for which there is a rapidly increasing consumption. These articles are imported into the province for consumption therein, or in the neighboring districts of the province of Nova Scotia, and that (as appears from the table of exports hereto appended) none are reshipped from the province for a destination adverse to the United States. The requirement of the bonds of the nature hereinbefore designated, upon the shipment of these articles from United States ports to this province, must prove a burden to the trade which will materially interfere with its extent, since the costs attendant upon the giving of the bonds for such heavy sums and so unusual conditions are more than the trade will bear.

In view of these facts your memorialists would respectfully suggest the consideration whether it will be to the advantage of the people of the United States to continue a restriction on the traffic in these staples, and other goods, that must eventually curtail the commercial intercourse between the two countries, to the disadvantage of both parties.

The Chamber of Commerce beg respectfully to request that your excellency

will be pleased to take an early opportunity of communicating these views, and such other considerations as may appear proper to your excellency, to her Majesty's minister at Washington, in order that the case may be laid before the Secretary of the Treasury of the United States, to the end that our commerce may be relieved of a restriction which it is believed is productive of no benefit on the one hand, while resulting in positive injury on the other.

J. WOODWARD, *Secretary.*

L. DONALDSON, *President.*

Total shipment of breadstuffs and salted meats from the province of New Brunswick for the years 1862 and 1863.

FROM THE PROVINCE OF NEW BRUNSWICK, 1862.

Destination.	Barrels of flour.	Barrels meal.	Pounds salt meat.
The United Kingdom	994	40	30,200
Nova Scotia	8,209	749	2,800
Prince Edward's island	229	76	.....
The United States	168	3	900
Nassau .....	.....	.....	300
	9,600	868	34,200

FROM ST. JOHN, N. B., 1863.

(Returns from outposts not received.)

Destination.	Barrels of flour.	Barrels meal.	Pounds salt meat.
The United Kingdom	44	.....	.....
Nova Scotia	8,710	523	4,200
The United States .....	.....	32	13,400
British West Indies	398	.....	400
	9,152	555	18,000

I hereby certify that the above statement relative to the shipment of breadstuffs and salted meats from the province of New Brunswick, and the port of St. John, New Brunswick, during 1862 and 1863, is correct and true.

[L. S.]

WILLIAM SMITH,

Controller of Customs, &c., St. John, March 11, 1864.

Lord Lyons to Mr. Seward.

WASHINGTON, April 14, 1864.

SIR: With reference to your notes of the 11th, 16th, and 29th ultimo, and to my notes of the 13th and 24th ultimo, I have the honor to transmit to you a copy of a despatch from the governor general of Canada respecting the in-

formation given to the United States government that two schooners were lying under suspicious circumstances in Canadian waters. I also enclose a summary of a confidential report made by an agent employed by the Canadian authorities to investigate the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

Hon. WILLIAM H. SEWARD.

LYONS.

Viscount Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, March 31, 1864.

MY LORD: Immediately on the receipt of your excellency's despatch of March 13, I sent a confidential agent of the Canadian government to investigate the truth of the information communicated to the provost marshal of the War Department of the United States relative to two vessels on Lake Erie alleged to be fitted out for the purpose of piratical aggression on the lake trade of the United States.

I have now the honor to enclose for your excellency's information the report of that gentleman, from which you will observe that after the closest scrutiny he was unable to find any evidence to substantiate the allegations referred to.

I have, &c.,

LORD LYONS, &c., &c., &c.

MONCK.

Report of the agent of the Canadian government to Viscount Monck.

I proceeded direct to Chatham, Upper Canada, and on the 22d instant reached the Rondeau, 17 miles distant, in search of a vessel named the Montreal, stated to be then lying there, under the command of a Captain Whitby, who was also stated to be an officer in the so-called confederate navy. The said vessel was further reported to be then and there lying with sails bent ready for sea at a moment's notice, armed with two 24-pounder guns, a quantity of small arms, cutlasses, and boarding pikes, and manned with a picked crew of fifteen men, having hostile and piratical intentions towards the United States.

In the Rondeau harbor I found a schooner called the Cataragui, under the command of and owned by a Captain Whitby, and with sails bent as described, but affording no further corroboration of the story as reported. Captain Whitby is an Englishman, who has lately purchased the Cataragui from Mr. Anglin, of Kingston. He has never been in the so-called Confederate States at all, and is now living with his wife and one man, a servant, on board his vessel. Having placed myself in communication with him immediately on my arrival, he afforded me at once every facility for examining his vessel, to which I proceeded in his company across the ice in which she lay frozen in, at a distance of about three-quarters of a mile from the shore. The only armament that I could discover on board, after a diligent search, were an old, rusty ship cannonade of about four pounds calibre, used for signal purposes, and a double-barrelled fowling-piece. On my return to the shore I was met by General Terry, who commands at Johnston's island, having the 2,000 or more prisoners of war there under his charge. Having introduced him to Captain Whitby, the latter, at my request, took him at once on board the schooner, as he had previously taken myself,

thus enabling him to ascertain personally the true state of the case. I saw him subsequently on his return, and he expressed himself fully satisfied.

From Chatham I next proceeded to Port Stanley, within fifteen miles of which place, at New creek, another vessel, called the *Saratoga*, of a similar character and designs, was stated to be lying.

A diligent search on either side of that port, and for greater distances than that above specified as the place of her concealment, failed in revealing to me either such a place or vessel, and shipping masters born in that locality, who have sailed the lakes all their lives, informed me that they had no knowledge of any creek bearing that name on Lake Erie. The creeks from the Rondeau eastwards until you reach Port Stanley, a distance of about forty-five miles, are in the following order: Big creek, Clear creek, Sixteen-Mile creek, Number-Nine creek, Colonel Talbot's creek, and Kettle creek, otherwise Port Stanley. From the latter place, still following the coast line eastward to Port Burwell, a distance of twenty-five miles, are Silver creek, Catfish creek, or Port Bruce, and Otter creek, or Port Burwell.

By the before-mentioned authorities I was further informed that it was not possible to winter a vessel at any of the creeks I have enumerated, except at the ports named, and there I saw and examined some fifteen or more vessels, but amongst them no *Saratoga*, the vessel I was in search of, nor could I find in the shipping list of Canadian vessels navigating the upper lakes any vessel bearing that name, although I searched it diligently for this purpose, nor had the master mariners whom I consulted knowledge of any such.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 15, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 11th instant, respecting cotton owned by British subjects and other foreigners in Louisiana, and particularly relating to the complaint of Miss Mary Murray of the seizure of cotton belonging to her by General Ellet, of the United States marine brigade.

I have the honor to inform you that I have transmitted a copy of your note and of its accompaniment to the Secretary of War, who has been requested to cause an investigation of the complaint of Miss Murray with a view to such proceedings as may be requisite. I have also invited his attention to the general subjects as presented in your lordship's communication, and shall avail myself of the earliest opportunity to reply thereto.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 18, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 9th instant, respecting certain cotton now in that part of the United States which is held by insurgents, and which is said to belong to Mr. John Mulholland, of

Belfast. I have the honor to inform your lordship, in reply, that the subject will be taken into consideration.

I have the honor to be, with high regard, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 18, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 13th instant, in regard to the restrictions imposed on the trade between the United States and British colonies, a copy of which communication has been laid before the Secretary of the Treasury. When I shall have received an expression of his views upon the subject I shall address myself to your lordship in relation to it.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 18, 1864.

SIR: I have the honor to transmit to you a copy of a despatch from her Majesty's consul at New York, pointing out certain irregularities in the proceedings in the case of the British schooner Nymph, Alexander McCoppin master, and requesting that the United States government may be moved to retain the proceeds of the sale of the vessel and cargo, so as to allow time for the owners to defend their interests. This request appears to me to be reasonable, and I beg leave to recommend it to prompt and favorable consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE,

New York, April 11, 1864.

MY LORD: Referring to my despatch of the 28th ultimo, reporting the discharge of Alexander McCoppin from Fort Warren, I have the honor to bring under your lordship's notice the proceedings which have taken place in reference to the condemnation of the schooner Nymph, of which Mr. McCoppin was master.

This vessel was seized off Matagorda bay, on the coast of Texas, on the 22d April last, while on a voyage from Belize, Honduras, to Matamoros, and was taken to New Orleans, where, although there was no prize court at the time

established there, the vessel and cargo were sold—the vessel for the sum of two thousand one hundred and twenty-five dollars, and the cargo for three thousand seven hundred and forty-one dollars and fifty-nine cents—and the proceeds were sent to either the Navy or Treasury Department at Washington.

The papers found on board the vessel were brought to New York, and proceedings instituted in the prize court here, under which a decree, by default of condemnation of vessel and cargo, was entered on the 27th of October last, sixty days being given for further proof and to allow the real owners to intervene. That time having expired, and no one having intervened, a final decree of distribution will, I understand, be entered in a few days.

I beg leave to submit to your lordship that the proceedings in this case are, as it appears to me, irregular, and the decree of condemnation ought to be set aside; at all events the proceeds in the hands of the government ought not to be distributed until time can be had for a review of the proceedings in the case, for which purpose Mr. McCoppin has placed the matter in the hands of the consul.

It seems to be repugnant to justice, and at variance with ordinary notions of the grounds of a decree *in rem*, to allow a condemnation where the *res* itself has never been subjected to the process of the court nor brought within its jurisdiction. In this case no monition was served on the master, or on any part of the effects condemned, which, as I have said, were not within the reach of the court. A publication of notice of the libel in one of the local newspapers, as I am informed, took place, which, under the act in reference to proceedings in the prize court, might perhaps have availed if the *res* in question were within their jurisdiction, and on this proceeding the decree by default was founded.

The proceedings in the prize court do not appear until recently to have become known to any parties interested in the vessel and cargo. The owner of the vessel, it is stated, died many months since. Mr. McCoppin, the master of the vessel, was confined in prison, first here, and afterwards at Fort Warren, for the greater part of the year. Neither the vessel nor any part of the cargo being brought to this port, the proceedings in the case escaped my notice, and consequently the name of the vessel will not be found in the list of British prize vessels condemned in this district, which I recently forwarded to your lordship.

Mr. McCoppin insists that the voyage in which the *Nymph* was captured was honest and *bona fide*, and that her destination was Matamoras, and no other port, the vessel having been driven a little out of her course at the time she was fallen in with and captured. He is now about to return to Belize to collect the necessary evidence to sustain the claim of the owners to restitution, and in the mean time it is but just, under the circumstances, that the proceeds in the hands of the government should not be distributed.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 18, 1864.

SIR: You were so good as to inform me on the 9th instant that the notes which I had the honor to address to you on the 4th and 5th instant, respecting the imprisonment of Mr. James McHugh, would receive due attention.

Mr. McHugh has now been in prison four months. He demands that he be released or be brought immediately to trial. This demand appears to me to

be perfectly reasonable, and I deem it to be my duty to support it. I must at the same time repeat the request which I made in my note of the 4th instant, to be informed how the case stands.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 18, 1864.

SIR: In a note dated the 6th instant, announcing the release from Fort Warren of two officers and three seamen who had been captured on board the British steamer *Don*, you did me the honor to inform me that measures were being taken for the discharge of all *bona fide* foreign subjects captured in neutral vessels seized for breach of blockade.

I deem it to be my duty, with a view to hastening the release of British subjects comprised in this category, to ask your immediate attention to the enclosed list of persons captured, as I am informed, on board British vessels, and claiming British protection, who are held as prisoners by the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE,

New York, April 7, 1864.

MY LORD: I have the honor to report to your lordship that the persons whose names are mentioned in the subjoined list, and who state themselves to be British subjects, are detained here as prisoners in the county jail. The seven first-named persons were captured on board the British steamer *Scotia* while on a voyage from Wilmington to Nassau. Two of them report themselves to have been passengers in that vessel.

The seven last-named persons were captured in the British steamer *Don*, of London, while on a voyage from Nassau to Wilmington. One of them states himself to have been a passenger on board the *Don*. The whole thirteen persons were lodged in the county jail on the 25th ultimo. The *Scotia* was brought to this port for adjudication, as reported in my despatch of the 9th ultimo. The *Don* was taken to Boston. I see no reason for the detention of these prisoners here. I have caused them to be examined by a clerk from this office, and believe them to be all British subjects and entitled to British protection. There is likewise in the county jail a British subject named Adolphus Russell, a native and resident of Green Turtle Bay, Bahamas. He states himself to have been a passenger on board the sloop *Racer*, of Green Turtle Bay, which was captured on the 1st of January last and taken to Key West. Russell was kept on board the United States bark *Roebuck* from the time of his capture until he was sent here and lodged in the county jail, about three weeks since. He is suffering from ill health.

Besides the above-mentioned persons, there is in the county jail, where he has been imprisoned since the 2d of February last, a man named William Patterson, master of the sloop Gopher, of Green Turtle Bay, Bahamas, which was captured and sent to Key West on the 12th of December last. He states himself to be a native of Denmark, is now of the age of forty-six years, and has resided twenty-eight years in the Bahama islands, where he became naturalized as a British subject in the year 1850.

I have, &c.,

E. M. ARCHIBALD.

The LORD LYONS, &c., &c., &c.

Name of prisoner.	Name of ship.	Where imprisoned.	Papers relating to the case.
1. John Smith.....	Steamer Scotia.....	County jail, New York.....	Despatch from her Majesty's consul at New York, dated April 7, annexed hereto.
2. William Stearpe.....	.....do.....	.....do.....
3. Robert Fernando.....	.....do.....	.....do.....
4. Richard Risley.....	.....do.....	.....do.....
5. William L. Paine.....	.....do.....	.....do.....
6. John McKinley.....	.....do.....	.....do.....
7. A. W. Stein.....	.....do.....	.....do.....
8. J. A. Bedwell.....	Steamer Don.....	.....do.....
9. W. H. Hall.....	.....do.....	.....do.....
10. Bernard Harding.....	.....do.....	.....do.....
11. Samuel Bostock.....	.....do.....	.....do.....
12. Frederick Tiger.....	.....do.....	.....do.....
13. John Temple.....	.....do.....	.....do.....
14. A. D. Clagett.....	.....do.....	.....do.....
15. Adolphus Racer.....	Racer.....	.....do.....
16. William Patterson*.....	Gopher.....	.....do.....
17. W. Owens Neill.....	Nutfield.....	Carroll prison, Washington.	
18. John McCarthy.....	Dee.....do.....	Note to Mr. Seward, March 24; notes from Mr. Seward, March 29 and April 7.
19. William Austic.....	.....do.....	.....do.....
20. John Wertley.....	.....do.....	.....do.....
21. John Murphy.....	.....do.....	.....do.....
22. William Stephens.....	.....do.....	.....do.....
23. Gustavus Krotch.....	.....do.....	.....do.....
24. James Garvick.....	.....do.....	.....do.....
25. John King.....	Paul.....	U. S. ship Princeton, at Philadelphia.	
26. J. D. Coleman.....	Rositer.....do.....	Note to Mr. Seward, March 13; notes from Mr. Seward, March 17 and 22.
27. W. H. Thompson.....	.....do.....	.....do.....
28. Isaac Fisher, (colored.)	Not stated.....	.....do.....
			Letter from Fisher to her Majesty's consul at Philadelphia, of March 22, annexed hereto.

* This man is stated to be a native of Denmark.

Mr. Fisher to Mr. Kortright.

PHILADELPHIA NAVY YARD,
United States Receiving Ship Princeton, March 22, 1864.

SIR: I do very respectfully request to see you, if you could make it convenient at any time to come, as I am here among strangers, and in a strange country. As a statement of my case, and how I came here, was: I volunteered my services in Nassau for two pounds a month, of which I signed for, but at the same time being quite ignorant of the destination of the schooner I was in. To my great misfortune I was captured, and brought here on board of the receiving ship Princeton, and I should like to see you, for I could explain things more correct to you. I have no one to look to, as I am a colored man, and my situation is but very little pitied, and I am under a thousand obligations to you if you could aid or help me in any way, for I have no one to look to, as I am a British subject, and a perfect stranger here, and I would thank you as your humble servant for your kindness; so please aid or help me if you please.

Respectfully, &c.,

ISAAC FISHER, *Colored.*

C. R. K. KORTRIGHT, Esq.,
Her Britannic Majesty's Consul.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 18, 1864.*

SIR: Her Majesty's government have had under their consideration the correspondence which has taken place between this legation and the State Department respecting the military commission appointed to investigate the cases of persons under arrest in Fort Lafayette and Fort Warren, and they have particularly directed their attention to the note which you did me the honor to address to me on the subject on the 12th of February last.

Her Majesty's government cannot, however, regard the information conveyed by that note, or by the paper enclosed in it, as sufficiently explicit.

If New York and Boston be under martial law, and the ordinary forms of civil trial be suspended universally, and without exception or distinction of persons, subjects of her Majesty brought before the military commission are in the same condition as native citizens, and her Majesty's government may refrain from remonstrance on this particular subject.

But her Majesty's government conceive that this should be clearly stated; for if this be not the case, and if her Majesty's subjects are to have charges against them investigated by an exceptional tribunal, and are not to be allowed the protection and safeguards of the ordinary civil trial, when such protection and safeguards are still open to United States citizens, the fact, if it be so, may give rise to very grave and serious complaint.

Her Majesty's government have therefore instructed me to apply to you for a more explicit statement upon this matter, and for a distinct answer to the questions whether martial law universally prevails at New York and Boston, and whether it suspends for all persons equally, citizens as well as foreigners, the right of being tried before the ordinary civil tribunal.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 20, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 18th instant, in which you inform me that her Majesty's government have had under consideration the correspondence which has taken place between her Majesty's legation and this department respecting the military commission appointed to investigate the cases of persons under arrest in Fort Lafayette and Fort Warren, and that they have particularly directed their attention to the note which I addressed to your lordship on the subject of the 12th February last, that her Majesty's government cannot, however, regard the information conveyed by that note, or by the paper enclosed in it, as sufficiently explicit. Your lordship then remarks that, if New York and Boston are under martial law, and if the ordinary forms of civil trial are suspended universally, and without exception or distinction of persons, subjects of her Majesty brought before the military commission are in the same condition as native citizens, and her Majesty's government may refrain from remonstrance on this particular subject; but that her Majesty's government conceive that this should be clearly stated; for if this is not the case, and if her Majesty's subjects are to have

charges against them investigated by an exceptional tribunal, and are not to be allowed the protection and safeguards of the ordinary civil trial, when such protection and safeguards are still open to United States citizens, the fact, if it be so, may give rise to very grave and serious complaint; that her Majesty's government have therefore instructed your lordship to apply to this department for a more explicit statement upon this matter, and for a distinct answer to the question whether martial law universally prevails at New York and Boston, and whether it suspends for all persons equally, citizens as well as foreigners, the right of being tried before the ordinary civil tribunal.

In reply to this note, I have the honor to give your lordship a copy of a proclamation issued by the President of the United States on the 15th of September, 1863. I have to state further, for the information of her Majesty's government, that military commissions and courts-martial are instituted and appointed to inquire into and decide cases of the classes in regard to which the privilege of the writ of habeas corpus is suspended by the above-mentioned proclamation, and no other cases.

I have further to state, that military commissions and courts-martial take cognizance and try complaints against all classes of persons, citizens of the United States as well as foreigners, without any discrimination on the ground of their citizenship or want of citizenship, other than such discrimination as holds citizens to full obligations of a perfect allegiance to the United States, while all the rights which specially belong to domiciled or transient aliens as such under the law of nations are observed and respected.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

[For the President's proclamation above referred to, see congressional documents of the 15th September, 1863.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 21, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 18th instant, relative to alleged irregularities in the proceedings in the case of the British schooner *Nymph*, Alexander McCoppin, master, and seconding a request that the proceeds of the sale of the vessel and cargo may be retained until the owners can defend their interests. In reply, I have the honor to inform your lordship that I have submitted the request to the consideration of the Secretary of the Navy, who has been furnished with a copy of your note and its accompaniments.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 21, 1864.*

SIR: In obedience to instructions which I have received from her Majesty's principal secretary of state for foreign affairs, I have the honor to submit to you

a copy of a protest made by the master, mate, and one of the seamen of the British wrecking schooner *Dart*, against the proceedings of a United States steamer-of-war, supposed to be the *Vanderbilt*.

Her Majesty's government having considered this protest, are of opinion that if the statements made in it be well founded, her Majesty's territorial rights have been intentionally violated, and injury inflicted upon her Majesty's subjects within her Majesty's territory by a cruiser of the United States. Her Majesty's government have accordingly directed me to call the attention of the government of the United States to those statements, and to request that an investigation may be made respecting them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Protest of the master, mate, and one of the seamen of the Dart.

BAHAMA ISLANDS, *New Providence* :

Know all men by these presents : That on this 9th day of January, in the year of our Lord 1864, before me, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, personally came and appeared George H. Pearce, the master, James Harris, the mate, and William H. Bethel, seaman, of and belonging to the Bahama wrecking schooner *Dart*, who, of their own free will and voluntary accord, did declare, (such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases,) that they sailed in and on board the Bahama wrecking schooner *Dart*, in the capacities above set forth, on Wednesday, the 6th day of this instant, January, from the bluff in the island of Eleuthera, one of the Bahama islands, bound on a voyage to the port of Key West, Florida. On arriving off Egg island, about nine in the morning, these declarants observed a vessel-of-war in chase of a merchant steamer, the latter of which approached to within two miles of Egg island, and the declarants then observed that her deck load, consisting of bales of cotton, was being thrown overboard. That the said schooner *Dart* was then taken through the Egg island cut, and these declarants, with the rest of the crew, commenced to save the cotton which was drifting about on soundings, and within a distance of three miles from the land. That they had succeeded in saving twelve bales of cotton when the vessel-of-war abandoned the chase and proceeded towards the *Dart*, and approached within hailing distance, she having at the time her licensed wrecking flag flying from the main-topmast head. That this declarant, the said George H. Pearce, then hailed the war vessel, and stated that the *Dart* was a licensed wrecking vessel ; that the cotton was in British waters, and that he considered he had a right to save it. Two of the crew of the *Dart*, James Carry and the declarant, William H. Bethel, were then in one of the *Dart*'s boats, and had succeeded in securing a bale of cotton which they were about to take in, when an officer from the deck of the war vessel presented a pistol at them and declared that if they attempted to take it in he would shoot them. A boat was then lowered from the war vessel, the parties in her drove the wreckers away from the cotton and took it. The crew of the war vessel in her boats then proceeded to save the rest of the cotton which was adrift. And these declarants further declare that the said vessel-of-war had no flag flying at this time, although when in chase of the merchant ship she had the American ensign flying. That one of the crew of the *Dart* hailed and asked

what the name of that vessel was, but no reply was given; an officer from the deck of the ship threatening to run into the Dart and sink her if they attempted to cross the bows of the war vessel.

And these declarants lastly declare that the said war vessel was a side-wheel steamer of between 1,500 and 2,000 tons burden, brig-rigged, drawing twenty feet forward, with two walking beams above decks; these declarants believing her to be the United States vessel-of-war Vanderbilt.

GEORGE H. PEARCE,
JOHN M. HARRIS,
WILLIAM H. BETHEL.

Declared to this 9th day of January, A. D. 1864, before me.

[L. s.]

B. L. BURNSIDE,
Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence*:

To all to whom these presents shall come: I, Bruce Lockhart Burnside, a notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence, do hereby certify the foregoing to be a true copy of a notarial declaration duly made before me by the parties therein named, as the same remains of record in my official notarial record book, page 243 to page 245.

In faith and testimony whereof, I have hereunto set my hand and affixed [L. s.] my seal of office, at Nassau, in the island of New Providence, this 9th day of January, A. D. 1864.

B. L. BURNSIDE,
Notary Public.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 22, 1864.*

SIR: With reference to your note of the 16th January last, and to my answer of the 18th of the same month, I have the honor to inform you that the schooner *J. L. Gerety* has been made over to the commercial agent of the United States at Belize. I enclose a copy of a letter on the subject which has been addressed by that functionary to the administration of the government of the colony.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. C. A. Leas to the officer administering the government of the colony.

UNITED STATES COMMERCIAL AGENCY,
Belize, February 12, 1864.

SIR: I have the honor to acknowledge the receipt of your excellency's note of yesterday, informing me that, in accordance with a decision of the government of Jamaica, the authorities of this place are advised to transfer the schooner *Eureka* to the agent of the United States at Belize, and requesting me to take such measures as may be deemed necessary for the safe-keeping and final disposal of the said vessel.

In answer, I have the honor to inform your excellency that I accept, in the name of the government of the United States, the charge of the schooner Eureka, and, in accordance with the verbal permission given by your excellency yesterday, I have entered into an arrangement with Mr. Cunningham, the inspector of police, (unofficial on his part,) to continue a surveillance over the vessel as heretofore, and also the two men as guards or watchmen, the expense to be paid by the agency.

I beg also to request that the authorities will be pleased to furnish me with an account for expenses of guarding and watching the vessel to this date, and also of any outlays on the part of the colonial government in the effort to arrest the parties, Hogg and Brown.

And I beg, furthermore, to express to your excellency my high gratification and appreciation for the great energy, activity, and promptness on the part of the authorities of this place in the effort to bring to justice the parties who took forcible possession of the Eureka on the high seas, and also the trouble which has been taken to guard and protect the property after capture, as well as the discretionary power with which her Majesty's government has been pleased to vest the governor of Jamaica, by virtue of which much time and expense have been saved in the final disposition of this case; and I feel convinced that the government of the United States will not fail to fully and amply enter into the same measure of appreciation and gratification.

C. A. LEAS,

United States Commercial Agent.

The OFFICER administering the Government.

Lord Lyons to Mr. Seward.

WASHINGTON, April 22, 1864.

MY DEAR SIR: In compliance with the wish you expressed in our conversation of yesterday, I send you a copy of an article in the Buffalo Morning Courier of the 15th instant, respecting a vessel stated to be building at that port for the United States government.

Yours, faithfully,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Extract from the Buffalo Morning Courier, of April 15, 1864.]

"A CUTTER FOR THE REVENUE SERVICE.—Captain Ottenger, of the United States revenue service, has arrived in this city, having been ordered here to superintend the building of a cutter for the lake revenue service. Captain H. Whittaker, of this city, is one of the contractors, and the work of building has already been commenced at Lower Black Rock, under his supervision. The new cutter is to be one hundred and sixty feet long, twenty-four feet beam, with about ten feet depth of hold, and will be of the side-screw order. Her engines, four in number, will be capable of 600-horse power, two engines giving power to each screw. Circumstances being favorable, it is expected she will be ready for service in about three months. The design and drawings of the engines have been made by Mr. H. Bloomingdale, a talented mechanical engineer of this city. The engines are to be built at the Buffalo Works, and will no doubt be in every respect worthy of that establishment. We think it probable, from what we can learn of the intentions of the contracting parties, that the new revenue cutter will be the fastest propeller on the lakes."

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 22, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 18th instant, in relation to the case of Mr. James McHugh, and to inform your lordship, in reply, that on the 11th instant I called upon General Dix for information as to the progress of the investigation in this case, since which I have had no advices on the subject. I have now requested the Secretary of War to require such information from the proper authorities, and have laid before him a copy of your note.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 25, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 21st instant, respecting the case of the British wrecking schooner Dart, alleged to have been molested by a United States cruiser supposed to have been the Vanderbilt, while saving cotton, in British waters, which had been thrown overboard by a vessel which the cruiser was pursuing. In reply, I have the honor to inform your lordship that I have referred the matter to the Navy Department for investigation.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 27, 1864.

MY LORD: Recurring to your note of the 4th instant, respecting the case of James McHugh, I have the honor to inform your lordship, in reply, that I learn from Major General Dix that the military commission which investigated the case have reported that, in their judgment, McHugh should be released.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 27, 1864.

SIR: Her Majesty's government, with a view to rightly understanding the President's proclamation of the 18th February last, have desired me to send

them official information of the fact of the port of Brownsville being in possession of the United States troops.

I recollect that in the month of November last, when accounts of the occupation of Brownsville first appeared in the newspapers, I had some conversation with you on the subject, and that you observed that the government had not yet received official reports, but that you entertained no doubt that the intelligence in the newspapers was correct.

I do not recollect seeing any official account of the event in the newspapers afterwards, nor do I find any on searching the files of those papers which have been preserved here. I venture, therefore, to have recourse to your kindness, and to ask you to communicate to me any document, or to give me any information which will enable me to state officially to her Majesty's government the fact of the port of Brownsville being in possession of the United States troops, and the date at which they repossessed it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 29, 1864.

SIR: You did me the honor on the 6th instant to inform me that measures were being taken for the discharge of all *bona fide* foreign subjects captured in neutral vessels seized for breach of blockade. On the 18th instant I submitted to you a list of twenty-eight persons captured on board British vessels, and claiming British protection, who were detained as prisoners by the United States government. All these persons except Isaac Fisher are, I am afraid, still imprisoned.

I have, moreover, reason to fear that there are British subjects captured under similar circumstances who are detained at or near Fortress Monroe, and I deem it to be my duty to request you to give me, without delay, information on this subject. I consider it also to be right that I should ask you whether, in addition to the cases which have come to my knowledge, and which I have brought before you, there are other British subjects, or persons claiming to be British subjects, who, having been captured on board British or other neutral vessels, are held as prisoners by the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 29, 1864.

SIR: I beg to call your attention to the enclosed copies of despatches from her Majesty's consul at New York, and their enclosures. They relate to complaints made by four men claiming British protection, and captured on board vessels seized by United States cruisers; that money and other articles belonging to them have been taken away from them by United States officers and have

not been returned. The names of the men are, Batt Callahan, William Ebbett, Joseph Ebbett, and William Thompson.

I regret very much to find that, from the statements made by these men, there is reason to apprehend that several British subjects, captured on board vessels seized for breach of blockade, are held as prisoners by the United States government at Camp Hamilton, near Fortress Monroe.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

NEW YORK, *April 25, 1864.*

MY LORD: I have the honor to transmit, herewith enclosed, for such action thereon as your lordship may think fit, an affidavit in original, made before me by Batt Callahan, a British subject, complaining that he has been deprived of money and personal effects of value by officers of the United States navy, he being one of the crew of the steamer Scotia, captured some time back for alleged violation of blockade.

Callahan states, in addition, that he has been for some time since the vessel's capture detained as a prisoner at Camp Hamilton, near Fortress Monroe, Virginia, whence he was a few days ago released, and that there are at present a number of British subjects in confinement at the same place, captured about the same time on board the steamers Don, Mary Ann, and Scotia, on a similar charge.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS, &c., &c., &c.

Batt Callahan, being sworn, deposes that he is a British subject, and has been a resident of Charleston, South Carolina, since January, 1858. That upon the 28th of February, 1864, deponent went on board the steamer Scotia, which vessel was then lying at the port of Wilmington, North Carolina, for the purpose of working his way to Nassau, N. P., fearing to remain longer in the Confederate States on account of the conscription which was at that time being enforced.

That said steamer Scotia sailed from Wilmington, and was, upon the 1st of March, captured by the United States ship Connecticut for violation of blockade; that he and others of the Scotia's crew were afterwards transferred to the United States ship Monticello, and that soon after such transfer were all searched, and various sums of money taken from their persons by the officers of the Monticello.

Deponent had upon his person when so searched a bag containing between fifty-nine and sixty dollars in silver coin, which, together with a gold watch and chain and two pocket knives, were taken from him by one of the officers, who gave him a receipt for the same, of which the annexed is a true copy; and since that time deponent has not had such sum of money, watch and chain, or pocket knives restored to him, nor does he know what has become of them.

BATT CALLAHAN.

Sworn at the British consulate, New York, this 26th of April, 1864, before me.

[SEAL.]

E. M. ARCHIBALD,

Her Majesty's Consul.

Received, March 11, 1864, from Batt Callahan, prisoner of war, one money bag, (unopened,) two knives, one watch and chain.

JOHN FUREY,
Acting Assist. Paymaster U. S. Steamer Monticello.

Mr. Archibald to Lord Lyons.

NEW YORK, *April 27, 1864.*

MY LORD: Referring to my despatch of yesterday's date, I have the honor to transmit, herewith enclosed, copies of three receipts given by the paymaster of the United States steamer Monticello to three British subjects, captured upon the steamers Don and Mary Ann for alleged violation of blockade.

The men state that these amounts, as well as some articles of slight value, such as pocket knives, were taken from their persons by force, not by the officers of the capturing vessel, but by those of the United States steamer Monticello, upon which vessel they were being conveyed as passengers to Fortress Monroe.

They report that several of the Scotia's and Mary Ann's men are still in detention at Camp Hamilton.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS, *C. B.*

—
[Enclosures.]

Received, March 11, from William Ebbett, prisoner of war, one money bag, (unopened,) and one knife.

JOHN FUREY,
Acting Assist. Paymaster, U. S. Steamer Monticello.

Received, March 11, from W. Thompson, a prisoner of war, thirteen dollars and seventy-five cents in silver.

JOHN FUREY,
Acting Assist. Paymaster, U. S. Steamer Monticello.

Received, March 11, 1864, from Joseph Ebbitt, a prisoner of war, one knife, one watch, one dollar in silver, and one chain.

JOHN FUREY,
Acting Assist. Paymaster, U. S. Steamer Monticello.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 30, 1864.*

SIR: With reference to my numerous notes respecting the British subjects taken on board neutral vessels, who are held as prisoners by the United States government, and in particular to the notes which I had the honor to address to you on this subject on the 18th instant and yesterday, I have the honor to submit to you an affidavit, showing that Percival A. Bedwell, Samuel Bostock,

Frederick Tigar, John Temple, and Alonzo D. Claggett, who were taken on board the British steamer Don, and who have been confined in the county jail at New York since the twenty-sixth of last month, are British subjects. It appears that proof of this fact has already been submitted to the federal authorities, but that these five men are nevertheless still detained in the jail. The two other men who are mentioned as belonging to the Don, in the list which accompanied my note of the 18th instant, would seem to have been released.

I must beg you to state to me, for the information of her Majesty's government, the grounds on which the protracted detention of the men, still in jail, is held by the government of the United States to be justifiable.

I shall be obliged by your being so good as to send the affidavit back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

UNITED STATES OF AMERICA,
State of New York, ss:

By this public instrument be it known to all to whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify that on the day of the date hereof, before me personally came and appeared Percival A. Bedwell, late second officer of the prize steamer Don, Samuel Bostock, late third engineer of said vessel, Frederick Tigar, late third officer of said vessel, John Temple, late second engineer of said vessel, and Alonzo D. Claggett, late passenger on said vessel, and thus being by me first duly sworn, do, and each for himself doth depose and say, that they have been confined in the New York county jail, New York, ever since the twenty-sixth day of March last, and are still there, but for no crime; and they say they are all British subjects by birth, and have never thrown off their allegiance to the Queen of Great Britain.

And the said Percival A. Bedwell for himself saith, he was born of British parents, neither of whom ever were citizens of the United States, or of any of its States, (confederate or otherwise,) nor were they ever within the United States of America; and this deponent belongs to London, England.

And the said Samuel Bostock for himself saith, he was born of British parents, neither of whom were ever citizens of the United States of America or any of its States, (confederate or otherwise,) nor were they ever within the United States of America; and this deponent belongs to Bolton, Lancashire, England.

And the said Frederick Tigar for himself saith, he was born of British parents, neither of whom were ever citizens of the United States of America, or any of its States, (confederate or otherwise,) nor were they ever within the United States of America, and this deponent belongs to Beverley, Yorkshire, England.

And the said John Temple for himself saith, he was born of British parents, neither of whom were ever citizens of the United States of America, or any of its States, (confederate or otherwise,) nor were they ever within the United States of America; and this deponent belongs to St. John, New Brunswick, British possessions.

And the said Alonzo D. Claggett for himself saith, he was born of British parents, neither of whom were ever citizens of the United States of America, or

of any of its States, (confederate or otherwise,) nor were they ever within the United States of America; and this deponent belongs to Montreal, Canada.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and sixty-four.

In præmissorum fidem.

CHARLES EDWARDS,

30 Pine Street, New York.

PERCIVAL ARCHIBALD BEDWELL.

SAMUEL BOSTOCK.

FREDERICK TIGAR.

JOHN TEMPLE.

ALEX. CLAGGETT.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 2, 1864.

MY LORD: Recurring to your note of the 18th ultimo, relative to persons, twenty-eight in number, captured on British vessels violating the blockade, I have the honor to enclose, in reply, a copy of a letter of the 23d ultimo, from the Secretary of the Navy.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, April 23, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, enclosing a copy of a note of the 18th instant from Lord Lyons, accompanied by a communication from the British consul at New York, and a list of the twenty-eight prisoners (blockade runners) who claim to be British subjects.

An examination of the prisoners in the county jail at New York was made by Marshal Murray, and the result communicated to the department. Of the fourteen persons captured in the Scotia and Don, named in the list above referred to, only two, William H. Hall and Bernard Harding, were, in the opinion of the marshal, *bona fide* British subjects. Those two have doubtless ere this been discharged under the instructions of the department, given on the 14th instant. Mr. Murray stated that he was convinced the others were not foreigners, their general appearance and dialect, coupled with certain information that had reached him concerning them, tending to show them to be citizens of the United States. The department therefore instructed him not to discharge them until they should satisfactorily establish their alienage. These same instructions apply to the case of William Patterson, captured in the Gophir.

Adolphus Russell, captured in the Racer, was sent north by Acting Rear-Admiral Bailey, with the remark that he was a citizen of Key West, who was first captured in the schooner Anna, took the oath of allegiance, and was again cap-

tured in the Racer, violating the blockade. Of the seven prisoners of the Dee, and one of the Nutfield, confined in Carroll prison, Washington, the department has no report concerning them. I have to-day requested the Secretary of War to give directions for their discharge, on their making oath that they have never been in the military or naval service of the insurgents, and have never in any manner exercised the privileges of a citizen of the United States.

On the 19th ultimo I had the honor to inform you of the grounds for detaining J. D. Coleman and W. H. Thompson, captured in the Rositer, and John Ring, captured in the Paul. The explanation requested of Acting Rear-Admiral Bailey with regard to the last-mentioned person has not yet been received.

The department on the 5th instant sent instructions to the commandant at Philadelphia for the release of Isaac Fisher (colored) and some other British subjects who were prisoners on board the receiving ship Princeton.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 4, 1864.

MY LORD: Referring to your communication of the 21st ultimo respecting an alleged violation of British maritime jurisdiction by a steamer of war supposed to be the United States steamer Vanderbilt, I have the honor to inform you that a letter has been received from the Secretary of the Navy upon the subject, in which it is stated that a copy of the complaint preferred has been transmitted to Commander C. H. Baldwin, who at the time of the alleged aggression was in command of the Vanderbilt, and he has been called on for an explanation.

I have the honor to be, with high consideration, your lordship's obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 5, 1864.

MY LORD: I have the honor to acknowledge with much satisfaction the receipt of your communication of the 22d ultimo, relative to the case of the schooner J. L. Gerety, or Eureka.

Thanking your lordship for the information it contains, I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 5, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the

27th ultimo, asking information on behalf of her Majesty's government in regard to the port of Brownsville, in Texas, being in possession of United States troops, and in reply to inform your lordship that I have applied to the Secretary of War for such information.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM. H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 7, 1864.

SIR: With reference to the note which you did me the honor to address to me on the 22d March respecting the abduction of Ira Lee and George Cooper from United States territory by a Canadian constable, and to my reply of the 23d of the same month, I have now the honor to enclose copy of a despatch which I have received from the governor general of Canada, expressing his excellency's regret at the irregularity of the proceeding, and stating his readiness to order the two men above mentioned to be discharged from custody, if, on a full examination of the case, you wish such a course to be pursued. I have also the honor to enclose a copy of the judge's notes of the evidence taken on the trial, which I beg you will be so good as to return to me.

You will perceive that the governor general states that he is informed that an irregular practice has grown up on both sides of the frontier with regard to the arrest and delivery of prisoners. His excellency adds that he has, on his part, given stringent directions for prohibiting the practice, and he suggests that similar instructions should be given on the part of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c. &c.

Viscount Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, May 2, 1864.

MY LORD: Referring to your lordship's despatch of March 23, and its enclosures, respecting the case of two American citizens, Ira Lee and George Cooper, alleged to have been illegally carried off from the territory of the United States by a Canadian constable, I have the honor to enclose a copy of the judge's notes of the evidence taken at the trial of these men at the late quarter sessions of the county of Brant.

From this evidence you will perceive that these men were undoubtedly carried away from the territory of the United States by a Canadian constable; not, however, in defiance of the local authorities of the United States, but with the assistance and approbation of those officers.

This proceeding was clearly without any legal warrant.

These men were tried and convicted of larceny, and sentenced—Ira Lee to confinement for three years and three months, and George Cooper to confinement for three years, in the provincial penitentiary.

I shall feel obliged if your lordship will convey to Mr. Seward my feelings of regret that the irregularity has taken place, and to express to him my readiness to order the discharge from custody of these men, if, on full information as to the facts of the case, he wishes that course to be pursued.

I should also feel obliged if your lordship would mention to Mr. Seward that I am informed a practice has grown up on the part of magistrates and peace officers on both sides of the boundary line between Canada and the United States, of affording each other reciprocal aid in the arrest of fugitive criminals, without obtaining the proper legal authority for such proceedings.

I will give stringent directions that these irregular practices shall be prohibited amongst Canadian officers, and I mention the subject in order that your lordship may suggest to Mr. Seward the propriety of having similar directions given with respect to the actions of the subordinate officers of justice of the United States along the line of frontier, if on inquiry it shall be found that the practice to which I have alluded has prevailed.

I have, &c.,

MONCK.

LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 9, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 7th instant, on the subject of the abduction of Ira Lee and George Cooper from United States territory by a Canadian constable. The expression of regret for the occurrence on the part of the governor general of Canada is accepted as sufficient, and as the proof shows that the prisoners were in all probability guilty of a felony, this government has no desire that they should be returned within United States jurisdiction. I concur, however, with Lord Monck in his opinion of the mischievous tendency of such irregular proceedings, and will do anything which I can towards thwarting and preventing them from this side of the frontier, as he has done in respect to that of Canada.

The notes on the trial of the prisoners are herewith returned, pursuant to your request.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 9, 1864.

MY DEAR SIR: On the 30th of April I sent you an affidavit, which seemed to show quite clearly that the five men lately belonging to the British vessel *Don*, who were still detained at the county jail, in Ludlow street, New York, were British subjects. They were, nevertheless, still in prison on the day before yesterday, and are, I suppose, in prison still.

I understand that the charge made for board in this jail is exorbitant, and that there are other minor grievances which might be noted. I cannot, indeed, conceive that it is proper to send neutrals, taken on board a neutral vessel, seized for breach of blockade, to a common jail at all. It is undoubtedly unjustifiable to detain them anywhere simply as a punishment. As to any statements which may have been made throwing doubt on the nationality of the five men still in

confinement, I need hardly remind you of the false statements which were made to the Navy Department respecting Mr. Steele, the master of the *Banshee*, and which had the effect of prolonging his imprisonment for about a fortnight.

If there be any reasons for doubting that the five men of the *Don* now in Ludlow street jail, are British subjects, I beg that they may be communicated to me. If there be no such reasons, I do hope that orders will be sent this very day to release them.

The evils which result from the order of the United States government to detain British subjects captured on board neutral vessels as prisoners become every day more painfully apparent, and cause me so much anxiety that I cannot help being importunate on the subject.

Believe me to be, my dear sir, your very faithful, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 10, 1864.

SIR: I have the honor to ask you to take into consideration the enclosed copy of a letter which has been addressed to me by a Mr. Lewis Packham, who states that certain British subjects at Cincinnati, in Ohio, are compelled either to find substitutes or to serve in the corps formed under the recent call for "100-day men," in consequence of having enrolled their names in militia corps for the protection of their homes, at a time two years ago, when the city was threatened.

I shall be much obliged if you will furnish me with such information on this matter as may enable me to give proper advice to those of my countrymen at Cincinnati who are thus circumstanced. If, as would appear at first sight, they have not, in fact, done anything to forfeit their claim as British subjects to exemption from military service, I trust that orders will be sent without delay to the authorities at Cincinnati to admit and respect their claim.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Packham to Lord Lyons

CINCINNATI, May 4, 1864.

MY LORD: I wish, for the benefit of my fellow-countrymen in this city, to ask a few questions in regard to the *status* we occupy under the call of the governors for one-hundred-days men.

During the Kirby Smith raid, so-called, two years ago this July, a great many of our countrymen put their names down in militia organizations as members for the protection of their homes, and for duty on the fortifications; that was under the old militia law. When the elections of officers for the militia took place last year, the majority of the officers elected were democrats, and the governor ignored the elections, and did not give or issue commissions. But the legislature amended the law and formed the national guard, who are now called into service for the one hundred days. Now the officers of the national guards claim all those men who put their names down in the first organization, and had compelled them either to serve or find a substitute. Can they avoid doing so? In several cases the persons have refused, when the national guard was formed,

to meet with them or to pay fines that were imposed upon them for non-attendance, and also refused to accept clothing which, when the guard was formed, was given to them—in fact, have ignored the organization altogether, and have never been molested; but now the officers have compelled them to do duty or find a substitute. Does the signing of their names to defend the city deprive them of the protection of the home government, or compel them to serve in the guard on duty away from the city?

An early answer is respectfully asked.

I am, &c.,

LEWIS PACKHAM.

LORD LYONS, &c., &c., &c.

Please address me, care of Hinde & Porter, Cincinnati, Ohio.

Lord Lyons to Mr. Seward.

WASHINGTON, May 11, 1864.

SIR: Her Majesty's consul at Galveston has reported that he has received information from a source which he deems very trustworthy, that on or about the 20th of July last the United States forces, under the command of Colonel Fullerton or Major Montgomery, entered the town of Brookhaven, in Mississippi, and having seized upon the mail, opened and destroyed all the letters and documents contained therein, and among them a packet containing despatches addressed by the consul to me, to the care of her Majesty's consul at Richmond. The consul adds, that it is stated that not only were the seals of this packet broken, but that the seals also of the despatches it contained were broken, and the despatches themselves torn and thrown into the streets.

I shall be much obliged if you will cause inquiry to be made respecting this matter, and communicate the result to me for the information of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most humble, obedient servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 11, 1864.

MY LORD: Recurring to your communication of the 21st ultimo, in relation to the protest of the master, mate, and one of the seamen of the British wrecking schooner *Dart*, against the proceedings of the United States steamer *Vanderbilt*, I have the honor to enclose, in reply, a copy of a communication of the 5th instant from the Navy Department, from which it appears that no violation of her Majesty's territorial rights has occurred, and that no injury has been inflicted upon her Majesty's subjects within her Majesty's territory by the cruiser referred to or elsewhere.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, May 5, 1864.

SIR: I have the honor to transmit herewith a copy of a communication from Commander C. H. Baldwin, of the navy, in reply to the protest of the master and mate of the British wrecking schooner *Dart*, which was referred to the department with your letter of the 26th ultimo.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Commander Baldwin to Mr. Welles.

UNITED STATES STEAMER VANDERBILT,
New York, May 2, 1864.

SIR: I have the honor to acknowledge receipt of your communication under date April 29, enclosing copy of a deposition made by the master and others of a Bahama wrecking vessel in reference to my acts when in command of this ship, on the 6th of January last, in the neighborhood of Nassau, New Providence.

In explanation I have to state, that on the day mentioned I gave chase to a steamer, cotton-loaded, undoubtedly a blockade runner, she being at the time about eighteen miles northeast of Eleuthera; as I gained on her and commenced firing, the chase threw overboard her deck load as quickly as they could. I continued the chase, firing some thirteen shots, until the steamer was in neutral waters, when I went round and commenced picking up what cotton I could.

The reports of my guns brought several wrecking vessels out from the various keys, and this one may have been one of them, who got all the cotton they could. I did not consider I had any right to prevent them, and did not; though had I succeeded in capturing the steamer, I should not have permitted them to have taken a bale.

In regard to the statement made, that "an officer from the deck of the war vessel pointed a pistol at them," &c., &c., I beg leave to state that I was the officer, and certainly had no pistol in my hands that day; that on their coming close alongside to take a bale which we were getting hold of with a grapnel, I shook my hand at them and said I would take it away from them if they attempted to touch it.

In regard to the threat to run down, &c., I explain that the schooner attempted to run square across my bows. I hailed that I would not give way; that if he did not haul his wind I should run into him.

All these occurrences took place nearer four miles than three from the shore.

I presume the chase threw overboard fully 150 bales of cotton, of which we got, in all, just fifty bales, and the wrecking schooners the balance, although we had six boats out; and half of these fifty bales were got late in the afternoon, some fifteen miles off, when there were no wrecking schooners in sight; this part speaks for itself.

In conclusion, permit me to state that I believe I acted with great forbearance towards these impertinent and unthankful fellows. Had they behaved to a vessel-of-war of their own flag as they did on this occasion to me, I believe they would have been severely punished for it at Nassau.

Trusting that the above statement of facts will prove satisfactory, I have the honor to subscribe myself, sir, your obedient servant,

C. H. BALDWIN,
Commander United States Navy.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

• *Mr. Seward to Lord Lyons.*

DEPARTMENT OF STATE,
Washington, May 14, 1864.

MY LORD: Recurring to your note of the 27th ultimo, requesting, on behalf of her Majesty's government, official information of the fact of the port of Brownsville being in the possession of United States troops, I have the honor to inform your lordship, in reply, that that port was reoccupied by United States troops on the 6th of November last, and is still occupied by them, according to the latest advices.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 14, 1864.

MY LORD: Recurring to your note of the 30th ultimo, respecting the detention of Percival A. Bedwell and four others, taken on the steamer Don, and to your note of the 29th ultimo, relative to persons similarly situated at Fortress Monroe, I have the honor to enclose, for your lordship's information, a copy of a letter of the 7th instant on the subject from the Navy Department, and to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *May 7, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, enclosing a copy of a note addressed to you on the 30th ultimo (accompanied by an affidavit) by Lord Lyons, relative to the cases of Bedwell and four others, who were captured on the blockade runner Don.

The department has directed further investigation into the cases of the prisoners referred to, as well as of others in the custody of the marshal at New York, who claim to be British subjects.

An examination is going on, under Major General Butler, of the blockade runners who were landed at Fort Monroe, and to whom Lord Lyons refers in his note of the 29th ultimo, communicated to me with your note of the 4th instant.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

H. p. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 16, 1864.

MY LORD: Referring to your note of the 30th ultimo, to your informal communications of the 9th and 16th instant, and to my note of the 14th instant, respecting the detention at New York of Percival A. Bedwell and four other persons, claiming British protection, and who were taken on the steamer Don, captured for violation of blockade, I have the honor to enclose, in reply to your lordship's notes, a copy of a letter of the 13th instant from the Secretary of the Navy.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *May 13, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, enclosing a copy of an informal note addressed to you by Lord Lyons, relative to the detention in the county jail at New York of five persons who were captured in the steamer Don, and to whose cases attention was previously called in a note addressed to you by Lord Lyons on the 30th ultimo, and communicated to me on the 5th instant.

On the 7th instant a copy of this last-mentioned note of Lord Lyons, and accompanying affidavits, was transmitted to the United States marshal at New York, with instructions to re-examine into the cases of the persons detained at the jail who claimed to be British subjects. The five individuals referred to are of the number whom Marshal Murray felt convinced are American citizens. In their affidavits they founded their claims of alienage on the grounds that they were born of British parents, and that they themselves belonged to certain English ports. There were no sworn statements that they had never voted, or in any other way exercised the privileges of citizenship in the United States, and had never been in the pay or employment of the insurgent authorities. It was therefore deemed best to apply this test oath to them; and the marshal was directed to release them on their taking it, provided nothing was elicited on examination to show that they had sworn falsely. No report having yet been received from Mr. Murray, I have written to him to-day on the subject.

Bona fide British subjects found on board neutral vessels seized for violating the blockade are not detained as a punishment. The instructions of the department are to release all such, when dispensed with as witnesses, and not charged with belligerent acts. But doubtful cases frequently arise, and further examination or the production of additional evidence seems warranted and necessary. The department must rely, to a great extent, on the integrity and judgment of the officers to whom the examination of blockade violators is intrusted, and must be guided, in a great measure, by their reports. In the particular cases in question, the United States marshal reported that, from their dialect, general appearance, and information received by him, he was convinced they were American citizens.

It is not unreasonable to expect that persons seized in vessels violating the blockade will be necessarily subjected to detentions and annoyances. The

cause in which they are engaged is certainly not one which commends them to special favor or hasty action.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 16, 1864.*

MY DEAR SIR: Another week has passed, and the British subjects taken on board British vessels seized for breach of blockade are still in prison. I must beg you to look back to my letter of the 9th, and I must express a hope that you will at least enable me to inform her Majesty's government, by the mail of to-morrow, that the five men lately belonging to the *Don*, who have been so long confined in the Ludlow street jail, have at last been set free.

Believe me to be, my dear sir, your very faithful, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 16, 1864.*

SIR: In the letter from the Secretary of the Navy to you, dated the 23d ultimo, a copy of which was enclosed in the note which you did me the honor to address to me on the 2d instant, it is stated, with regard to certain men taken on board British vessels seized for breach of blockade, who are detained as prisoners in the Ludlow street jail at New York, that Marshal Murray has reported that he is convinced that they are not foreigners, their general appearance and dialect, coupled with certain information which had reached him concerning them, tending to show them to be citizens of the United States.

The affidavit which I had the honor to transmit to you on the 30th ultimo, and to which I have since more than once called your attention, appears to be sufficient to show that the five men among the prisoners in question who were taken on board the *Don* are British subjects. They have now been seven weeks in the Ludlow street jail.

With regard to the seven men taken on board the *Scotia* I shall probably be soon able to submit to you further evidence. In the mean time I must observe that, before I brought the cases to your notice, the men had been examined by a clerk sent for the purpose by her Majesty's consul at New York, on whose report the consul felt himself to be warranted to declare the belief that the men were all British subjects and entitled to British protection in this country. I conceive, therefore, that it would be desirable that the information which has reached Marshal Murray, and which he regards as tending to show these men to be United States citizens, should be communicated to me, in order that I may be able to judge whether it is sufficient to rebut the presumption that they are, as they declare themselves to be, British subjects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 18, 1864.*

SIR: Her Majesty's government have considered the note which you did me the honor to address to me on the 12th February last, relative to the case of the Don José. They are unwilling to suppose that that note was intended by the United States government as a final reply to their representations respecting the case, but they are nevertheless unable to refrain from saying that it is far from being satisfactory to them.

Her Majesty's government consider that there can be, and is, no dispute as to the flagrant illegality of the capture of the Don José. The United States law officer could find no ground whatever upon which the vessel could be libelled as prize in the prize court, and this fact alone is, in the opinion of her Majesty's government, sufficient to found the claim for compensation which it must be presumed that the court, had the case come before it, would, in the execution of its duty, have awarded in the form of costs and damages.

Her Majesty's government cannot pass over the justification of the seizure which seems to be attempted in the reports of Commander Clitz and Acting Master Stimpson, which accompanied your note. They observe that those officers allege in effect that there was evidence in the ship's papers of an intention to run the blockade. But if so, why was not the ship brought to trial? Her Majesty's government conceive that it is impossible for the government of the United States, after releasing the vessel without trial, now to plead, as against the duty of making compensation, that there were good grounds of capture, and that the district attorney came to a wrong conclusion in the matter. Her Majesty's government have therefore instructed me to renew and press their application to the government of the United States for proper compensation in the case. What the proper measure of compensation may be is a matter which may require investigation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 18, 1864.*

SIR: It has been represented to me by British subjects at Memphis, in Tennessee, that the military authorities of the United States at that place threaten to expel all foreigners who have not enrolled themselves in the militia, and that in the mean time permits to bring goods to the place are refused to British subjects, for no other reason than because, being neutrals, they have declined to join the militia.

As it is entirely contrary to the intentions of the United States government that foreigners should be so treated, I do not doubt that proper instructions on the subject will be sent to the United States officers at Memphis without delay.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons

DEPARTMENT OF STATE,

Washington, May 19, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday in regard to the course of the military authorities at Memphis towards foreigners. In reply I have the honor to state that a copy of your lordship's note will be communicated to the Secretary of War. I am, however, under the impression that the rule concerning beleaguered places like Memphis is, that foreigners shall either take up arms for their defence or depart therefrom. How far it may be expedient to observe this rule may be inferred from the enclosed printed copy of General Orders, No. 3, of the 10th instant, issued by Major General C. C. Washburn, commanding the military district in which Memphis is situated, which also contain the regulations affecting trade, and the reasons for their adoption.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 21, 1864.*

SIR: Her Majesty's government have had under their consideration the note which I had the honor to address to you on the 5th March, respecting the case of the *Sylvanus*, and the answers which you were so good as to make to that note on the 8th and 19th of the same month.

With regard to the destruction of the *Sylvanus*, I have to state to you that, although her Majesty's government have not as yet received from the government of the United States any explanation of the circumstances under which it took place, they cannot refrain from expressing at once the opinion that if the vessel was fired upon and sunk in the first instance without being properly summoned to lie to, and without any special and extraordinary necessity, the act was illegal and would warrant, *per se*, a very grave remonstrance.

With respect to the treatment and imprisonment of the crew of the *Sylvanus*, it is my duty to inform you that, although her Majesty's government have learned with satisfaction that these men have been at length set at liberty, they nevertheless consider that if, as unfortunately appears clearly to have been the case, the crew were on several occasions put in irons, and were moreover imprisoned for a period of nearly three months without being examined, a grave illegality has been committed; and with regard to this last wrongful act as detaining as prisoners British subjects taken from neutral vessels, the recurring frequency of it has rendered it necessary for her Majesty's government to instruct me to address in their name to the government of the United States a very strong remonstrance, and to express their hope that they may not again have to complain of such violations of the plain rights of neutral subjects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 22, 1864.*

SIR: With a note which you did me the honor to write to me on the 16th instant, you communicated to me a letter addressed to you on the 13th instant, by the Secretary of the Navy, stating that he had written on the 7th instant to the United States marshal at New York to direct him to apply a certain test oath to the five persons lately belonging to the Don, who are confined in the county jail in Ludlow street, New York, and to release them on their taking it, provided nothing was elicited on examination to show that they had sworn falsely. On the 17th instant, ten days after the Secretary of the Navy sent this order to the marshal, the men were still in the jail, and no examination of them had taken place. I have no reason to suppose that they have yet been released.

The Secretary of the Navy says that it is not unreasonable to expect that persons seized in vessels violating the blockade will be necessarily subjected to detentions and annoyances, and adds that the cause in which they are engaged is certainly not one which commends them to special favors or hasty action.

Her Majesty's government do not ask that special favors shall be shown to British subjects seized on board vessels captured for breach of blockade. On the contrary, they regret and disapprove the conduct of British subjects who violate the blockade. But her Majesty's government do expect that, with regard to these, as well as to other British subjects, the rules of international law shall be observed; and they cannot consent that the government of the United States shall inflict upon any of her Majesty's subjects penalties not warranted by that law, or that the United States authorities shall, whether from neglect or of set purpose, expose British subjects to unnecessary or unlawful detention and annoyance.

I have the honor to submit to you copies of a despatch from her Majesty's consul at New York, and its enclosures, relative to the men formerly belonging to the Don, as well as to those formerly belonging to the Scotia, and to the other prisoners captured on board British vessels who are confined in the Ludlow street jail; and I cannot but express an anxious hope that you will at once enable me to inform her Majesty's government that all these British subjects have at length been released.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE, *New York, May 19, 1864.*

MY LORD: I have the honor to acknowledge the receipt of your lordship's despatch of the 16th instant in reference to the continued imprisonment in the county jail of New York of the seamen of the Don and Scotia.

In compliance with your lordship's instructions, Mr. Vice-Consul Edwards yesterday visited and personally examined all the prisoners remaining in the jail, and has taken from the men of the Scotia a short affidavit in support of their declarations that they are British subjects. Mr. Edwards, who examined them more particularly, states that he discovers in their general appearance and dialect nothing which should give rise to any doubt of the truth of their declarations. What the certain information may be to which Mr. Murray refers your lordship will by this time probably have been ascertained.

Mr. Vice-Consul Edwards also examined, upon oath, Adolphus Russell, who swears that he is a native of Green Turtle cay, and has never taken any oath of allegiance to a foreign state. He further swears that he was at Key West in the summer of 1861 for about two weeks, as a seaman belonging to the Bahamian, and was again at Key West for three days when captured in the Racer.

In regard to the seamen of the Don, two of them, namely, Samuel Bostock and John Temple, stated to Mr. Edwards that they had been told by the officers of the United States ship Newbern, when prisoners on board that vessel, that the only way to obtain their release was to join the United States navy.

Just before the receipt of your lordship's despatch I received from Mr. Charles Edwards a further letter in reference to the continued imprisonment of the men of the Don, of which I enclose a copy for your lordship's information.

I have, &c., &c.,

E. M. ARCHIBALD.

LORD LYONS, &c., &c., &c.

Affidavits, &c.

John Smith, Robert Fernando, Richard Risley, William L. Paine, John McKenley, and A. W. Stein, being sworn, depose that they are British subjects, and have not been naturalized in any foreign country, nor have they taken any steps towards being so naturalized.

John Smith for himself swears, that he is a native of Nassau, New Providence, and is twenty-seven (27) years of age.

Robert Fernando for himself swears, that he is a native of Nassau, New Providence, and is twenty-eight (28) years of age.

Richard Risley for himself swears, that he was born at sea of British parents, and is of the age of forty (40) years.

Wm. L. Paine for himself swears, that he is a native of Nassau, N. P., and is thirty three (33) years of age.

John McKenley for himself swears, that he is a native of Halifax, Nova Scotia, and is of the age of twenty-one (21) years.

A. W. Stein for himself swears, that he was born at Antwerp of British parents, and is of the age of twenty-six (26).

JOHN SMITH.
ROBT. FERNANDO.
RICHARD RISLEY.
W. L. PAINE.
JOHN MCKENLEY.
A. W. STEIN.

Sworn before me this 19th day of May, A. D. 1864.

P. EDWARDS.

Charles Edwards to Mr. Archibald.

NEW YORK, May 17, 1864.

SIR: The five officers of the Don are still kept in prison. About a week ago I was told that Marshal Murray was gone to Washington expressly about these men. And after that I was informed an order had come on for their further examination. I now very much doubt these statements. At any rate, no further examination has taken place, and none can be necessary in the face of their former statement and deposition (sent to you). On Saturday I was assured by

the deputy marshal they should be released on Monday. On that day (yesterday) I sent up my young partner to the marshal's office for an order of discharge, when he was told that Marshal Murray was coming on with their discharge, and would be in New York with it last evening. I go again to-day, and there is neither Marshal Murray nor a discharge.

This is more than trifling, and I have to continue to pay \$12 a week each man for board in prison.

Although I multiply my letters, and may seem to give trouble, I must do a duty by keeping the situation of these men known.

I am, &c., &c., &c.,

CHARLES EDWARDS.

M. M. ARCHIBALD, Esq.

Lord Lyons to Mr. Seward.

WASHINGTON, May 24, 1864.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me on the 16th March last, respecting the coals carried off from Angra Pequena by the United States ship *Vanderbilt*.

Her Majesty's government conceive that if those coals were, at the time they were taken, the property of the British mercantile firm of William Anderson, Saxon & Co., that firm is entitled to compensation for them. In proof of their being the owners of the coals, Messrs. Anderson, Saxon & Co. have produced the original bill of lading, which I have the honor to transmit to you herewith. They have, moreover, sent particulars of the claim to agents at New York, and I trust you will authorize me to inform those agents that it may be sent in, and that if the particulars be found to be correct, it will be promptly satisfied.

I beg you to be so good as to send the bill of lading back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

William Anderson, Saxon & Co., shipped in good order and condition, by, in, and upon the good ship called the *Earl of Marr and Kellie*, Captain J. Still, now riding at anchor in Table bay and bound for Angra Pequena, two hundred and fifty tons coal, (to be taken from alongside the ship within ten days, at the expense and risk of the consignee, the captain rendering all assistance in his power in landing the coals,) being marked and numbered as in the margin, and are to be delivered in the like good order and condition, at the aforesaid port of Angra Pequena, (the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever, excepted,) unto order, or to my assigns. Freight for the said goods being paid here, say 20 shillings per ton, without primage and average accustomed. In witness whereof, the master or purser of the said ship hath affirmed to four bills of lading, all of this tenor and date, one of which bills being accomplished, the other three to stand void.

JOHN STILL.

Dated in Cape Town, September 3, 1863.

Received a quantity of coals, weight unknown.

THOS. BOYCE,
For Anderson, Saxon & Co.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 24, 1864.

MY LORD: I have the honor to enclose a copy of resolutions, the fourth and fifth, of the Chamber of Commerce of the State of New York, which were unanimously adopted by a meeting held on the 5th instant, the former relating to the proceedings of the judicial magistrate who had custody of the steamer Chesapeake at Halifax, Nova Scotia, in causing that vessel and her cargo to be restored to her rightful owners, and the latter to the courtesy of the Messrs. Cunard and Company in furnishing to the United States steamer Ella and Anna the coal necessary to enable her to pursue and recapture the Chesapeake. Concurring in the spirit of these resolutions, I should be gratified if your lordship could find it convenient to communicate them respectively through the appropriate channels to the parties referred to therein.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

4th. *Resolved*, That this chamber respectfully acknowledges the upright and honorable proceedings of the judicial magistrate having custody of the steamer Chesapeake, at Halifax, Nova Scotia, in causing that vessel and her cargo to be restored to her rightful owners.

5th. *Resolved*, That this chamber desires to recognize the act of international courtesy on the part of Messrs. S. Cunard and Company, in furnishing coal on a sudden emergency at Halifax, to enable the Ella and Anna to continue the pursuit of the Chesapeake, and finally to accomplish her recapture.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE.

Washington, May 25, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 18th instant, in regard to the case of the Don José, and in reply to inform your lordship that I shall give the matter an attentive consideration.

I have the honor to be, with high regard, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 25, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, with the accompanying bill of lading of certain coal shipped at Cape Town for Angra Pequena, and at the latter place taken for the use of the United States ship Vanderbilt. In the opinion of this government, the bill of lading referred to does not sufficiently show that at the time the coal was taken

it was in point of fact the property of William Anderson, Saxon & Co. Perhaps, however, the further particulars which you say they have sent to agents in New York will make the case more clear. It is especially desirable to know for what purpose and at whose instance the coals were shipped from Cape Town to Angra Pequena. If the papers in the hands of the agents of the claimants in New York will explain these and other circumstances they would be acceptable.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 27, 1864.*

SIR: It is with very great regret that I have to call your attention to a fresh instance of the enforcement of the restrictions on the trade between New York and her Majesty's colonial possessions, against which it has been so often my duty to protest, in the name of her Majesty's government.

The enclosed copy of a letter addressed to her Majesty's consul at New York by Messieurs Henry de Cordova and Company, merchants of that place, will show you that they have been called upon to give upon shipments to Jamaica bonds of a nature so stringent that they represent that, if such bonds are as a general rule to be exacted, the trade with that island must cease altogether.

Waiving for the moment the discussion of the general question of the exaction of bonds on shipments to British colonies, I will recommend the case of Messieurs de Cordova and Company to special and immediate attention, and express my hope that they will be relieved from the grievance of which they so justly complain.

Her Majesty's consul at New York assures me that Messieurs Cordova and Company are highly respectable merchants, well known in the community, and that reliance may safely be placed on their good faith in the shipment of goods for the legitimate trade of Jamaica.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c. &c.

Messrs. H. de Cordova & Co. to Mr. Archibald.

61 BROAD STREET, NEW YORK, *May 26, 1864.*

SIR: On the 16th instant, through Messrs. Brett, Son & Co., brokers, we chartered the British brig Leonard Berry for a voyage hence to Kingston, Jamaica, and back to New York, which we loaded with breadstuffs and provisions and cleared at the custom-house, so far as we were concerned, on the 23d instant. The vessel cleared on the same day, but was, on the 24th instant, detained, the captain being required to furnish bonds to the government that the cargo was not intended for the insurrectionary States, etc., etc., etc.

This is the first instance that has come to our knowledge of vessels to Jamaica being required to furnish such bonds; and if it is to be the rule, the nature of the bonds is of such a stringent character that the trade with the island must altogether cease.

As we do the bulk of the business, and have certainly for some years past shipped fully one-half of the exports of breadstuffs and provisions to the island, which we do altogether on commission and on British account, it would be impossible on our part to comply with the treasury requirements about these bonds, which necessitate the finding of two sureties, each possessed of real estate to double the amount of the shipment. This shipment per Leonard Berry amounts to over \$25,000, so that we need \$100,000 of security to release the cargo. We are loading and about to charter for the same port the British brig D. R. Dewolfe and the Bremen brig Tabaco, and the value of these cargoes in addition will be fully \$40,000, so that a further security to the extent of \$160,000 would be needed in case the custom-house requires them to be bonded, as would seem to be their purpose.

While perfectly willing to comply with all reasonable demands of the United States, which, indeed, it is our duty as well as pleasure to do, it is manifestly out of our power to provide such securities; and the character of our house (which we could get indorsed by numbers of respectable merchants) should be sufficient guarantee that the trade we are and have been engaged in is a perfectly legitimate one, beneficial to this country in every respect, while it is absolutely necessary to the island of Jamaica, whose population of 400,000 souls requires large supplies of American provisions for its support. Our firm is composed of H. J. Henry and Solomon de Cordova, British subjects, and Isaac Hendricks, a loyal American citizen.

The property in question is all shipped on account of British subjects, who have paid for the same by credits on London.

By representing this to her Britannic Majesty's minister we trust you will be able to obtain that relaxation of the rule in our case which is necessary not only to the population of Jamaica, but to our own ability to provide our families with support.

We have, &c.,

HENRY DE CORDOVA & CO.

E. M. ARCHIBALD, Esq.

Lord Lyons to Mr. Seward.

WASHINGTON, May 28, 1864.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me on the 23d of February last, as well as the previous correspondence on the subject of the restrictions placed by the United States government on the trade between New York and her Majesty's possessions. Her Majesty's government, on reviewing the whole subject, cannot but adhere to the opinion which they have already expressed with regard to it. They cannot but consider that this attempt to enforce bonds having for their object to govern and regulate, not the immediate, but the possible future and contingent disposition of articles of lawful commerce, is a violation of the treaty obligations of the United States to Great Britain.

Looked at from another point of view, the effect of these bonds appears to her Majesty's government to be not less objectionable. They inflict a great hardship on neutral commerce, and, in the opinion of her Majesty's government, they are, in fact and truth, an unjustifiable extension of the belligerent right of blockade, which has been and still is strained to the utmost in the present war.

Her Majesty's government cannot consider that the effect of these restrictions is veiled by representing them as the operation of the right to suppress contraband "trade in our own ports with our own insurgent citizens." On the contrary, nothing which has been alleged has altered the strong conviction which

her Majesty's government entertain of the injury which has been and still is being done by these vexatious restrictions; and her Majesty's government have instructed me to omit no endeavors to obtain from the government of the United States redress for the grievances of which they are the cause.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May* 29, 1864.

SIR: On the day before yesterday I had the honor to call your special attention to the execution of bonds on a cargo shipped for Jamaica, on board the British brig Leonard Berry, by Messrs. H. de Cordova & Co., of New York. Yesterday I addressed a note to you expressing the strong conviction which her Majesty's government entertain of the injury which has been and still is being done by the vexatious restrictions imposed by the United States government on the trade between New York and her Majesty's possessions; and I informed you that I was instructed by her Majesty's government to omit no endeavor to obtain from the government of the United States redress for the grievances of which these restrictions are the cause.

It appears that the system of exacting bonds on shipments to British colonies against which her Majesty's government have so often remonstrated is not only maintained, but is constantly extended. The enclosed copy of a letter from Messrs. A. H. Solomon to her Majesty's consul at New York will bring to your notice another instance in which bonds have been exacted on a cargo shipped to Jamaica. It would appear, indeed, that the collector of customs at New York has announced that he will not permit the brig Perilla, respecting which Mr. Solomon writes, nor any other vessel bound for Jamaica, to proceed to sea unless the master provides bonds for double the amount of the value of the cargo, signed by persons owning real property in the city of New York.

I may observe that you did me the honor to state to me in a note which you addressed to me on the 17th March last, that in making the penalty of his bonds double the amount of the shipment the collector was believed to have exceeded the requirements of the act of Congress, and that he had been so informed. He appears, however, still to continue the practice. The requirement, also, that the bonds shall be given by persons holding real property in the city of New York seems to add to the difficulty of procuring them, and to be very vexatious. Indeed, her Majesty's consul informs me that the exaction of bonds such as those insisted upon by the collector will practically effect a destruction of the regular and legitimate trade between New York and Jamaica.

The practice of enforcing bonds having for their object to govern and regulate, not the immediate, but the possible future and contingent disposition of articles of commerce, is, as you are aware, regarded by her Majesty's government as a violation of the treaty obligations of the United States to Great Britain; and they will learn with very great regret that it has now been extended to shipments to yet another British colony, and, moreover, enforced in a very stringent and vexatious manner. I trust that you will, at least, enable me to inform them that some measures have been at once taken to mitigate the evil in the special cases brought forward in the present note, and in that which I had the honor to address to you the day before yesterday.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Solomon to Mr. Archibald.

NEW YORK, *May 28, 1864.*

SIR: I have to inform you that the custom-house authorities of this city have prevented the British brig *Perilla*, Captain *Graham*, from proceeding to sea, after she had been duly cleared for Kingston, Jamaica, with a cargo of flour, &c.

I am informed by the collector of the port that he will not permit this vessel, or any other vessel, to proceed to sea, destined for the above port, without the captain providing bonds for double the amount of the value of the cargo, and that such bonds will only be accepted from persons owning real estate in this city. Knowing that the shippers of the cargo of the British brig *Leonard Berry* have communicated with you respecting the detention of that vessel on the same grounds as the one now referred to by me, I need not enter more fully into the particulars, but I will only ask for your interference in the matter.

I remain, &c.,

E. M. ARCHIBALD, Esq.

A. H. SOLOMON.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 30, 1864.*

SIR: Her Majesty's government have had under their consideration the notes which you did me the honor to address to me on the 30th March and 6th April last, as well as our previous correspondence, respecting the detention by the United States government at Fort Warren of part of the crew of a British vessel the *Don*, which was captured on a charge of breach of blockade.

The master, chief officer, and three seamen of this vessel, after having been discharged by the commissioner of prize, were detained and transferred as prisoners to Fort Warren, in virtue of a general order from the United States government not to liberate the crews of captured vessels on the conclusion of their examination. These men were subsequently released, but her Majesty's government nevertheless consider that their detention, and the order in consequence of which it took place, were unlawful.

Her Majesty's government have repeatedly stated to the government of the United States that it is not competent to the belligerent to treat the crews of neutral vessels captured for breach of blockade as prisoners of war. They cannot consent that British subjects, whose evidence has been taken or is not required, shall be detained even temporarily as prisoners, and they have instructed me once more to press the United States government to revoke the general order which it has given for the imprisonment of British subjects captured on board neutral vessels.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 30, 1864.

MY LORD: With reference to your note of the 18th instant, regarding the course pursued by the military authorities at Memphis towards foreigners resid-

ing there, I have the honor to state, that the Secretary of War, in a letter of the 25th instant, informed this department that the matter had been referred to the general commanding at Memphis for report, which when received will be communicated to you.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 31, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th of May, in which, after referring to the case of the British subjects who were taken on board the *Don*, in their attempt to run the blockade, and were detained in custody until, upon adequate examination, the neutrality of the vessel was ascertained, your lordship renews a remonstrance against the detention and imprisonment of her Majesty's subjects when captured on board of neutral vessels.

Her Majesty's government certainly misunderstood the case if they supposed that the United States government has adopted either a rule or a practice which is opposed to the principle upon which her Majesty's government insists. Unhappily there are two classes of vessels engaged in supplying the insurgents by sea with supplies; vessels of each of these classes are liable to be captured, and frequently are captured, by the United States naval forces. The first class consists of vessels owned by insurgent American citizens, and the second are neutral vessels, I regret to say, chiefly owned by British subjects. Again, there are found on board the vessels of both persons of two descriptions, namely, the first, insurgent American citizens; the second, subjects of neutral powers, and, I regret to say, chiefly British subjects.

Blockade runners, of either description and of either class of vessels, generally resort to every possible artifice and fraud which promises to conceal their true nationality, the unlawful character of their voyage, and the nationality of their vessels. They simulate flags, they erase names, they throw papers overboard or burn them, they state falsehoods, and they equivocate under oath; whether neutrals or insurgents, when captured, they lay claim to the character of innocent traders and of neutrals, and, I regret to say, they generally lay claim to the rights of British subjects. It was only the other day that the editor of the *Richmond Examiner* invoked your lordship's protection by an open letter sent to your hands through this department. Whenever a vessel which is captured is ascertained to belong to subjects of a neutral power, and the persons found on board of her are ascertained to belong to a neutral nation, they are released, after their testimony is taken *in preparatorio*, as speedily as possible. Whenever there is good reason to believe that the vessel belongs to insurgent citizens of the United States, the persons found on board of her are detained to answer before the proper tribunals. If occasionally British subjects, engaging in this unlawful trade, which they divide with the insurgents, are detained for a more thorough investigation of the nationality of the vessel in which they are captured, their misfortune results unavoidably from some fraudulent or suspicious conduct of their own, which is equally in violation of the laws of their own government and the law of nations. Their detention, however, is in such cases continued only so long as is required to make the

necessary examination, with the care and diligence which the ends of justice require.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 31, 1864.

MY LORD: I have the honor to enclose a copy of a despatch of the 26th instant, from J. Q. Howard, esq., the consul of the United States at St. John New Brunswick, relative to the passage through that city of unusual numbers, of disloyal citizens of the United States, en route for Canada, among them the insurgent leader Frost.

Under these circumstances I would suggest that your lordship would do well to call the attention of the governor general to this movement, with a view to the adoption of such precautionary measures as will frustrate any hostile expedition against the United States from her Majesty's provinces, should such be contemplated.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Howard to Mr. F. W. Seward.

UNITED STATES CONSULATE,
St. John, New Brunswick, May 26, 1864.

SIR: I beg leave to inform the department that an unusually large number of disloyal citizens of the United States have quite recently passed through this city en route for Canada, *via* Frederickton and River du Loup. The greater part of these insurgents have been living for some months in Halifax; others have found their way north from Nassau and Bermuda. The rebel General Frost has also recently proceeded to Canada from St. John.

In view of these facts it is possible that another raid from Canada upon our northern frontier may be attempted.

I have the honor to be, your obedient servant,

J. Q. HOWARD,
United States Consul.

F. W. SEWARD, Esq.,
Assistant Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 2, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 21st ultimo, in regard to the case of the *Sylvanus*, touching first upon the sink-

ing of the vessel, and next upon the treatment of the crew. I have to state, for your lordship's information, that I have called upon the Secretary of the Navy for a full investigation of the case, upon the conclusion of which I shall again have the honor of addressing your lordship on the subject.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 2, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the day before yesterday, enclosing a copy of a despatch from Mr. J. Q. Howard, consul of the United States at St. John, New Brunswick, relative to the passage through that city of unusual numbers of persons hostile to the United States en route for Canada. I have, without loss of time, brought the matter to the notice of his excellency the governor general of that province.

I have the honor to be, with the highest consideration, sir, your obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 2, 1864.

SIR: It is with great pain that I have again to announce to you that a large number of British subjects captured on board British vessels, which have been seized on the charge of breach of blockade, are confined in the county jail in Ludlow street, New York.

There appear to be now imprisoned in this jail no less than eighty-seven such British subjects, of whom six were captured on board the sloop *Ann Eliza*, of Nassau, N. P.; 40 on board the steam vessel *Young Republic*, also of Nassau, N. P.; 41 on board the steam vessel *Tristram Shandy*.

In conformity with the instructions from her Majesty's government to which I have on so many occasions called your attention, it is my duty to request that these British subjects be immediately set at liberty, and to urge that the general order which the United States government has issued for the imprisonment of British subjects captured on board neutral vessels be revoked.

I have the honor to submit to you a copy of a despatch from her Majesty's consul at New York, respecting the men of the *Ann Eliza*, *Young Republic*, and *Tristram Shandy*, a copy of a letter addressed to that consul by Robert Lyon, one of the crew of the *Young Republic*, and a list of the names of the eighty-seven prisoners; and I deem it right to ask you to take note of the statements made by Robert Lyon of the treatment experienced on board the United States supply steamer *Newbern* by himself and the men captured with him.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE,

New York, May 30, 1864.

MY LORD: I have the honor to transmit herewith enclosed a copy of a letter received by me on Friday last, from Robert Lyon, on behalf of himself and others, forming the late crew of the steamer Young Republic, of Nassau, recently captured for violation of blockade.

On Saturday last her Majesty's Vice-Consul Edwards visited the writer and his companions, who are imprisoned in the county jail, and examined severally on oath, in regard to their nationality, the prisoners captured on board the Young Republic, as well as a number of others, who were likewise captured on board the steamer Tristram Shandy, of Liverpool, and the sloop Ann Eliza, of Nassau, and who were brought to New York last week at the same time with the crew of the Young Republic.

I transmit herewith enclosed a list of the names and birthplaces of all such as made oath that they are British subjects, and whom Mr. Edwards believes to be entitled to British protection.

The crew of the sloop Ann Eliza were taken from that vessel while in a sinking condition, shortly after she had left the Santee river, Florida. The vessel became a total loss, and the crew are not required to be detained for any proceedings in the prize court.

The steamer Tristram Shandy was captured on the 15th instant, off Wilmington, on her voyage from thence to Nassau.

The Young Republic was captured on the 6th instant, also on her way from Wilmington to Nassau.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS, &c., &c., &c.

Mr. Lyon to Mr. Archibald.

COUNTY JAIL,

Ludlow Street, New York, May 26, 1864.

SIR: I take the liberty of addressing you on behalf of myself and the remainder of the crew, (of British steamship Young Republic.) at present prisoners in the above-named jail. We were chased, fired at, and captured by the United States gunboat Grand Gulf, off Wilmington bar, had the most part of our clothes stolen from us, were then put on board of the supply steamer Newbern, on which vessel we (to the number of forty-two) were cribbed up in a narrow contracted and suffocating part of the vessel alongside the boiler, and immediately over the fire-room, some days never allowed to go on deck for fresh air. We were treated more like dogs than human beings, and for what crime I am unable to state, unless it be the crime of working for a living. I can solemnly swear that we gave them no other cause to treat us in such a manner. Again, we are brought up to this place of confinement, no hearing of our case, no trial or even form of one; and yet to a man I believe we are all British subjects. There surely exists some law that can be brought to bear on our case; and thinking that you would interest yourself in our case, when you learned our nationality,

I remain, &c.,

ROBERT LYON,
Native of Glasgow, Scotland.

E. M. ARCHIBALD, Esq.

Crew of sloop Ann Eliza, of Nassau, New Providence, in county jail.

- | | |
|--|------------------------------|
| 1. George Johnson, (master,) a native of Nassau. | 3. Michael Doherty, Ireland. |
| 2. George Walker, native of Cosham, Hampshire. | 4. William Gorman, “ |
| | 5. Patrick Egan, Montreal. |
| | 6. John McPherson, England. |

Crew of steamer Young Republic, of Nassau.

- | | |
|--|-------------------------------------|
| 7. Frank M. Harris, (master,) native of England. | 26. John Hickey, Ireland. |
| 8. Daniel Shaw, Ireland. | 27. John H. McKinney, Nassau, N. P. |
| 9. William Haines, Ireland. | 28. Michael O'Brien, Ireland. |
| 10. Robert Lyon, Scotland. | 29. Fred. W. Furples, Nassau. |
| 11. James Harris, Ireland. | 30. Louis Cuplin, “ |
| 12. John Henry, “ | 31. John T. Spain, Ireland. |
| 13. Albert Roberts, Bermuda. | 32. Robert A. Cannon, Ireland. |
| 14. Peter Ward, England. | 33. James Mosher, “ |
| 15. John Long, Ireland. | 34. James Glover, Nassau. |
| 16. Patrick Wright, Ireland. | 35. George Porter, England. |
| 17. Thomas Casey, “ | 36. Daniel Harkins, Ireland. |
| 18. John Howard, St. John, N. B. | 37. John Murray, “ |
| 19. Martin Whalan, Ireland. | 38. William Thompson, Scotland. |
| 20. John Cunningham, Ireland. | 39. Edward Jenkins, Abaco. |
| 21. John Hartwell, “ | 40. Thomas McCauley, Ireland. |
| 22. George Harrison, England. | 41. Abram Hanshaw, Nassau. |
| 23. James McEwing, Scotland. | 42. John Walers, England. |
| 24. Neil Livingstone, “ | 43. Stephen Morris, Harbor island. |
| 25. Ellis Jones, North Wales. | 44. William Burns, Ireland. |

Passengers.

- | | |
|----------------------------|--------------------------------------|
| 45. James Dunning, Canada. | 46. Dr. Thomas Foley, Crooked island |
|----------------------------|--------------------------------------|

Crew of steamer Tristram Shandy, of Liverpool.

- | | |
|--|------------------------------------|
| 47. William Porter, native of England. | 65. Pat. Johnson, Bermuda. |
| 48. Alexander Anderson, Scotland. | 66. Frank Bennett, “ |
| 49. William Robinson, England. | 67. Joseph Billow, Nassau. |
| 50. William McCartney, Scotland. | 68. William Jencks, England. |
| 51. Robert McArthur, “ | 69. Arthur Doering, “ |
| 52. James Gregory, England. | 70. William Ewing, Scotland. |
| 53. James Williams, Nassau. | 71. George Hamilton, “ |
| 54. John McCallum, Scotland. | 72. James Duff, “ |
| 55. John May, England. | 73. John Beken, England. |
| 56. Robert Warren, Scotland. | 74. Michael Lynes, Ireland. |
| 57. John Couch, England. | 75. Robert Redie, Scotland. |
| 58. William Waters, England. | 76. William McCready, Scotland. |
| 59. Robert Haskett, “ | 77. Samuel Johnson, “ |
| 60. John Smith, “ | 78. Alexander Doig, “ |
| 61. Wm. R. Green, St. Stephen's, N. B. | 79. Charles Bethel, Harbor island. |
| 62. Joseph Thompson, Scotland. | 80. John Cox, England. |
| 63. John S. Ross, “ | 81. Henry Sullivan, Ireland. |
| 64. William Hanlon, Ireland. | 82. Joseph Craig, Nassau. |

Passengers.

- | | |
|----------------------------------|------------------------------|
| 83. Jonathan W. Steele, England. | 86. John McBarry, Ireland. |
| 84. James Younge, Nassau. | 87. Thomas Powell, Guernsey. |
| 85. Alfred Rubery, Canada. | |

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 4, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 28th ultimo, upon the subject of the restrictions placed by the United States government on the trade between New York and her Majesty's possessions. I have the honor to inform your lordship, in reply, that the matter will receive due attention.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 4, 1864.

SIR: I have the honor to transmit to you herewith certain papers setting forth the claim of Mr. George Turin, a British subject residing at New Orleans, for goods shipped for him in the American vessels *Regulus* and *Columbia*, which vessels were (it would appear) stopped in the month of June, 1861, at the mouth of the Mississippi and brought to New York. I trust that this claim will be taken into favorable consideration, and I shall be much obliged if you will inform me of the views of the United States government with regard to it.

I beg you to be so good as to send the eight original documents back to me.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

STATE OF LOUISIANA, *Parish and City of Orleans:*

Before me, Theodull Drouette, fifth justice of the peace for the parish of Orleans, duly qualified and sworn, personally came and appeared Mr. George Turin, a British subject residing at Plaquemine, parish of Iberville, (State of Louisiana,) but presently in this city of New Orleans, who, on being duly and lawfully sworn, declared and said:

1. That he is a British subject; that he has the certificate of his consul, and has taken the oath required by General Order, No. 41.

2. That in the year 1861 he made a voyage to Europe, and before his departure hence to come back to Louisiana he bought of the house Borssy, Nadal & Co., of Tournon, a certain quantity of goods, the account of which figures in the invoice bill of the house Borssy, Nadal & Co., and which is annexed to the present, after having been signed *ne varietur*.

3. That these goods were expedited at the port of Bordeaux and freighted by the commission house P^l Dubois & Co. on the American ship *Columbia*, Captain Roberts, for the account of George Turin, and directed to Messrs. D. Graton & Co., of New Orleans, as results from a bill of lading signed by said Captain Roberts. This document, legalized by the United States consul at Bordeaux, is and remains annexed to the present affidavit, after having been signed by me *ne varietur*.

4. That the said ship *Columbia*, Captain Roberts, on coming to the mouth of the Mississippi, in or about the month of June, 1861, was stopped and brought to New York where the goods of the appearer cannot be restored to him by want of suitable documents which were unable to be obtained, owing to the blockade of New Orleans and of the State of Louisiana, wherein the affiant resides.

5. Therefore the appearer, in his capacity of British subject and neutral, and in virtue of international rights, claims, from whomsoever it belongs, and especially of every competent federal authority, the restoration of the goods detailed in the ten documents hereunto annexed, or the value of their sale, if such has been effected.

GEORGE TURIN.

Sworn to and subscribed before me, April 26, 1864,

[L. S.]

T. DROUETTE,

Fifth Justice of the Peace.

[Stamp.]

I, Theopold Drouette, fifth justice of the peace for the parish of Orleans, do hereby certify, before God, that Mr. George Turin, the signer and subscriber of the foregoing affidavit, has exhibited unto me—

1st. The consular certificate of her Britannic Majesty, testifying to his quality of British subject; and, 2d. The certificate that he has taken the oath required from every foreign subject by General Order, No. 41.

[SEAL.]

T. DROUETTE,

Fifth Justice of the Peace.

[Stamp.]

UNITED STATES CONSUL, *Bordeaux* :

I do hereby certify that the annexed seal and signature are those of Cortes president of the tribunal of commerce of Bordeaux, and that to all official acts thus attested full faith and credit are and ought to be given.

Witness my hand and official seal this 24th day of February, 1864.

[SEAL.]

C. DAVISSON,

United States Consul, Bordeaux.

STATE OF LOUISIANA, *Parish and City of Orleans* :

Before me, Theodull Drouette, fifth justice of the peace for the parish of Orleans, duly qualified and sworn, personally came and appeared Mr. George Turin, a British subject, residing at Plaquemine, parish of Iberville, State of Louisiana, but presently in this city of New Orleans, who, on being duly and lawfully sworn, declared and said :

1. That he is a British subject; that he has the certificate of his consul, and has taken the oath required by General Order, No. 41.

2. That in the year 1861 he made a voyage to Europe, and before his departure hence to come back to Louisiana he bought of the house A. Navazza, of Geneva, a certain quantity of goods, the account of which figures in the invoice bill of the house of A. Navazza, and which is annexed to the present, after having been signed *ne varietur*.

3. That these goods were expedited to France at the port of Havre, and freighted by the commission house of Biget & Co., in the American ship *Regulus*, Captain Thompson, for the account of George Turin, of Plaquemine,

Louisiana, and directed to Messrs. D. Gratia & Co., of New Orleans, as results from a bill of lading by the house of Rigot, of Havre, and from a bill of lading signed by the said Captain Thompson. The two documents, legalized by the United States consul at Havre, are and remain annexed to the present affidavit, after having been signed by me *ne varietur*.

4. That the said Regulus, Captain Thompson, on coming to the mouth of the Mississippi, on the 1st of June, 1861, was stopped and brought to New York, where the goods of the appearer cannot be restored to him, by want of suitable documents, which were impossible to be obtained, owing to the blockade of New Orleans and of the State of Louisiana, wherein the affiant resides.

5. Therefore the appearer, in his capacity of British subject and neutral, and in virtue of international rights, claims, from whomsoever it belongs, and especially of every competent federal authority, the restitution of the goods detailed in the ten documents hereunto annexed, or the value of the sale, if such has been effected.

GEORGE TURIN.

And the foregoing declaration was sworn to and subscribed before me this 6th day of May, 1864.

[SEAL.]

T. DROUETTE,
Fifth Justice of the Peace.

[Stamp.]

I, Theodull Drouette, fifth justice of the peace for the parish of Orleans, do hereby certify, before God, that Mr. George Turin, the signer and subscriber of the foregoing affidavit, has exhibited unto me—

1st. The consul certificate of her Britannic Majesty, testifying to his quality of British subject; and, 2d. The certificate testifying that he has taken the oath required from every foreign subject by General Order, No. 41.

[SEAL.]

T. DROUETTE,
Fifth Justice of the Peace.

[Stamp.]

UNITED STATES CONSULATE, *Havre* :

I, James O. Putnam, consul of the United States at Havre, do hereby certify that Messrs. Rigot & Co., who have signed the within account, are merchants of high standing and respectability of this city.

Given under my hand and official seal, at Havre, the 18th day of February, 1864.

[SEAL.]

JAMES O. PUTNAM,
United States Consul, Havre.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 5, 1864.*

SIR: On the 27th of April you were good enough to inform me that the military commission, which investigated the case of Mr. James McHugh had reported that, in their judgment, he should be released. It appears, however, from a letter which I have received from him, that he was still at Fort Lafayette on the 31st ultimo, more than a month afterwards.

I earnestly beg you to call the immediate attention of the proper authorities to the case, and to move them to release Mr. McHugh without further delay.

I have the honor to be, sir, with the highest consideration, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 6, 1864.

MY LORD: Referring to your note of the 22d ultimo, and to the despatch from the British consul, a copy of which accompanied it, relative to the five persons taken on the Don, and which embrace the case of Adolphus Russell, I have the honor to enclose for your lordship's information a copy of a letter, of the 27th ultimo, from the Secretary of the Navy in regard to that case. With reference to your remarks upon the general question of the treatment of British subjects seized on board of vessels captured for breach of blockade, I have the honor to enclose a copy of an instruction of the 9th ultimo, addressed to Rear-Admiral Farragut, and which has also been sent to United States marshals, commanders of squadrons, and commandants of navy yards, for their guidance in disposing of the various classes of persons taken on such vessels. A copy of this instruction was appended to the letter from Mr. Welles.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, May 27, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, enclosing a further note, dated the 22d instant, from Lord Lyons, relative to five persons belonging to the Scotia and other vessels, who were confined in the county jail in Ludlow street, New York.

All the persons named were discharged on the 19th instant, of which I advised you in my letter of the 24th instant. Mr. Archibald, in his note to Lord Lyons, refers to the case of Adolphus Russell, at present confined in Ludlow street jail, who was captured violating the blockade, claims to be a British subject, and swears that he has never taken any oath of allegiance to a foreign state. I can only repeat what I have before stated with regard to Mr. Russell. He was sent north by acting Rear-Admiral Bailey with the following memorandum in his case: "A citizen of Key West; was first captured in the schooner Anna while attempting to run the blockade from the Bahamas to Florida: took the oath of allegiance; was again captured in the sloop Racer while attempting to run the blockade from Florida to the Bahamas; is estimated a bad and faithless man."

With this report before me, I am reluctant to give directions for the release

of Russell, and am of the opinion that his case is one for further investigation, and have therefore instructed acting Rear-Admiral Bailey to report all the facts accessible in reference to Russell.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

[Sent to the U. S. marshals, commanders of squadrons, and commanders of yards.]

NAVY DEPARTMENT, *May 9, 1864.*

SIR: The following instructions will hereafter be observed with regard to the disposition of persons found on board vessels seized for breach of blockade:

1. *Bona fide* foreign subjects, captured in *neutral vessels*, whether passengers, officers, or crew, cannot be treated as prisoners of war unless guilty of belligerent acts, but are entitled to immediate release. Such as are required as witnesses may be detained for that purpose, and when their testimony is secured they must be unconditionally released.

2. Foreign subjects captured in vessels without papers or colors, or those sailing under the protection and flag of the insurgent government, or employed in the service of that government, are subject to treatment as prisoners of war, and if in the capacity of officers or crew, are to be detained. If they were passengers only, and have no interest in the vessel or cargo, and are in no way connected with the insurgent government, they may be released.

3. Citizens of the United States captured either in neutral or rebel vessels are always to be detained, with the following exceptions: If they are passengers only, have no interest in vessel or cargo, have not been active in the rebellion, or engaged in supplying the insurgents with munitions of war, &c., and are loyally disposed, they may be released on taking the oath of allegiance. The same privilege may be allowed to any of the crew that are not seafaring men, of like antecedents, and who are loyally disposed.

4. *Pilots and seafaring men*, except *bona fide* foreign subjects, captured in neutral vessels are always to be detained. These are the principal instruments in maintaining the system of violating the blockade, and it is important to hold them. Persons habitually engaged in violating the blockade, although they may not be serving on board the vessels, are of this class, and are to be likewise detained.

5. When there is reason to doubt that those who claim to be foreign subjects are in reality such, they will be required to state under oath that they have never been naturalized in this country, have never exercised the privileges of a citizen thereof by voting or otherwise, and have never been in the pay or employment of the insurgent or so-called "confederate government." On their making such statement they may be released, provided you have not evidence of their having sworn falsely. The examination, in case they are doubtful, should be rigid.

6. When the neutrality of a vessel is doubtful, or when a vessel claiming to be neutral is believed to be engaged in transporting supplies and munitions of war for the insurgent government, foreign subjects, captured in such vessels may be detained until the neutrality of the vessel is satisfactorily established; it is not advisable to detain such persons under this instruction, unless there is good ground for doubting the neutrality of the vessel.

7. Parties who may be detained under the foregoing instructions are to be

sent to a northern port for safe custody, unless there is a suitable place for keeping them within the limits of your command, and the department furnished with a memorandum in their cases respectively.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Rear-Admiral D. G. FARRAGUT,
Commanding W. G. B. Squadron, New Orleans.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 27th ultimo relative to the complaint of Messieurs Henry de Cordova & Co., that peculiarly stringent bonds have been exacted of them upon shipments of goods to Jamaica from New York, and, in reply, to inform your lordship that I have submitted the matter to the Secretary of the Treasury.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 10, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 5th instant, relative to James McHugh, and, in reply, to inform your lordship that I have recalled the attention of the Secretary of War to the case.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 11, 1864.

MY LORD: Referring to your communication of the 13th of April last, and to my acknowledgment of the 18th, relative to the restrictions imposed upon the trade between the United States and her Majesty's provinces, Prince Edward's island and New Brunswick, I have now the honor to enclose, in reply to your lordship's note, extracts from a letter of the 1st instant, and from its accompaniment addressed to me by the Secretary of the Treasury.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, &c., &c., &c.

[Extracts of a letter from Mr. Chase to Mr. Seward.]

TREASURY DEPARTMENT, *June 1, 1864.*

SIR: In answer to your communication of April 18, enclosing a despatch from Lord Lyons, relative to bonds required in New York on shipments to New Brunswick and Prince Edward's island, I have the honor to enclose a letter of the collector at New-York, whose report on the matter was required.

* * * * *
Under the circumstances, I cannot but approve the action of the collector at New York.

I have the honor to be, sir, your obedient servant,

S. P. CHASE,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

—
Mr. Clinch to Mr. Chase.

[Extracts.]

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 25, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, enclosing a communication from the Secretary of State, and also a copy of a despatch from Lord Lyons in regard to restrictions on trade between the United States and the British provinces, and particularly those of New Brunswick and Prince Edward's island. So far as this complaint refers to restrictions on shipments to Prince Edward's island, I have only to answer, that no bonds have ever been exacted at this port on the shipment of any article to that province.

On shipments of *flour* from this port to New Brunswick and Nova Scotia no bonds are exacted; but bonds are exacted on shipments to those provinces of beef, pork, and such other articles as are usually dealt in by blockade runners.

This exaction is made for the reason that an illegal traffic has been carried on, and still is to some extent, between the principal ports in these provinces and the British West Indies, and ports and places under control of persons in rebellion against the authority of the United States; and it is believed that such illegal trade would be carried on to a large amount, were it not that such bonds are exacted on shipments of such articles from this port.

* * * * *
The enclosures contained in your letter are herewith returned.

Very respectfully, your obedient servant,

C. P. CLINCH,
Acting Collector.

HON. S. P. CHASE,
Secretary of the Treasury.

—
Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 13, 1864.

MY LORD: I have the honor now to submit a reply to your lordship's note, of the 21st of May last, concerning the capture of the *Sylvanus*. In that com-

munication you state that, although her Majesty's government have not yet received from the government of the United States any explanation of the circumstances under which that capture took place, yet her Majesty's government cannot refrain from expressing at once the opinion, that if the vessel was fired into and sunk in the first instance, without being properly summoned to lie to, and without any special and extraordinary necessity, the act was illegal, and would warrant "*per se*" a very grave remonstrance.

The representations which you thus made were improved on my part by calling on the Secretary of the Navy, especially for such information as he possessed, in regard to the manner and circumstances of the capture. I now learn from him, in reply to my inquiries, that the commander of the capturing vessel, the Huron, reported the capture as follows :

At 10 o'clock in the afternoon of the 2d of January last, the weather being cloudy and somewhat hazy, a suspicious sail was discovered apparently three-quarters of a mile distant from the Huron, heading up to Dobby sound, with a light breeze from north-northeast, and a strong flood tide. The Huron went to quarters, slipped her cable, got under way, and fired a shell from the twenty-pound Parrott rifle, a little wild of the strange sail, to bring her to. She persisted in her course, paying no attention to the gun, and then the Huron fired several shots in succession directly at the stranger, one of which passed through and through, coming out of the starboard side, below the water-line. A light was then shown upon the strange sail, and shouts were heard from the quarter in which she had been seen, whereupon the firing ceased. A boat was sent to her, and she proved to be the *Sylvanus*, aground, and rapidly filling. After the water had risen above her decks, an anchor was let go, and the boat's crew returned to the Huron. A board of survey pronounced her unseaworthy, but stated that, with proper workmen and materials, she might be made useful, and a part of the cargo might be saved with a favorable tide.

The case has not been brought into court, and the Navy Department has never received any further information concerning the vessel. Under these circumstances it is inferred that it was found necessary to abandon both the vessel and the cargo. It thus appears that the *Sylvanus* was attempting to run the blockade at night, with the elements favoring her design. She was properly summoned to lie to, although by using the darkness of the night and hazy weather, to run the blockade, she forfeited her claim to the courtesies of the sea. The shell was fired instead of a blank cartridge, because our blockading forces are required, under the circumstances which attended the proceeding, to be ready for emergencies; but the shell was fired wild of the *Sylvanus*, so as, while the discharge would be effectual as a summons, it should not injure the crew, the vessel, or her cargo. She refused the summons, and persisted in her unlawful voyage, and thus rendered it necessary to use force. The firing ceased with the first indication of an intention of the *Sylvanus* to heave to. The omission, on a former occasion, to give you this account of the manner and circumstances of the capture of the *Sylvanus* resulted from the fact that the Secretary of the Navy inadvertently overlooked the request for explanations on that point in my communication to him.

With reference to the detention of the crew of the *Sylvanus*, I trust it is only necessary to recall to your recollection the state of affairs that existed when the capture occurred. Disloyal and insurgent citizens, combining with aliens, were making a base of British provinces, north and south, and even using the immunities of neutral blockade-running vessels to steal aboard unarmed American merchant and passage steamers, and when such vessels should reach the high seas, then to rise upon the crew, to seize them by acts of open piracy and murder, and then, arming the vessel captured, to extend their system of piracy over the ocean. It became necessary, under these circumstances, to establish for the immediate emergency a strict surveillance over all persons who

were captured in running the blockade, while we earnestly remonstrated with the British government against the conduct of British subjects who were found engaged in these unlawful and hostile proceedings, and demanded their delivery to us, under our extradition treaty, that they might be punished.

While the court of the province of New Brunswick, and the court of Queen's Bench in England, have overruled thus far, with the tacit concurrence of her Majesty's government, these demands, and we have therefore been left without protection in that quarter, our own vigilance has in a degree been successful in arresting the enterprises of which we have complained, and now persons captured in violating the blockade are released as soon as their neutrality is satisfactorily established. If it be true that the crew of the *Sylvanus* were treated with unnecessary hardship, that treatment has been in violation of instructions given by the government of the United States, and it will be condemned. Our naval officers are instructed not to place captured persons in irons, unless it shall be necessary for the safety of the captors and the public authorities. In the present case the severity complained of occurred, if at all, in carrying the captured crew overland from Philadelphia to Fort Lafayette. Inquiries concerning the subject have been instituted, and I shall with pleasure revert to it when answers to these inquiries shall have been received.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 13, 1864.

SIR: Her Majesty's government have considered the note which you did me the honor to address to me on the 11th of November last,* and the papers which accompanied it, respecting the circumstances connected with the imprisonment in the Old Capitol prison, at this place, of the late Mr. James Hardcastle, and his death in consequence of a shot fired by a sentry at that prison; and her Majesty's government have directed me to express their regret at the unsatisfactory nature of the explanation offered by the United States government for this unhappy act of its officer, and to address, in their name, a strong remonstrance to the government of the United States.

Her Majesty's government contend that, according to all the well-known rules of civilized warfare, Hardcastle was unlawfully imprisoned, and that for the consequences, whether accidental or not, which ensued upon this unlawful imprisonment those who ordered it must be considered responsible. It is admitted that Hardcastle arrived within the territory of the United States, and within the federal lines, having previously submitted all his papers, including the confederate pass, to the United States authorities, and having obtained, in answer to his inquiry, full permission to enter the federal lines.

It appears, therefore, to her Majesty's government that he was, to all intents and purposes, under what is known, wherever war is carried on between civilized nations, as a safe-conduct; and her Majesty's government are wholly at a loss to understand the interpretation which (they believe for the first time) is now sought to be put on such an agreement. The doctrine that the person holding a safe-conduct may be detained as a prisoner precisely in the same manner as if it had not been granted to him is, her Majesty's government con-

* 38th Congress, 1st session, House Ex. Doc. No. 1—Supplement, page cxxx.

ceive, without warrant from the writing of any accredited jurist. It is impossible to consult those writings without seeing that such agreements are held sacred by all states, and that a safe-conduct is always defined as a privilege which insures safety to those who hold it while passing or being within the place permitted. (See Vattel, L. 3, C. 17.)

It is manifest that, not only is the effect of a safe-conduct rendered null and void by the pretence that the party holding it may be detained as a prisoner precisely in the same manner as if it had not been granted to him, but that such an interpretation in fact would make what is called an instrument of safe-conduct a mere snare to the unfortunate person who had been deceived into placing faith in it; and would be wholly contrary to the usage and practice of civilized states, as well as to the common notions of justice and good faith.

Her Majesty's government are equally unable to concur in the validity of the reasons assigned as a justification of the proceedings with regard to Hardcastle. Her Majesty's government observe that none of the acts alleged in justification could possibly have caused the imprisonment of Mr. Hardcastle, inasmuch as they rest solely upon the statements of the jailer of conversations with the unfortunate man (who is no longer alive to contradict him) *after* his imprisonment, and her Majesty's government conceive that there is literally no other evidence throughout the papers from which the faintest trace of guilty or improper conduct on the part of Hardcastle can be inferred.

There is another point in the papers which accompanied your note of the 11th November which appears to her Majesty's government to be not a little remarkable. It is now alleged that Hardcastle, as well as a prisoner named Pleasonton, had put his head over the screen, when he was shot by the sentry, but no mention of this circumstance is made in the reports made by Captain Mix and General Martindale at the time of the occurrence, which were enclosed in your previous note of the 18th of June.* It was then represented that Pleasonton's head was over the screen; but it was not stated that Hardcastle's head was also in the same position; and it is hardly possible to conceive (regard being had to the gravity of the matter) that such a fact, if really true, should not have appeared as the result of the first inquiry.

Her Majesty's government have therefore instructed me to address to the United States government a firm protest with regard to what has occurred in this case, on the ground both of the unlawfulness of Hardcastle's imprisonment, in view of the safe-conduct which must be regarded as having been assured to him by the United States military authorities, and of the unsatisfactory character of the evidence which has been adduced as justifying the proceedings which led to his death; and her Majesty's government have desired me to add, that her Majesty's government reserve to themselves the right of presenting a claim for compensation to the government of the United States, should any such be hereafter advanced by the relatives of the deceased.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 13, 1864.

SIR: Her Majesty's government have considered the note which you did me the honor to address to me on the 29th of January last, respecting the case of

* 38th Congress, 1st session, House Ex. Doc. No. 1, page 652.

the *Blanche*. Her Majesty's government cannot, however, find any reason to alter or modify the view which they have hitherto taken of this case, and they regret to see that the government of the United States still hesitates to grant the redress which is due to the governments of Great Britain and Spain for the improper acts of the commander of the United States ship *Montgomery*.

The answer made in your note to the demand of her Majesty's government appears to rest mainly on the allegation that the *Blanche*, at the time she was destroyed, was American, and not British owned. She was, however, then sailing with British papers and under the British flag in neutral waters, where that flag was not liable, by the law of nations, to aggression, search, or visit. Her registered owner was Mr. George Wigg, a natural-born British subject, residing at Liverpool. His title was shown by a regular bill of sale, dated the 31st of July, 1862, and executed at Havana by the duly constituted attorney of W. L. Smith, who appeared upon the permanent register of the port of Galveston as sole owner, on the 29th of May preceding. The transfer was expressed to be made for a valuable consideration in money, and no evidence whatever tending to impeach the *bona fides* of the purchase by Mr. Wigg has ever been brought to the knowledge of her Majesty's government. The ship, therefore, being regularly documented as a British ship, and sailing as such, under the British flag, within neutral protection, has been, and is now, recognized in that character both by the British and the Spanish governments.

What evidence, then, is produced or offered by the United States government to show that the *Blanche* was an American vessel, fraudulently transferred and navigated under false colors for the purpose of concealing her real ownership?

If, indeed, such a fact were established, her Majesty's government could claim no redress, because no injury would have been done to any British subject. But the burden of displacing the *prima facie* title shown by the flag and papers, and by the recognition of both the neutral governments (which, until displaced by contrary evidence, would be sufficient for every legal purpose, in every court of justice throughout the world) lies upon the United States government; and it appears to her Majesty's government that the government of the United States has, as yet, neither produced nor offered to produce any evidence whatever having the slightest real tendency to displace it.

The only new evidence put forward by your note consists in a copy of the registry of the General Rusk (afterwards called the *Blanche*) on the permanent register of New Orleans, dated the 8th of April, 1857, by which it appears that she was then registered as belonging to the Southern Steamship Company of New Orleans. Her Majesty's government are at a loss to perceive how the fact that five years before the same ship was registered at New Orleans as the property of a different owner can prove that a British title derived from W. L. Smith, who, on the 29th of May, 1862, was the registered owner of the same ship on the permanent register of Galveston, is fraudulent and void. Upon the history of the vessel, between April, 1857, and May, 1862, no light is thrown. The untenable position as to the necessary invalidity of all captures from the United States in the existing war, and of all sentences of condemnation by the enemy's prize courts, does not appear to be assumed in your present note; nor indeed does your note enable her Majesty's government so much as to conjecture what are the alleged wrongful proceedings, on account of which the apparent title of the owner in 1862, from whom the ship was purchased by Mr. Wigg, is considered by the United States government to be liable to impeachment. The difficulty which her Majesty's government find in following your argument on this point is not diminished by the fact that, for a considerable period after the secession from the United States of the so-called Confederate States, New Orleans, where this vessel appears to have been registered in April, 1857, was itself a principal city of these latter States. Still less can her

Majesty's government perceive that your note shows that the purchase by Mr. Wigg was in any sense colorable or fraudulent.

Her Majesty's government have accordingly commanded me to inform you that I am instructed to maintain firmly the position hitherto assumed by them in this case, at all events until some more satisfactory disproof of the title of the British owner to this vessel shall be given on the part of the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 15, 1864.

SIR: I have the honor to transmit to you herewith a copy of a despatch which I have received from the governor general of Canada, in answer to the communication to his excellency of your note to me of the 31st May, relative to the passage through St. John, New Brunswick, of certain persons supposed to be hostile to the United States.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, June 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of your excellency's despatch of June 2, and enclosures, relative to the passage of an unusual number of persons, considered by the Secretary of the United States to be disloyal citizens of the United States, through St. John, New Brunswick, *en route* for Canada.

I shall not fail to adopt every precaution in my power to prevent any infringement of the neutrality of her Majesty's territories by these or any other persons, but I need not remind your excellency of the great difficulty that exists in obtaining information with respect to the intentions of such persons, whether passing through or residing in Canada.

I have, &c.,

MONCK.

LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 16, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 13th instant relative to the case of the *Blanche*, and, in reply, to assure your lordship that it will receive a careful consideration.

- I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 18, 1864.*

SIR: Her Majesty's principal secretary of state for foreign affairs has directed me to make known to the government of the United States suspicions which have been excited respecting an American brigantine called the *Myra*.

Her Majesty's commissioner at Loanda, in a report dated at that place on the 14th March last, reports that he received information on the previous day that the *Myra* had entered the port of Mossamedes on the 23d of February last, and, although her papers were correct and she was ostensibly fitted out as a whaler, her size and other circumstances seemed to render it extremely probable that she was really destined to be employed in the slave trade.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 20, 1864.*

SIR: I have the honor to acknowledge the receipt of the notes dated the 19th and 30th ultimo, which you have done me the honor to address to me, in answer to a note dated the 18th ultimo, in which I informed you that it had been represented to me by British subjects at Memphis, in Tennessee, that the military authorities at that place had threatened to expel all foreigners who refused to enrol themselves in the militia.

You have been so good as to inform me that the matter has been referred to the general commanding at Memphis for a report, and to promise to communicate the report to me when it is received. In the mean time you have done me the honor to forward to me a copy of an order of the military authority at Memphis respecting commercial intercourse with that place, and to state to me that you are under the impression that the rule concerning beleaguered places, like Memphis, is that foreigners shall either take up arms for their defence or depart therefrom.

I deem it right to call your attention to a further order of the military authority at Memphis, a copy of which I enclose. This order, which is dated the 2d instant, directs that no person exempted from the service in the militia, on the ground of his being a foreign subject, shall be allowed to engage in business in Memphis so long as he claims the benefit of the exemption.

Memphis is, no doubt, from its position, very liable to be attacked; but I trust that the United States authorities will candidly consider whether this fact suffices to warrant or necessitate a measure bearing so very hardly on foreigners, whose duty to their own sovereigns forbids their taking up arms in the present war.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Circular.]

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tennessee, June 2, 1864.

Whereas many applications are made to be exempted from service in the

militia, organized for the defence of Memphis, by reason of the parties being citizens or subjects of foreign powers, I state, for the information of all such, that exemptions will be granted when the parties applying have never taken the oath of allegiance to the government of the United States, or have not been engaged in the confederate service.

When persons natives of foreign countries apply for exemption, and it shall satisfactorily appear that they have taken the oath of allegiance of the government of the United States, or that they have been in the rebel service, all such persons will be sent out of the lines. All persons engaged in business in Memphis are so engaged by the permit, license, or sufferance of the military authorities, and it is not deemed either wise or prudent to allow persons to be so employed who are unwilling to defend the city when assailed.

Persons, therefore, whose health and age would otherwise subject them to militia duty, but who claim and receive exemption by reason of their being the subjects of foreign governments, will not be allowed to engage in business in Memphis so long as they claim the benefit of said exemption.

Persons will not be allowed to follow the army for purposes of gain, no matter what their nationality, with greater privileges and immunities than are accorded to American citizens.

By order of Major General Washburn.

WM. H. MORGAN,

Major and Assist. Adjutant General.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 23, 1864.

MY LORD: Referring to your lordship's notes, heretofore acknowledged, concerning an alleged violation of the territorial jurisdiction of Great Britain, at the island of Eleuthera, by the United States steamer Rhode Island, in a chase of the insurgent steamer Margaret and Jessie, I have now the honor to place in your hands several copies of the proceedings of a naval court of inquiry,* which has been held for the purpose of investigating the transaction referred to. The proceedings appear to have been conducted with entire frankness and impartiality. All the evidence which was available was submitted to them. The President finds no grounds for questioning the correctness of the conclusion at which the court arrived, namely, that Commander Trenchard was desirous and anxious to avoid any violation of the British territorial jurisdiction while chasing the Margaret and Jessie, and that, in the case in question, no violation of the territorial jurisdiction was committed.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 24, 1864.

MY LORD: I have the honor to acknowledge, with much satisfaction, the receipt of your note of the 15th instant, communicating to me the copy of a des-

* Published in 1864, in pamphlet form, by the Navy Department.

patch of the 8th instant, from his excellency the governor general of Canada, in relation to the reported passage of persons hostile to the United States through St. John, New Brunswick, and to the precautions which his excellency proposes to adopt to prevent any infringement of the neutrality of her Majesty's territories by those or any other persons.

I have the honor to be, with high considerations, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 24, 1864.

SIR: In a note which I had the honor to write to you on the 24th ultimo, I stated that I trusted that you would authorize me to inform the agents of Messieurs William Anderson, Saxon & company that the claim of that firm for payment for coals taken from Angra Pequena by the United States ship Vanderbilt might be sent in, and that if the particulars were found to be correct, it would be promptly satisfied.

In the answer which you did me the honor to address to me, on the 25th ultimo, you observed that perhaps these particulars might make the case more clear. In order to place them before you, I forward to you herewith a letter addressed to you by Messieurs Anderson, Saxon & Company, which has been sent to me by the agents under flying seal, and also a bill giving the particulars as to the quantity of coals taken, and the sum demanded in payment.

With regard to the remark made in your note, that it would be desirable to know for what purpose, and at whose instance, the coals were sent on board the Saxon, from Cape Town to Angra Pequena, as well as to the statement in your previous note of the 16th of March, that the coals had notoriously been sent to supply the steamer Alabama, it is my duty to inform you that her Majesty's government are unable to assent to the position, that if the coals were sent to supply the Alabama, the owners of them would be disentitled to compensation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Messrs. Anderson, Saxon & Co. to Mr. Seward.

CAPE TOWN, CAPE OF GOOD HOPE,

December 3, 1863.

SIR: We have this day sent to Messrs. C. J. and F. W. Coggill, of New York city, instructions, and a power of attorney, to act for us in the settlement of a claim against the United States government for coal taken by the United States steamer Vanderbilt, which we transmitted to you through Walter Graham, esq., United States consul at this port.

Should you decide to pay the bill, the Messrs. Coggill will draw upon the Treasury Department, or otherwise, as you may direct.

We have the honor to be, sir, your most obedient servant,

WM. ANDERSON, SAXON & CO.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

I, Walter Graham, consul for the United States at Cape Town, do hereby certify that the signature above written is genuine, and that the power of attorney referred to has been shown to me, and that it is a genuine document in all respects.

In witness whereof, I have hereunto affixed my signature and the seal of this consulate, this third day of December, 1863.

WALTER GRAHAM,
United States Consul, Cape Town.

The United States Government to William Anderson, Saxon & Co., Dr.
1863.

November 23.—To 250 tons coal taken from Penguin island, by the boats and crew of the United States steamer Vanderbilt, by order of Captain Baldwin, on the 31st of October last, at £6 per ton....£1,500
CAPE TOWN.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 24, 1864.*

SIR: I had on the 5th instant the honor to remind you that you had informed me, on the 27th April previously, that the military commission which had investigated the case of Mr. James McHugh had reported that in their judgment he should be released.

You were so good as to state to me, on the 10th instant, that you had recalled the attention of the Secretary of War to the case; but I have reason to fear that although two months or more have elapsed since the military commission recommended that Mr. McHugh should be released, this unfortunate man is still in confinement at Fort Lafayette.

I earnestly entreat that orders may without further delay be given for his restoration to liberty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 27, 1864.*

SIR: I placed in your hands on the 17th March last a memorandum pointing out the serious losses which were entailed upon manufacturers in Canada by the prohibition of the exportation of anthracite coal from the United States. In a note which you did me the honor to address to me on the following day, you observed, with reference to this coal, that an element which had measurably influenced the policy of the United States government was the notorious fact that fuel of this character was, for obvious reasons, preferred by blockade runners, who before the restriction went into effect were in the habit of supplying themselves with it at British ports in the neighborhood of the United States.

The governor general of Canada has requested me again to bring under the notice of the government of the United States the very serious inconvenience to which the trade of Canada is subjected by the prohibition of the exportation

from the United States of coal of this description, and to suggest that in the event of the prohibition being withdrawn so far as relates to exportation made along the interior line of frontier, the government of Canada would be prepared themselves to prohibit the exportation of anthracite coal from any port in the province.

By the adoption of this plan a valuable trade would be preserved both to the United States and to Canada, without any risk being incurred of the coal's being used to the prejudice of the United States by their enemies. It appears to the governor general that the commercial interests both of citizens of the United States and of Canadians would be promoted; that the objects to obtain which the prohibition of exportation was originally ordered would not be imperilled; and that the peculiar situation of Canada, which would enable her strictly to carry into effect the conditions proposed, would prevent the concession from being drawn into an inconvenient precedent.

In recommending very earnestly the proposal of the Canadian government to the favorable consideration of the government of the United States, I will only add, that the wants of the province have become very urgent, and that the value of the boon solicited would be in no small degree enhanced by promptness in according it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 27, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 24th of June, together with the letter of Anderson, Saxon & Co., in regard to coals taken by the United States ship Vanderbilt from Angra Pequena.

I regret that the parties interested in the claim for payment for this coal have not thought it proper to furnish information of the purpose for which the coal was sent to a place convenient for the resort of pirates, and outside of the jurisdiction of maritime nations. I have also to regret that her Majesty's government, as you inform me, are unable to assent to the position that if the coal was sent to supply the Alabama, the owners would be disentitled to compensation.

This government, under the circumstances, considers information upon this fact to be material before it can deem it proper to admit the claim.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 29, 1864.

SIR: I am informed that in the department of the gulf the following oath is exacted from foreigners:

"UNITED STATES OF AMERICA, DEPARTMENT OF THE GULF,
"Office Provost Marshal General.

"NEW ORLEANS, ss:

"I, _____, do solemnly swear that I am a subject of _____; that I have never become or been a citizen of the United States by naturalization or

otherwise, nor have I declared my intention to become such citizen, nor voted at any political election in the United States, nor done any act in derogation of my allegiance to _____.

"I do further solemnly swear that, so long as my government remains at peace with the United States, I will do no act, nor aid, advise, or consent that any be done, nor conceal any act done, or to be done, that shall aid, assist, or comfort any of the enemies or opposers of the United States, or the authority or government thereof."

It appears that this oath is exacted even from British subjects belonging to the crews of British merchant vessels, and even in cases in which they arrive at and depart from New Orleans on board the same vessel.

The oath, if it is to be construed literally, imposes upon subjects of her Majesty obligations following them beyond the jurisdiction of the United States; and, such being the case, is objectionable in several particulars.

I beg you to take into consideration the accompanying copies of a correspondence on the subject which has taken place between Major General Banks and the acting British consul at New Orleans, and I trust that if it shall still be deemed necessary to exact an oath from foreigners, measures will be taken to substitute at once, for that in use in the department of the gulf, one unobjectionable in its terms.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Major General Banks to Mr. Coppell.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, May 28, 1864.

SIR: Will you please suggest to me what change you desire in the neutral oath to which you alluded yesterday, and in what respect it conflicts with the rights of seamen or any other class of British subjects.

N. P. BANKS,

Major General Commanding.

G. COPPELL, Esq.

Mr. Coppell to Major General Banks.

BRITISH CONSULATE,
New Orleans, May 30, 1864.

SIR: I have to acknowledge the receipt of the communication of the 28th current, which you have done me the honor to address to me, respecting the neutral oath, the subject of my remarks on the previous day, and, conformably with the desire expressed, I offer for your consideration the following considerations

After a British vessel has been cleared for sea by the authorities, it is required that the crew, whether the same that arrived with the vessel or those shipped here, shall subscribe the neutral oath (*i. e.* if they are aliens) before the vessel is allowed to depart the port. British subjects, properly registered as such, are also required to subscribe the oath when obtaining a pass to leave this department for the north or for a foreign country.

In referring to the oath as now administered, it will be seen that in the first part the alien swears to the already proved fact of being a foreigner; for, before subscribing, the applicant has to show a foreign passport or a consular certificate. The second part of the oath would seem to impose upon the neutral obligations binding when beyond the jurisdiction of the United States, an obligation which, if expected or intended, can scarcely be considered as consistent with the rights which the United States government has with regard to neutrals, nor the neutral British subject with his own sovereign. I would, therefore, beg to suggest for your consideration that in the case of the crews of British vessels, and where the crew is the same as when the vessel arrived in port, the oath be dispensed with; and with regard to that class of British subjects arriving at or departing from New Orleans by sea, that the oath be somewhat modified in the points I have named. I take the liberty of enclosing a copy of a neutral oath which is imposed in one of the military departments (the Mississippi, I think) of the United States, believing that it may be considered as covering all the grounds of a neutral obligation.

I desire it to be understood, general, that I offer these remarks in behalf of neutral British subjects only, particularly those whose interests may call them to this department transiently, and in no way to interpose for any who, in contempt of her Majesty's proclamation, may violate the neutrality imposed upon all classes of her subjects.

I avail myself of this opportunity to renew my thanks for the prompt consideration and action always accorded the many and important matters I have had occasion to bring to your notice in the discharge of my official duties.

GEORGE COPPELL.

Major General N. P. BANKS,
United States Army.

Major General Banks to Mr. Coppel.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 8, 1864.

SIR: I have the honor to inform you that there are difficulties connected with the modification of the neutral oath suggested by you, which deters me from adopting it at present.

There are many American citizens in this department, born of English and French parents, who, to escape conscription, claim foreign protection under the belief that the descendants of a subject do not lose the nationality of their ancestry. Such persons have not only participated in the elections of this country, but have availed themselves of all the privileges of natural-born citizens. It seems but just that those who claim the privilege of neutrality should be required to make the declaration that they have not exercised the privileges of citizens of the United States.

Without undertaking to decide the question of neutrality in cases where such declaration cannot be made, and which may be reserved for special consideration, the interests of the government seem to demand that the general rule adopted in this department should be observed. If there be just cause for changing the practice in regard to seamen who ship from this port upon the same vessels in which they arrive, I shall very gladly make the change upon a proper representation of the facts.

N. P. BANKS,
Major General, Commanding.

G. COPPELL, Esq

Lord Lyons to Mr. Seward.

WASHINGTON, *June 30, 1864.*

SIR: In a note dated the 20th instant, I had the honor to call your attention to an order of the military authorities at Memphis, forbidding foreigners, who claimed exemption from militia service, to engage in trade.

The alarm and distress which this order and other measures adopted by the military officers at Memphis have spread among her Majesty's subjects are very great, and I receive numerous applications from them for advice.

I trust that you will move the proper authorities to take the matter into consideration without delay, and I earnestly hope that you will authorize me to give to British subjects at Memphis such definite information respecting the views of the United States government as may dissipate their apprehensions, and enable them to feel some security as to their future position.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 30, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 18th instant, in which, under instructions of her Majesty's principal secretary of state for foreign affairs, you make known to this government the suspicions entertained by her Majesty's commissioners at London respecting the American brigantine Myra, which vessel had arrived at the port of Massamedes on the 23d of February last, under such circumstances as to induce a belief that she was intended to be employed in the slave trade. In reply, I have the honor to thank your lordship for this information, and to inform you that I have communicated it to the Secretary of the Navy.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 1, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 24th ultimo, relative to the case of Mr. McHugh, a prisoner in Fort Lafayette. I now have the honor to acquaint your lordship, in reply, that the Secretary of War has informed this department that the discharge of the prisoner has been ordered.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 5, 1864.

MY LORD: I have the honor to enclose a copy of a despatch of the 4th ultimo, No. 48, from the United States consul at St. John, Newfoundland, in which he informs me that the colonial government are sending to Boston, by the British brig Arthur, three pardoned criminals, named Hurley, Shea, and Nowlan.

I would esteem it a favor in your lordship to cause an inquiry into the matter, for the information of this department.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Leach to Mr. F. W. Seward.

No. 48.]

CONSULATE OF U. S. OF AMERICA FOR NEWFOUNDLAND,

St. John, June 4, 1864.

SIR: I have the honor to inform you that the colonial government are sending to Boston, by the British brig Arthur, three pardoned criminals, named, respectively, Daniel Hurley, Bryan Shea, and James Nowlan.

Shea was formerly a member of the British army; he was convicted of shop-breaking; the other two, I think, were arrested for larceny.

I cannot get further particulars, as the vessel is ready to sail.

I have notified the collector of customs at Boston.

I have the honor to be, very respectfully, your obedient servant,

CONVERS O. LEACH,

United States Consul.

F. W. SEWARD, Esq.,

Assistant Secretary of State, Washington.

Lord Lyons to Mr. Seward.

WASHINGTON, *July 6, 1864.*

SIR: I have the honor to submit to you a copy of a despatch which I have received from the acting British consul at New Orleans, and a copy of the military order to which it refers.

You will perceive that the order in question establishes regulations respecting gold at New Orleans, which interfere with the free control of property of this description, and appear to cause inconvenience to British merchants at that place.

I shall be much obliged if you will take the order into consideration, and communicate to me the views of the United States government on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Coppell to Lord Lyons.

BRITISH CONSULATE,

New Orleans, June 23, 1864.

MY LORD: I deem it proper to bring to your lordship's notice a military order that has been promulgated in this department respecting gold coin, as I have been consulted by British merchants as to the consequence of a refusal to obey such an order, they believing it to be in violation of the treaty by which they are residents and carry on business here.

From the order, a copy of which I have the honor to enclose herewith, it will be seen that all gold coin arriving at, or which has been already imported to this port, is ordered to be deposited with the assistant treasurer of the United States; the owner having no control over his property.

To-day a British merchant, Mr. Archibald Montgomery, applied to the treasurer for gold which had been taken to the treasury from the steamship's last arrival from New York, and which had been sent to Mr. Montgomery in payment for merchandise he had shipped to that port, but he was informed that he could not obtain his gold unless it was to be exported to a loyal State or to a foreign country, or for payment of duties. I have, of course, recommended obedience to the order, and have informed those who have spoken to me on the subject that I would refer the matter to your lordship.

I have, &c.,

G. COPPELL.

LORD LYONS, &c., &c., &c.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 18, 1864.

GENERAL ORDERS, }
No. 75. }

1. All shipments of gold to the port of New Orleans from this date, unless otherwise specially authorized by the government at Washington, will be deposited with the assistant treasurer of the United States, to be delivered to consignees or claimants only upon satisfactory assurances that it will not be used in contravention of the regulations of the Treasury and War Departments or the laws of the United States.

2. All parties to whom consignments of gold have heretofore been made are directed to deposit the same with the assistant treasurer of the United States, subject to the above regulations. The provost marshal general is directed to enforce a strict observance of this order.

By command of Major General Banks:

OLIVER MATHEWS,
Assistant Adjutant General.

Lord Lyons to Mr. Seward.

WASHINGTON, *July 8, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, and to inform you that I have lost no time in asking the governor of Newfoundland to enable me to furnish you with the information which you desire

to obtain respecting a statement that three pardoned criminals had been sent from St. John to Boston.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 8, 1864.

MY LORD: Referring to your notes of the 19th of December, 1863, and 2d March, 1864, in regard to the case of the Labuan, I have the honor to inform your lordship that, upon the receipt of those notes, a copy of each was sent to the attorney of the United States for the southern district of New York, with a view to expediting his proceedings under the instructions of that department. Your lordship is already aware that those proceedings have been awaiting evidence, which the United States consul at Matamoras was instructed to procure and forward to the district attorney. Notwithstanding repeated renewals of the instruction to the consul, owing to the distance of that port, and to other obvious causes, he has hitherto failed to procure the testimony; and as such testimony is essential to a proper determination of the question of damages, the adjustment of the claim has, to the great regret of this department, been unavoidably delayed.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 27th ultimo, relative to the losses entailed upon manufacturers in Canada by the prohibition of the exportation of anthracite coal from the United States, and suggesting, at the instance of his excellency the governor general, the withdrawal of the prohibition upon certain conditions. In reply, I have the honor to inform your lordship that the subject will receive attention.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *July 11, 1864.*

SIR: It has been represented to her Majesty's government that in the case of a British steam vessel, the Pearl, which was released by the prize court at Key West, the United States district attorney has caused an appeal to be entered before the Supreme Court of the United States.

Her Majesty's government are advised that it was certainly competent to the district attorney to take this course, but that it is not a usual one, and that it must, under the circumstances, be regarded as a harsh proceeding. Her Majesty's government have accordingly instructed me to point out to you the hardship which this proceeding inflicts upon the owners of the Pearl, and to endeavor by friendly representations to obtain an abandonment of the appeal.

I trust that an examination of the case, conducted in an equitable and liberal spirit, will lead the government of the United States to give directions that the appeal be not proceeded with.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 11, 1864.

SIR: Her Majesty's government have had under their consideration the proclamation of the President of the United States of the 18th February last, setting forth certain conditions under which trade may be carried on with the port of Brownsville, in Texas.

As her Majesty's government understand this matter, it appears that the alleged blockade of Brownsville is at an end, but that certain commercial restrictions, stated to be required by the exigencies of the United States government, are still in force. It may be competent to the United States government to establish these restrictions, and enforce them impartially against all persons; but her Majesty's government think that, at all events, the imposing such restrictions should be placed on its right footing, as an act of state necessity, and not be treated as an incident of the right of blockade.

Her Majesty's government have, therefore, instructed me to intimate to the government of the United States their opinion, that the belligerent right of blockade cannot be lawfully enforced against neutrals by a belligerent who is in actual possession of the port alleged to be blockaded.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 11, 1864

SIR: I have the honor to submit to you an extract from a letter addressed to her Majesty's principal secretary of state for foreign affairs, in which it is stated that two apprentices belonging to the British bark Cuzco had deserted that ship at Valparaiso, and been taken on board the United States ship St. Mary's.

I beg you to cause an investigation of this matter to be made, and to communicate the result to me, for the information of her Majesty's secretary of state.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Extract from a letter from Mr. William Nicol to Lord Russell, dated 7 Sweeting street, Dale street, Liverpool, June 18, 1864.

“By a recent mail from Valparaiso I was informed by Captain McPherson, of the British bark Cuzco, of which I am owner, that two apprentices had deserted his ship, and that after spending several days in inquiring for them, we traced them to the American ship-of-war St Mary’s.

“Captain McPherson states that he went on board the St. Mary’s and demanded that these boys, being apprentices of his ship, should be given up. I regret to say, however, that the commander of the vessel gave him no satisfaction, only replying that the boys could not be found without a deal of trouble. As the Cuzco was then ready for sea, and had already lost so much time waiting for the boys, Captain McPherson was under the necessity of sailing without them.”

“I may mention that the parents and securities of the boys are pressing me to move in the matter.”

Lord Lyons to Mr. Seward.

WASHINGTON, July 12, 1864.

SIR: With reference to your note of the 24th May last, and to my answer of the 6th ultimo, concerning resolutions passed by the Chamber of Commerce of New York, with respect to the affair of the Chesapeake, I am directed by her Majesty’s principal secretary of state for foreign affairs to inform you that he has caused a copy of those resolutions to be transmitted to the Colonial Department, with a request that the resolution in acknowledgment of the proceedings of the magistrate who had charge of the Chesapeake may be communicated to him. Her Majesty’s secretary of state has moreover caused to be transmitted to Sir Samuel Cunard a copy of the resolution on the subject of the assistance rendered by Messrs. Cunard & Co.’s agency at Halifax to the United States ship Ella and Annie.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 13, 1864.

MY LORD: Referring to your communication of the 13th ultimo, in which under the instruction of her Majesty’s government, your lordship presents the views taken by them of the conduct of the military officers and of the government of the United States in regard to the case of James Hardcastle who came to his death from the effect of a shot fired by a sentinel at the Old Capitol prison. I have the honor to enclose in reply, a copy of letter of the 8th instant, from the Secretary of War, and of the report of Judge Advocate General Holt which accompanied it.

Having carefully considered your lordship’s note, and having weighed the report of General Holt with equal care, I feel compelled to adopt the conclusions of the latter.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,

Washington, July 8, 1864.

SIR: I have the honor to transmit, herewith, a copy of the opinion of Judge Advocate General Holt to whom agreeably to the request made in your letter of the 16th ultimo, the copy of the note of Lord Lyons which accompanied it, relative to the death of James Hardcastle, from the effect of a shot fired by a sentinel at the Old Capitol prison, where he was confined, was referred for a review of the whole case.

I am, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Holt to Mr. Stanton.

JUDGE ADVOCATE GENERAL'S OFFICE,

Washington, June 30, 1864.

In the case of John Hardcastle, a British subject, referred to me for report under your indorsement of the 17th instant, I have the honor to submit as follows:

In this case a formal report was made from this office under date of October 22d last, in which the facts in regard to the arrest and confinement of this party, and his subsequent death at the Carroll prison, in Washington, where he was accidentally shot by a sentry, were set forth at length. The conclusion was there arrived at that such arrest and detention in confinement were fully warranted, and that his death was a natural consequence of his persistent disregard of the salutary rules of discipline established at the prison.

These views having been adopted by this government, and formally made known to the British minister, the latter has now, under date of the 13th instant, communicated anew with the honorable Secretary of State in regard to the case of Hardcastle, which has thus been reopened for consideration.

In this communication, which has been referred to this office, Lord Lyons remonstrates against the proceedings of this government in the case, and bases his remonstrance upon the following grounds:

(1.) That Hardcastle having once been formally received within the federal lines, under a flag of truce, became entitled, to all intents and purposes to the privileges of what is known in international law as a *safe conduct*; that he was therefore entitled to pass without restraint through our territory, and that his detention and imprisonment were without justification.

(2.) That the reasons given by the United States government for the original arrest of Hardcastle, to wit, that he had been engaged in a violation of the laws of war, are insufficient, inasmuch as no evidence of such guilt is shown to have been made to appear at the time of the arrest. That, on the contrary, the only evidence thereof which is presented is shown to have been deduced after his imprisonment and to consist of admissions made by him to the superintendent of the prison.

(3.) That upon the *first* investigation of the matter as reported to her Majesty's government, it was not mentioned that Hardcastle, as well as Pleasonton, had extended his head above the screen before the prison window at the time of the shooting; that a statement to this effect was made only upon the *second* in-

vestigation of the facts on the case, and that it is hardly possible to conceive that so important a statement, *if true*, should not have been presented at the outset.

Upon these grounds, it is represented by the British minister that the explanation made by our government in regard to the proceedings which led to the death of Hardcastle is deemed unsatisfactory, and that her Majesty's government reserve to themselves the right of presenting a claim for compensation to the government of the United States, should any such be hereafter advanced by the relatives of the deceased.

To the several arguments put forth in the remonstrance of Lord Lyons it is answered briefly as follows :

1. That the reception of a person within military lines, under a flag of truce, can be held to operate as a safe conduct, allowing him a free passage within the territory of the power whose lines he has entered, is a proposition believed to be quite unsupported by the authorities upon public law. The safe conduct and the flag of truce are conceived to differ most materially both in their nature and in their purpose. The former, like a passport or safeguard, in connexion with which it is treated in the books, is a formal and specific instrument in writing, issued by the sovereign authority, and generally to an enemy, and for some purpose of public policy. It authorizes, in terms, the party to whom it is issued to pass through the territory of the sovereign alone, or with his family, servants, and effects, as the case may be. It is more commonly granted to a public minister, (Polson, p. 98), or to some personage entitled under the *comitas gentium* to such privilege, to whom the sovereign is thereupon bound to afford full protection against any of his subjects or forces, and whom he must indemnify for any injury that may be sustained by reason of a violation of the security thus solemnly guaranteed. At the same time, since the privilege granted is "so far a dispensation from the legal effects of war, the instrument of safe conduct is always strictly construed," and it is usual to set forth therein "every particular branch and extent of the indulgence" thereby conveyed. See 1 Kent, p. 162; Vattel, ch. 17; Woolsey, sec. 147.

The flag of truce, on the contrary, is a much simpler and more familiar proceeding. It is used for a great variety of purposes; is not limited to persons or subjects, and the object of its employment is not required to be stated in writing. In many cases during a cessation of active operations, it is no more than an informal means of communication established between armies for mutual convenience. But beyond affording a safe communication and transit from the one to the other, it is conceived to be ordinarily, and in the absence of any special convention, without efficacy. The protection which it insures is understood to be temporary and limited; and that this should be continued after the immediate mission of the flag has been accomplished is believed never to have been intended, since such an extension of its privilege would be to disarm the ordinary police jurisdiction to which all strangers entering the lines of an army are required to be subjected.

At the time of the arrival of Hardcastle, the flag-of-truce boat on the Rappahannock had become a frequent means of passage between the two armies, then comparatively inactive. Under these circumstances it was inevitable that parties personally unknown to the authorities should sometimes be received within our lines whose character and antecedents could not at the moment be disclosed. Such persons, therefore, were necessarily received, subject to such examination and detention as might be deemed prudent and proper. Protected by the flag during their transit, they were regarded as *prima facie* entitled to enter our lines, but while so far privileged they were not exempted from the ordinary police control, or regarded as having an unquestionable claim to a passport to proceed to the north.

The rules thus adopted in our armies, and, as it is understood, in those of the enemy also, were found absolutely essential to the protection of the government

against the designs of parties hostile to its interests, and are regarded as in no respect in derogation of the principles of public law in regard to the province of the flag of truce. It is submitted, therefore, that the reception of Hardcastle under the flag cannot be held to have entitled him to the privileges of a safe conduct through our territory, but that his detention upon the reasonable grounds of suspicion set forth in the original papers was a measure of which he had no right to complain, and which, whether it may have resulted in his speedy deliverance, in his being sent back to the enemy's lines, or in his being held as a criminal, was fully warranted by the laws of war.

The distinction which has thus been presented between the privilege of a person who holds a formal safe conduct and that of one arriving at our lines under a flag of truce, is well illustrated by an observation of Vattel.

This writer, after speaking of the rights conveyed by a safe conduct, remarks as follows:

"The case is different from that of an enemy coming into our country during a truce; to the latter we have made no particular promise; he, at his own peril, takes advantage of a general liberty allowed by the suspension of hostilities. All we have promised to the enemy is to forbear hostilities for a certain time, and at the expiration of that term it is a matter of importance to us that we be at liberty to let the war take its course without being impeded by a variety of excuses and pretexts." (Vattell, ch. xvii.)

With the same reason it may be said of one who takes advantage of the temporary truce, of which the white flag is the signal, that he is entitled to that advantage only while such truce endures. He comes to us under the suspension of hostilities, which, upon the exhibition of such a signal, is humanely permitted by belligerents. But he comes under no promise on our part for the future, and at his peril. At the expiration of the term of truce, to wit, after the flag has returned, it is a matter of importance, if not of absolute necessity with us, that we be at liberty to enforce the ordinary laws of war in regard to him, if suspected of being an enemy, and this without our being impeded by the technical excuse, on his part, that he is still entitled to the privileges of the truce, although that truce has come to an end.

But, further, even if it could be granted that Hardcastle, when admitted to our lines, was practically placed under a safe conduct, it is conceived that such safe conduct in nowise prevented his being detained in arrest for good cause. The authorities agree that the privileges of a safe conduct may be forfeited by the misconduct of the party to whom it is issued, and that he may, thereupon, be restrained of his liberty for a reasonable time, or, in an extreme case, may be confined and treated as a captive.

Such is the case of one who, after having received a safe conduct, engages in intrigues against the state, or acts as a spy. In such an event if his guilt is evident, he may, as in the case of Andre, quoted by Woolsley, (§ 147,) be seized and treated as a criminal; or in a case of less gravity, he may, as indicated by Vattel, (ch. xvii.) be detained for a reasonable time, *de bene esse*, and until the grounds for such detention have ceased to exist.

Where, then, as in the case of Hardcastle, a person previously quite unknown to our authorities is received within our lines, and upon examination of his papers a reasonable suspicion attaches, that he is travelling under an assumed character, and with false credentials, that in fact he has been engaged in violating the laws of war, may he not fairly be deemed a proper subject for at least the temporary detention warranted by the principle of law which has been cited? Can, therefore, our military authorities be regarded as having been involved in a breach of international law in forwarding the suspected party in arrest to the nearest point at which a proper inquiry could be instituted in regard to his antecedents? On the contrary, does not that law fully justify an arrest under these circumstances, as a precaution necessary in time of war, for the protection of the state against an insidious enemy?

It remains only to add that the term "safe conduct" as introduced in the report of this office of October 22d last, in the course of the remarks made in regard to the flag of truce, in this case was employed, as will be seen by referring to the context, in the sense only in which it is sometimes used in common parlance, and not in its technical or legal sense, the safe conduct alluded to being limited to the protection given by the flag during the transit between two hostile armies.

2. The argument next advanced by the British minister to show that the arrest of Hardcastle was not justified has been received with some surprise, and must, it is conceived, be regarded as one of minor importance, not calling for an extended reply. It is true that the reasons which induced Brigadier General Patrick, provost marshal general of the army of the Potomac, to send Hardcastle forward in arrest, do not fully appear. It is, however, officially reported that with him was transmitted a communication from that officer, in which the genuineness of the credentials produced by the prisoner was called in question; and it was no doubt on account of their apparent want of genuineness, (which must necessarily have excited a suspicion that the bearer was not what he assumed to be,) that the arrest was deemed expedient. It is proper to infer that the provost marshal general exercised a prudent discretion in the matter, and that he was honestly persuaded that the arrest and further examination of Hardcastle would be for the public interest. His act has, therefore, been approved by the United States government, as that of an officer of rank and high character engaged in the careful and faithful performance of his duties.

But can the argument that this arrest was without cause be fairly or generously pressed at this late date, and after the full and voluntary confessions made by Hardcastle of his overt acts of hostility to this government have been brought to the attention of her Majesty's government? These confessions thus freely and deliberately made, and appearing as they do in the formal detailed report of an officer specially called upon to communicate the precise facts in the case, are regarded by this government as evidence of a very high and most satisfactory character, and as none the less controlling because the party who made them is not now able, by reason of his death, to add any qualification thereto. They were evidently made intelligently, and in such a tone as to leave it to be supposed that the narrator took a pride in having committed the crimes which he disclosed, and it is deemed hardly possible to doubt that they were committed as confessed.

In view, therefore, of these personal statements, which, while they would have warranted the permanent confinement or trial of Hardcastle, certainly justify the suspicion entertained by General Patrick, is it not, it may be asked, a more liberal view of the case to approve the action taken by that officer, as at least the suggestion of an honest discretion, than, while excluding the light derived from the subsequent history of the case, to regard such action as an arbitrary and reckless proceeding?

3. The third consideration advanced by Lord Lyons remains to be very briefly noticed. It is quite true that the facts in regard to the position of Hardcastle when shot by the sentry were not fully set forth upon the preliminary investigation of the case as reported to her Majesty's government. But in the report presented immediately after the occurrence—that of General Martindale, military governor, of June 15, 1863—it is not stated that Hardcastle was *not* leaning out of the window, or extending his head above the screen, but only that Pleasanton, his comrade, was the person "chiefly guilty" in these respects. At the same time, it was remarked by that officer that it was intended to "examine the case fully and minutely," and this, too, with a view to the trial of the sentry upon a charge of murder. Accordingly, in the subsequent and final report of this officer, of August 31 following, as well as in that of superintendent Wood of August 29, the precise facts, as they occurred, were set forth upon the tes-

timony of eye-witnesses ; and among other things it was disclosed that Hardcastle at the time of the shooting was looking over the screen of the window in company with his fellow-prisoner. Is it just to claim that this statement was untrue, because not made in an earlier and brief report, professedly incomplete, and preliminary to one which was to be based upon a full and grave inquiry and examination ? As well might it be maintained that the testimony presented upon a formal criminal trial was not to be credited, because not adduced in all its details, upon the preliminary examination of the suspected party before a magistrate.

From these comments upon the communication of Lord Lyons it will be perceived that the conclusions of this office, as before expressed in this case, in regard to both the law and the facts, have been in no respect modified.

As heretofore the decided opinion is entertained that the arrest and detention of Hardcastle, in the first instance, were lawful and proper ; that he was satisfactorily proved to have forfeited his rights of neutrality both by his overt acts of intense hostility to this government, and by his violation of the laws of war in his originally passing without authority from our territory to that of the rebels, and holding intercourse with the latter ; that his continued confinement as a dangerous and bitter enemy was warranted by this proof ; and, lastly, that he thoughtlessly if not wantonly exposed his life, by a persistent disregard of the regulations established for the security of his prison, as well as for his own well-being as a prisoner.

J. HOLT,
Judge Advocate General.

Hon. E. A. STANTON,
Secretary of War.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 13, 1864.

MY LORD : I have the honor to acknowledge the receipt of your note, of the 11th instant, presenting the views of her Majesty's government in regard to the conditions prescribed in the proclamation of the President of the United States of the 18th of February last, for the regulation of trade with the port of Brownsville, in Texas.

I have the honor to state, in reply, that it is considered that this government has a right to insist, in view of its military occupation and possession of the port of Brownsville, upon the regulations, and to enforce the blockade as to all the regions lying adjacent to that port, without the lines of military occupation.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 15, 1864.

MY LORD : I have the honor to acknowledge the receipt of your communication of the 6th instant, in regard to a military order of the 18th ultimo, issued

by Major General Banks at New Orleans, respecting gold, and to inform your lordship that I will take the subject into consideration.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 18, 1864.

MY LORD: I have the honor to inform your lordship that in a despatch of the 14th instant, addressed to this department by the United States consul at St. John, New Brunswick, he states that satisfactory evidence had been furnished to him that one Major William Hollins, late of the insurgent service, is organizing in the vicinity of St. John a force with which to commit depredations on the Maine frontier; that there is reason to believe that the notorious James McDonald, and a person by the name of Jones, are concerned in this movement; that it is said to be the design of Hollins to make an effort to march a small force through the northern States to Kentucky; that he affirms that he is authorized by the so-called confederate authorities to burn and destroy, and to show no quarter; that on the night of the 13th instant a small party left St. John, fully armed and prepared for some desperate enterprise, who represent that they are to be joined somewhere in the State of Maine by other men with whom they are in league.

I will thank your lordship to call the attention of his excellency the governor of New Brunswick to these statements, in order that the proper officers may be put upon their guard, with a view to prevent any violation of the neutrality of her Majesty's territory which may be contemplated.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 19, 1864.

SIR: I have to-day had the honor to receive a note from you, dated yesterday, in which you inform me that it is reported to you by the United States consul at St. John, New Brunswick, that a force is being organized in the neighborhood of that place, for the purpose of committing depredations on the frontier of Maine.

I have lost no time in calling the attention of the administrator of the government of the province of New Brunswick to this matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 19, 1864.

SIR: On the 18th of May last, I had the honor to address to you a note respecting certain measures adopted by the military authorities at Memphis with regard to foreigners, and on the 19th and 30th of the same month you were so good as to write to me in answer to that note.

On the 20th ultimo I addressed a note to you, calling your attention to an order of the military authorities at Memphis, which directed that no person exempted from service in the militia on the ground of his being a foreign subject should be allowed to engage in business at that place.

On the 30th ultimo I again addressed you on this matter, and I ventured to express an earnest hope that you would authorize me to give to British subjects at Memphis such definite information respecting the views of the government of the United States as would dissipate their apprehensions and enable them to feel some security as to their future position.

It is now my duty to beg you to take into consideration a further order issued on the 9th instant by the military authorities at Memphis, of which I do myself the honor to transmit a copy to you herewith. You will perceive that all foreign subjects and citizens within the district of Memphis claiming exemption from the Memphis militia by reason of alienage, and engaged in business of any character are required to enrol themselves for the defence of the city within ten days, and are threatened with arrest and punishment in case of failure.

I must once more earnestly beg you to give your attention to these matters, and to adopt without delay some measures for the relief of subjects of friendly powers, whose duty to their own sovereigns forbids their taking up arms on either side in the existing war.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[General Orders, No. 23.]

HEADQUARTERS 1ST BRIGADE ENROLLED MILITIA, D. M.,
Memphis, Tenn., July 9, 1864.

Pursuant to circular from headquarters district of West Tennessee, of date June 2, 1864, which required all foreign subjects, and citizens within the district of Memphis claiming exemption from the Memphis militia by reason of alienage, and engaged in business of any character, to enrol themselves for the defence of the city; and whereas many persons of the above class are still evading the requirements of said circular, it is therefore ordered that they report to these headquarters for the purpose of enrolment within ten days from date. Persons failing to comply with this order will subject themselves to arrest and punishment.

By order of Colonel F. W. Ruttenghaus.

MARK D. FLOWER,
Assistant Adjutant General.

Lord Lyons to Mr. Seward.

WASHINGTON, July 20, 1864.

SIR: With reference to my note of yesterday, I have the honor to enclose for your information a copy of a telegraphic message which I have received from

the administrator of the government of New Brunswick, in answer to a telegram which I despatched to him on receiving your note of the 18th instant, relative to information which had reached you that attempts were being made to organize a force in the neighborhood of St. John to commit depredations on the frontiers of Maine.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD.

Mr. Cole to Lord Lyons.

[Telegram.]

FREDERICKTON, N. B.,

July 19, 1864.

A person calling himself Captain Collins, (not Hollins,) with two others, were arrested while breaking into Calais Bank. Quite certain that no raid is contemplated from this quarter; my attention has been called to subject from reports put in circulation here a day or two since.

J. COLE, *Administrator.*

To LORD LYONS

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 20, 1864.

MY LORD: Recurring to that portion of your note of the 21st of May last which relates to the treatment and imprisonment of the crew of the *Sylvanus*, I have the honor to communicate a copy of a letter of the 17th ultimo, and of its accompaniments upon the subject, from the Secretary of the Navy, in which are stated the reasons for placing the crew of that vessel in irons.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, June 17, 1864.

SIR: Referring to my letter of the 10th instant, I have the honor to enclose herewith a copy of a communication, dated the 11th instant, from Lieutenant Commander F. H. Baker, commanding the United States steamer *Huron*, and a copy of a communication from Commodore C. K. Stribling, commander of the Philadelphia navy yard, dated the 13th instant, stating the necessity which existed for putting the crew of the schooner *Sylvanus* in irons.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Baker to Mr. Welles.

UNITED STATES STEAMER HURON,
Navy Yard, Philadelphia, June 11, 1864.

SIR: I have the honor to acknowledge the receipt of your letter, dated 10th instant, requesting me to inform the department what necessity existed for keeping the officers and crew of the *Sylvanus* in irons while on board the *Huron*.

In reply, I have respectfully to state that the officers of the *Sylvanus* never were, to my knowledge, put in irons. The crew, with one passenger, (six in all,) were by orders put in irons the night of the capture, all being very drunk and some being disrespectful to me. On the next morning they were released, and were not again put in irons until some nights after, when the chief boatswain's mate reported to me that the officers and crew of the *Sylvanus* were keeping together and whispering, and that the watch were apprehensive they might give trouble or attempt to get away. The *Huron* was at that time quite short-handed, and I deemed it wise to put the prisoners in irons. Upon other nights, though not in irons, a sentry was, as a matter of precaution, placed over them; at the same time I gave orders to allow them to go on deck when necessary. As the prisoners were leaving the *Huron* to go north the master of the *Sylvanus* thanked me for my kindness to himself and crew.

I have the honor to be, sir, very respectfully, your obedient servant,

FRANCIS H. BAKER,
Lieutenant Commander.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Forwarded:

C. K. STRIBLING, *Commandant.*

Mr. Stribling to Mr. Welles.

COMMANDANT'S OFFICE, U. S. NAVY YARD,
Philadelphia, June 13, 1864.

SIR: Referring to your letter of the 10th instant, I beg leave to report that in the case of the crew of the British schooner *Sylvanus*, the men were put in single irons to prevent their escape on the passage to Fort Lafayette. Acting Master John West, a reliable and experienced officer, had charge of these men, and he, on his own responsibility, put them in irons, deeming it a necessary precaution against their escape on the passage. The usual practice, so far as I know, is to put prisoners (blockade-runners) in irons if there is any insubordination or disposition to make their escape. Where there are but a few men in charge of one officer the prisoners are usually in a car with passengers, and it requires the utmost vigilance on the part of the officer to prevent their escape, if they wish to do so.

I have the honor to be, very respectfully, your obedient servant,

C. K. STRIBLING, *Commandant.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 20, 1864.

MY LORD: I have had the honor to receive your note of yesterday, and the others to which it refers, on the subject of an order of General Washburn's

requiring military service from aliens at Memphis, upon pain of being arrested and punished.

In reply, I have the honor to inform you that I have called the attention of the Secretary of War to the subject, who will direct a modification of the order so far as to exempt aliens from arrest and punishment. In view, however, of the important military position of Memphis and the grave reasons for distrusting the neutrality of foreigners there, they will be required to leave that place and the military district under the command of General Washburne, and will not be allowed to return until further orders.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 20, 1864.

MY LORD: I have to acknowledge, with many thanks to his excellency the administrator of the government of New Brunswick, and to your lordship, the receipt of your communication of this date in regard to the reputed attempt to organize a force in the neighborhood of St. John, New Brunswick, to commit depredations on the frontier of Maine.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 21, 1864.

MY LORD: With reference to the subject of the detention of persons captured on vessels engaged in violating the blockade, I have the honor to invite your lordship's attention to the accompanying extract from a despatch of the 1st instant, addressed to me by the consul general of the United States at Havana.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Savage to Mr. Seward.

[Extract.]

No. 175.]

UNITED STATES CONSULATE GENERAL,
Havana, July 1, 1864.

SIR: The steamers the Mail, *alias* Susanna, and the Ivanhoe, sailed on last Sunday and Tuesday, respectively. The Alice and the Virgin are about to sail for Mobile. The last three named, I understand, are almost entirely laden for

account of the rebel government. Both the *Ivanhoe* and *Virgin* belong to George Wigg, of Nassau; and four other steamers, belonging to the same person, are expected here soon, to take to Mobile a large quantity (some \$600,000 worth) of war materials, and other supplies, for the rebel authorities. The *Harriet Lane*, *alias* *Lavinia*, it is likely will go to Nassau to take a rebel officer, of whom I will speak in a separate communication.

I have been advised that it is quite possible that the uncaptured steamers hitherto running between Wilmington and Nassau will transfer themselves to this port to run between it and Mobile, for the reason that the worn-out railroads communicating with Wilmington render it extremely difficult to provide them with the requisite supply of cotton, and that the authorities there intend to use the railroads exclusively for military purposes.

Henry Hardy, who had been the chief engineer of the blockade-runner *Austin*, *alias* *Donegal*, returned here on the last trip of the steamer *Eagle* from New York. On the 31st of May I wrote to Mr. Murray, United States marshal, New York, per steamer *Morning Star*, that he was going as a passenger on that vessel. He did go in her. His brother William attempted to ship as chief engineer on the steamer *Mexico*, which I prevented, for the reason that he had been engineer on the *Alice*. He went in that capacity on the *Mail*, a few days ago, to Galveston.

A very considerable number of men engaged in running the blockade are Americans, from the northern States, and do not seem to meet, when captured, with the punishment which their treason deserves. The steamer *Eagle*, on her last trip from New York, brought as passengers a portion of the officers and crew, among them Smith, the master of the steamer *Donegal*, recently captured by the gunboat *Metacomet*, and sent to Philadelphia. Smith is an American, and a northern man, though it is possible that he may have represented himself as being an Englishman. Godfrey, the commander of the notorious *Dembigh*, is also a northern man, born in Brunswick, Maine, where he had interests in several vessels at the breaking out of war. He is a very bitter secessionist, and, should he ever be captured, ought to be held in confinement till the termination of the war.

* * * * *

I have the honor to be, sir, with high respect, your obedient servant,
 THOMAS SAVAGE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 21, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 11th instant, relative to two apprentices of the *Cuzco*, said to be on the *St. Mary's*, and, in reply, to inform your lordship that I have transmitted a copy thereof to the Secretary of the Navy, who has been requested to investigate the case, with a view to the adoption of such proceedings as the result may warrant.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 21, 1864.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me, on the 6th April last, respecting the case of the *Scylla*, a vessel which was decoyed by the United States authorities into American waters, in order that they might seize her as a prize. Her Majesty's government have felt much surprise and sorrow that this treacherous proceeding should not have been immediately repudiated by the government of the United States, and that there should have been any delay whatever in the restoration of the vessel, and they have directed me not to conceal these feelings from you.

In your note you mentioned that it was understood that the *Scylla* had been sent to New Orleans, so that the legality of her voyage and her national character might be judicially ascertained.

It appears, in fact, that the *Scylla* arrived at New Orleans on the 20th April last, but it seems that up to the 7th of the present month no judicial proceedings had taken place. The acting British consul applied, in the early part of the month of May, to Commodore Palmer, the senior naval officer at New Orleans, but was informed by him that he had no intelligence on the subject. The consul next addressed himself to the district attorney, who replied that he knew nothing of the seizure of the *Scylla*, and that she had not been libelled. The acting consul next had recourse to the military authority, but was equally unsuccessful in obtaining any information. Finally, on the 7th July, the district attorney appears to have stated, to a consul employed by the acting consul, that he knew nothing of the *Scylla* beyond the fact that she was at New Orleans, and had (as he understood) been sent there as military booty; and the district attorney appears to have added that, in the want of a formal report to him, he could not act.

I am informed that it appears from the certificate of registry of the *Scylla* that she was built in Prince Edward's island in 1862, and that it appears from an indorsement thereon, dated 13th September, 1863, that her registered owner was Edward Mesnard, merchant of London, county of Middlesex.

Thus the papers of the *Scylla* would seem to show on the face of them that she is a British vessel, owned by a British merchant; and I am bound to regard her as such, unless proof to the contrary is produced. I have accordingly, in pursuance of the instructions of her Majesty government, made known to you their sentiments concerning the mode in which the capture of this vessel was effected; and I have further to ask you to acquaint me, for the information of her Majesty's government, with the intentions of the government of the United States with regard to the disposal of her.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 30, 1864.

SIR: I have the honor to transmit to you a copy of a despatch from the acting British consul at New York, and a copy of a protest, addressed to the collector of customs at that port, by Messrs. Darrell & Nash.

It appears from these papers that Messrs. Darrell & Nash are British merchants, and that they have been refused the clearance of certain merchandise shipped by them to Nassau, in the Bahama islands.

I beg you to call the attention of the proper authority to this matter, in order that relief may be given to these merchants.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Edwards to Lord Lyons.

NEW YORK, July 23, 1864.

MY LORD: I have been solicited to bring to your lordship's notice the case of certain merchandise shipped by Messrs. Darrell & Nash (British merchants doing business here) upon British account, for Nassau, N. P., on board the British schooner *Electric*, which has been refused a clearance by the customs authorities upon the plea that certain goods shipped in May last, by the same firm, were subsequently transshipped to Nassau.

I have the honor to transmit herewith, enclosed for your lordship's information, a copy of a protest which has been served upon the collector of customs, by Messrs. Darrell & Nash, in reference to the case.

I am, &c., &c.,

P. EDWARDS.

LORD LYONS, &c., &c., &c.

PROTEST OF DARRELL AND NASH.

To the COLLECTOR of the port of New York:

SIR: The undersigned are commissioned merchants, established and conducting business at the port of New York. They have lately, at the said port, purchased and shipped on board the schooner *Electric* a cargo of goods and merchandise, the same having been purchased and shipped by order and per account of certain parties residing in Nassau, New Providence, a British port. Manifests of the said cargo have been prepared, and application for the clearance for the same made at the custom-house. The customs officer having the first charge or direction of such clearances, has passed and approved the said manifests, and the articles comprised therein, and has marked the same as proper to be bonded upon export, according to the customs regulations in such cases made and provided. The customs officer having the further charge and direction of such clearances, and the taking and approving such bonds, has, upon application, refused to allow the said goods and merchandise to be bonded, and has refused to grant or complete the clearances of the same. The undersigned, at the time of applying to the said last-mentioned officer for the said clearances, presented and offered good and sufficient bondsmen to execute the bonds required, and to justify in the manner usual in such cases. But the said officer refused to accept or allow the execution and perfecting of such bonds, not from any objection he had to the said bondsmen, or their sufficiency, but on the ground solely that he declined to grant clearance for the said goods and merchandise. The reason stated and assigned by the said officer for his refusal to grant clearance for the same is this, namely, that certain other goods and merchandize shipped by the undersigned in May, 1864, on board another vessel, and consigned to other par-

ties, than the consignees per *Electric*, and conveyed to another port than Nassau, to wit, the port of Turk's Islands, another British port, were, after being landed and delivered at the said Turk's Islands, thence transported and conveyed to the said port of Nassau.

The undersigned, by reason of the refusal of the officers of the customs to grant the clearance applied for as aforesaid of the goods and merchandise now laden on board the said schooner *Electric*, will be unable to forward the same to their destination, and will be obliged to discharge, unload, and receive the same from the said vessel, thereby incurring and suffering great and serious loss, damage, and expense.

The undersigned, upon the above facts, hereby protest against the acts of the customs officers at the port of New York in refusing to grant them clearance of, and for the goods and merchandise shipped as aforesaid on board the said *Electric*. Prepared as they are and have been to comply with all the regulations established and published with reference to such clearances, they claim to be entitled to have and receive the same, and they protest against the refusal of the clearance of the said goods and merchandise upon the grounds stated and assigned, or upon any other grounds. For themselves, as shippers and consignors of said goods and merchandise, as well as for the consignees thereof, and for the owners of the vessel and all parties interested in the said vessel or cargo, the undersigned protest as aforesaid; and they hereby give notice that they will hold you responsible for and endeavor to collect from you or the United States, or any other officer thereof, as they shall be advised, the expenses, loss and damages which the undersigned or the said consignees or owners, or either of them, may suffer or incur by reason of the discharging and receiving the said cargo, or the delay and failure in forwarding and receiving the said goods and merchandise, or that may be in other way occasioned by the refusal to grant and have the clearance or clearances as aforesaid.

Dated New York, *July 23*, 1864.

DARRELL & NASH.

Lord Lyons to Mr. Seward.

WASHINGTON, *July 30*, 1864.

SIR: I have the honor to submit to you a copy of a letter which has been addressed to me by Messrs. McDonald Brothers and Company, who state that they are British subjects, of the city of Montreal, in Canada, and represent that they have made large purchases of cotton under the treasury regulations, and that they apprehend that they shall be great losers if the recent act of Congress be so construed as to operate as a repeal of the permits granted to them. They pray that the government of the United States will issue to them such documents as will enable them to bring their purchases to market.

I beg you to recommend the case to the favorable consideration of the proper authority, and to inform me of the view taken of it by the government of the United States.

Messrs. McDonald Brothers also represent that their business will render it important for them to visit Memphis, in Tennessee, from time to time, and that they fear that the recent order issued by the military authority at Memphis will interfere with their doing so. I should be very glad to be enabled by you to assure them that there are no grounds for this fear.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

McDonald Brothers to Lord Lyons.

NEW YORK, July 28, 1864.

MAY IT PLEASE YOUR LORDSHIP: We, the undersigned, of the city of Montreal, Canada, British subjects, take the liberty of drawing your lordship's attention to the enclosed General Order, No. 18, issued by Major General C. C. Washburn, for the district of West Tennessee.

In March last, and subsequently, we obtained from the United States custom-house, under the Treasury regulations respecting trade with the insurrectionary parts of the country, permits to buy there and ship from those parts some 4,000 bales of cotton, and in pursuance of said authority sold somewhat over two hundred and twenty thousand dollars (\$220,000) gold, and invested the proceeds, some three hundred and forty-five thousand dollars (\$345,000) United States currency, in part payment of said cotton, and are liable for further large sums to be paid. These purchases were made in the neighborhood of the Mississippi river, but owing to the obstacles thrown in the way of the navigation of that river by the forces of the insurgents we were afraid to attempt the removal of the cotton. While waiting for this temporary difficulty to pass away, we have learned that a new law has been enacted by Congress that does away with all previous legislation on this point. This repeal of our permits for the payment of the excise under which we have given to the United States Treasury *bonds and sureties* for the sum of \$120,000, and having invested so much money as hereinbefore mentioned upon the faith of these permits, places us in a very embarrassing position. Besides, in regard to this matter, we had considered as certain and reliable the open declaration of his excellency the honorable William H. Seward, that the Mississippi river from its source to the tide-waters of the Atlantic was open to the commerce of the world, of course under Treasury regulations. This declaration was made after the fall of Vicksburg.

It is very unpleasant to have to ask your lordship to trouble the United States authorities upon a private matter of this kind; but we are in a serious dilemma. The amount is considerable, and further large obligations have been incurred that have to be met, and yet we are now debarred from the privileges of getting our cotton to market under previous permits.

We cannot think that the United States authorities contemplated an abrogation of rights under documents they had already granted, and trust that upon the representation of your lordship they will issue to us such documents as will permit these purchases to be brought to market.

A number of persons, citizens of the United States, and otherwise as the case may be, will become entirely bankrupt by this cancellation of permits, because the United States Treasury Department being expected under the new law to become the only dealer in cotton upon the Mississippi river, the insurgents have, as we learn by recent intelligence, recommenced their system of burning cotton to prevent the United States Treasury agents from obtaining it by purchase from the owners. This practice has not as yet been recommenced in the neighborhood of where ours is situated, but it is difficult to say at what moment the torch may be applied to it.

In view of this danger, and the fact that after the swamps fill with water in the autumn transportation will be impracticable, we ask your lordship to use your influence for us at the earliest moment.

With reference to the order of General Washburn, not being residents of Memphis, it might not seem to touch our case; but we fear that no one, foreigner or otherwise, will now be permitted to go into the city or depart from it without mustering into service.

The frequent necessity for travelling upon the river, in connexion with the above business, will compel us often to visit Memphis.

If the Secretary of War should instruct General Washburn that that order should at most only apply to such foreigners as are permanent residents of Memphis it would meet our case.

We have, &c., &c.,

MCDONALD BROTHERS & CO.

LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 30, 1864.

MY LORD: Recurring to your note of the 27th ultimo, in regard to the losses entailed upon manufacturers in Canada by the prohibition of the exportation of anthracite coal from the United States, I have the honor to enclose, for your lordship's information, a copy of an Executive order of this date, modifying the previous one to such an extent as will, if the conditions thereof are fulfilled on the part of the authorities of her Majesty's province, remedy the evil complained of.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

EXECUTIVE MANSION,
Washington, July 30, 1864.

The Executive order of the 14th of April, 1862, prohibiting the exportation of anthracite coal, is hereby modified so far as to permit such exportation to Canada except by sea. This modification will remain in force so long only as the Canadian government shall prevent the exportation or use of the article in sea-going vessels.

ABRAHAM LINCOLN.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 3, 1864.

MY LORD: I have received from the War Department an answer to the letter of this department, which was accompanied by a copy of your note of the 29th of June last, on the subject of an oath exacted from foreigners at New Orleans. Upon due consideration, the opinion of this department is, that the oath is a measure of necessary precaution for the public safety in a time of civil war, and in a city which is necessarily garrisoned as New Orleans is, and that the oath is warranted by public law. As it will be impartially administered to all foreigners, it is considered that no government can justly complain of its exaction from its subjects, to whom, if it should be unacceptable, due time will be allowed to depart beyond the limits of the United States.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 4, 1864.

SIR: Her Majesty's government have considered the notes respecting the restrictions upon trade between New York and British colonies which you did me the honor to address to me on the 17th March, 18th April, 4th June, 8th June, and 11th June last.

Her Majesty's government desire, in the first place, to observe, with regard to your note of the 18th March, that it is manifestly no answer to the objections of a neutral and friendly power that treaty obligations have been violated by the state which was the other party to the treaty, to allege that a municipal law of that state has rendered this violation necessary. No municipal law can justify a departure from the obligations of a treaty so far as the other party to that treaty is concerned.

Nor can it be urged, in answer to the objections of her Majesty's government to the exaction from British subjects of bonds on shipments of goods to British colonies, that the same bonds would be exacted from American citizens trading to any ports foreign or domestic from which supplies could be sent to the enemy of the United States. All citizens of the United States are, of course, by virtue of their allegiance, subject in all parts of the world, whether foreign or domestic, and in all their dealings of whatever nature, to the legislation of their own country. But the subjects of Great Britain trading with the United States owe no obedience to the legislation of the United States, except while they happen to be within the limits of United States territory. The attempt by legislation in the United States to make the freedom of trade between British subjects and the United States dependent upon conditions applicable not to their dealings or conduct while within United States territory, but to their dealings and conduct in their own country, or in other countries and places to which the jurisdiction of the United States does not extend, is, as her Majesty's government have constantly affirmed, a departure from treaty engagements and an encroachment upon the rightful sovereignty of the Queen of Great Britain.

The extension of this novel system of restrictive bonds to Jamaica is regarded by her Majesty's government as a consequence of the unjust and untenable principle upon which the system is founded, and as constituting an additional practical grievance.

The letter of the collector of customs at New York, of which a copy was communicated to me with your note of the 11th of June, and of which the United States Secretary of the Treasury expressed his approval, seems to her Majesty's government to place beyond all doubt the justice of the opinion which they have before expressed, that this system of exacting bonds is resorted to as a means of giving efficacy to a blockade which is of itself inadequate.

The reason expressly assigned by the collector for this exaction is that what he calls "an illegal traffic" in articles of food, &c., is carried on between the principal ports of Nova Scotia, New Brunswick, and the West Indies, and ports and places under the control of persons in rebellion against the authority of the United States, and that "it is believed that such illegal trade would be carried on to a large amount" if these bonds were not exacted.

Her Majesty's government have instructed me to remark to you, that if the blockade of the southern coasts cannot be rendered efficient by the naval power of the United States without recourse to these irregular and unprecedented methods of harassing and intercepting within the United States the ordinary trade of neutral powers, those powers might well be justified on their part in treating this as a virtual admission that the blockade is not adequately or legally

maintained, and in declining under such circumstances any longer to recognize its legality.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 4, 1864.

SIR: The attention of her Majesty's government has been drawn to the motion which was made in Congress during the recent session, with a view to putting an end to the arrangement between Great Britain and the United States limiting the naval force to be maintained upon the American lakes.

This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and, which is of infinitely more importance, it has warded off occasions of disagreement and quarrel. Her Majesty's government would view the abrogation of it with great regret and no little alarm.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 5, 1864.

SIR: I duly received the note which you did me the honor to address me on the 8th of last month, respecting the case of the Labuan, and I did not fail to forward a copy of it to her Majesty's government.

In a despatch written on the 9th of last month, and therefore, of course, some time before the copy of your note could have reached London, her Majesty's principal secretary of state for foreign affairs has directed me to remind you of the assurance you authorized me some months ago to convey to him, that you bore the case of the Labuan constantly in mind, with the desire and intention of bringing it to a satisfactory conclusion before the close of the session of Congress, and her Majesty's secretary of state has instructed me to inquire, under special orders from her Majesty's government, what progress has been made towards a settlement of it.

I shall be much obliged by any further information which you may enable me to transmit to her Majesty's government in answer to this inquiry.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 5, 1864.

MY LORD: Referring to your note of the 11th of last month, relative to the appeal in the case of the steamer Pearl, I have the honor to inform your lordship,

in reply, that the Attorney General will examine the facts, with a view to enable me to decide upon the propriety of dismissing the appeal, as soon as he shall have received the proper record.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

[Extract.]

DEPARTMENT OF STATE,
Washington, August 5, 1864.

MY LORD :

* * * * *

It further appears that hereafter, when application shall be made for the discharge of an alleged subject of a foreign power, the man whose discharge is applied for will be retained at the draft rendezvous, or, if in active service, sent to said rendezvous until an investigation can be made in his case.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE.
Washington, August 5, 1864.

MY LORD : I have the honor to acknowledge the receipt of your communication of the 30th ultimo, relative to the refusal of a clearance to Messrs. Darrell & Nash on merchandise shipped by them to Nassau, and, in reply, to inform your lordship that I have transmitted a copy thereof to the Secretary of the Treasury, who has been requested to investigate the case, with a view to the adoption of such proceedings as the result may warrant.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 6, 1864.

MY LORD : Referring to your communication of the 11th ultimo, respecting two boys who, having deserted from the British bark Cuzco, at Valparaiso, were alleged to have been taken on board the United States ship St. Mary's, I have the

honor to acquaint your lordship that the Secretary of the Navy, to whom the matter was referred, informed this department, in a letter of the 30th ultimo, that Rear-Admiral Charles H. Bell had been instructed to cause an investigation to be made.

I have the honor to be, with high consideration, sir, your obedient servant,
 WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
 Washington, July 30, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, enclosing a copy of a note addressed to you on the 11th instant, by Lord Lyons, in reference to two apprentice boys belonging to the British ship *Cuzco*, who, it is said, deserted from that vessel at Valparaiso, and were received on board the United States ship *St. Mary's*. Acting Rear-Admiral Charles H. Bell has been directed to investigate the matter.

Very respectfully, &c., &c.

GIDEON WELLES,
 Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
 Secretary of State, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 6, 1864.

SIR: I have the honor to transmit to you herewith a copy of a despatch which I have received from her Majesty's acting consul at New York respecting permission to visit British subjects in Fort Lafayette.

I beg you to recommend the subject to the consideration of the proper authorities, and I would suggest that, if there be no objection to that course, such instructions should be given as would enable the consul or acting consul at New York, or a person in the employment of the consulate deputed by them, to visit British subjects at Fort Lafayette, without the necessity for applying for a special permission each time.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Edwards to Lord Lyons.

BRITISH CONSULATE,
 New York, August 3, 1864.

MY LORD: Having applied to General Dix for permission to visit British subjects at Fort Lafayette, I have been informed by him that he has at pres-

ent no power to grant such permission, which can only be obtained from the commissary general of prisoners at Washington.

I have the honor to request that your lordship will be so good as to apply to the proper quarter for the required permission, and, should your lordship see no objection thereto, have the honor to suggest that leave be granted me to visit the fort without restriction as to time, or, in the event of being unable to go myself, to send a clerk in my stead, as with the present business of the consulate it is almost impossible for me to definitely fix the day upon which I shall be able to avail myself of such permission.

I have,

P. EDWARDS, *Acting Consul.*

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 8, 1864.

SIR: I have the honor to acknowledge the receipt of the note, dated the 3d instant, in which, with reference to the oath exacted by the military authorities at New Orleans, you state that as this oath will be impartially administered to all foreigners, it is considered that no government can justly complain of its exactions from its subjects, to whom, if it should be unacceptable, due time will be allowed to depart beyond the limits of the United States.

If you will do me the honor to refer to the letter addressed to Major General Banks, by the acting British consul at New Orleans, on the 30th of May last, of which I transmitted a copy to you, and on which my representation respecting the oath was based, you will find that one of the principal objections stated is that the oath is exacted from foreigners as a condition of their being allowed to leave the country; in fact, that foreigners, including even seamen arriving and departing in the same vessel, are obliged, in order to obtain permission to quit New Orleans, to take an oath imposing upon them obligations following them beyond the jurisdiction of the United States.

I transcribe the following passages from the letter to which I have referred:

“After a British vessel has been cleared for sea, it is required that the crew, whether the same that arrived with the vessel or those shipped here, shall subscribe the neutral oath (that is, if they are aliens) before the vessel is allowed to depart this port. British subjects, properly registered as such, are also required to subscribe the oath when obtaining a pass to leave this department for the north or for a foreign country.”

I presume that, in conformity with the assurance given in your note that to foreigners to whom the oath is unacceptable due time will be allowed to depart beyond the limits of the United States, orders have been sent or will be sent immediately to the military authorities at New Orleans no longer to exact the oath from foreigners before allowing them to leave the country.

Still it seems to me that it may well be doubted whether it is proper to exact from foreigners, under any circumstances, an oath so large in its scope and unlimited as to time and place as this, which requires them to swear that so long as their government remains at peace with the United States they will do no act, nor aid, advise, or consent that any be done, nor conceal any act done or to be done that shall aid, assist, or comfort any of the enemies or opposers of the United States, or the authority or government thereof.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

[Extracts.]

WASHINGTON, August 8, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant.

* * * * *

I take note with satisfaction of the assurance given by you, sir, and by the Secretary of War, that hereafter, when application shall be made for the discharge of an alleged subject of a foreign power, the man whose discharge is applied for will be retained at the draft rendezvous, or, if in active service, sent to said rendezvous until an investigation can be made in his case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, respecting the application on behalf of Messrs. McDonald Brothers and Company, of Montreal, Canada, who, having made large purchases of cotton under the Treasury regulations, are desirous that this government will issue such documents as will enable them to prosecute their business, and who, also having frequent occasion to visit Memphis in connexion with this business, fear that under the recent order relative to foreigners which was issued by the general commanding the district in which Memphis is situated they will not be permitted to do so. In reply, I have the honor to inform your lordship that I have referred the matter to the proper departments, whose decisions, when received, will at once be communicated to you.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 8, 1864.

MY LORD: I have the honor to acknowledge the receipt of the note which your lordship addressed to me on the 4th instant, concerning certain restrictions upon trade between the port of New York and British colonies.

I learn from that note, with profound regret, that her Majesty's government do not feel themselves at liberty to accede to the views which have been heretofore expressed by this department concerning these restrictions. I have, therefore, given a very candid consideration to the arguments which your lordship has now submitted in support of the position which her Majesty's government maintains on the subject in question.

Having heretofore fully submitted the views of this government, I have not

now any new or original arguments to offer upon the subject. I confess, however, that I am equally unable to perceive that the position of her Majesty's government is materially fortified by the considerations which your lordship has now submitted.

I have been very unfortunate if I have not heretofore succeeded in making it understood that it is claimed by this government that when a nation is actually at war it has the right to prevent the exportation of materials of war, the exportation of which would endanger the public safety. I have heretofore observed that this abstract right of prevention is affirmed by all authorities on international law, and sanctioned by the practice of all nations, including Great Britain. Our usual form of the exercise of this right is that of prohibition against exports. Her Majesty's government have, during the present civil war in the United States, enforced the right in question by prohibition, not on the ground that Great Britain was actually engaged in war, but on the ground that she apprehended the breaking out of war. The greater includes the less—*restriction* may, therefore, be adopted in lieu of *prohibition*. And in the present case, the United States have adopted the form of restriction to prevent the exportation of material that would be used by their enemies. It is admitted that the remedy is less effective than is desirable. But this is a misfortune to the United States, and is not a wrong of which neutrals can complain. All that they can require is that the remedy be adopted in good faith, and be made to bear impartially upon all neutrals alike.

Nor am I able to concede that our blockade of the insurgent ports is to be deemed ineffectual, because, while maintaining the blockade, we find it expedient also to employ the remedy of commercial restriction upon exports. Blockade is one of many belligerent operations, all of which may be lawfully practiced at the same time.

Whether the blockade is effectual or not is a question which can be decided most satisfactorily by an examination of its results. The principal trade of the insurgents is in cotton. The blockade has raised the value of cotton imported into England seven-fold, although new fields of supply have been opened in all the tropical climates. The United States blockade is probably the first one which has been attempted in any considerable scale since steam became the chief agent of maritime commerce. It has been so effectual as to disappoint universal predictions of its failure. I think I hazard little in expressing the belief that no maritime power can ever hereafter maintain so effectual a blockade as ours against steam mercantile navigation. I think, therefore, with great deference, that either our blockade must be acknowledged to be sufficient, or it must be held that no lawful blockade can be maintained against contraband traders who enjoy the advantage of steam navigation.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 8, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 21st ultimo, respecting the case of the *Scylla*. The inquiries of her Majesty's government in regard to that case are understood to have been made exclusively upon the complaint of C. W. Adams, the party who was in possession of and

was using the *Scylla* when she was captured. Her Majesty's government is understood to have assumed that Adams was a neutral subject, and the *Scylla* a British vessel on neutral account. After the representation was made by your lordship, Adams himself appeared here petitioning this government to concede for his own benefit the claim which he had so induced her Majesty's government to make in his behalf. He brought all the political and personal American influence he could command to bear in his favor, as the real and only party interested in the claim. He admits that he is no British subject, and he is proved to be a disloyal American citizen, who, to attain fraudulently the advantage of a neutral character, had pretended to cast off his allegiance and become a citizen of one of the Hanse Towns. In this false character he was trading with the insurgents, of whom he was actually one. The ground upon which the British government is expected to patronize the claim is, that Adams represents to your lordship and to me that he had, long before the transaction, chartered the vessel of a British owner, named Edward Mesnard, and that the register of the vessel bears the name of that owner, who is said to be a British subject. No proof of such character or such register has been produced, and if they exist, they are believed by this government to be mainly fraudulent. It is certain that neither that alleged owner or charterer, or any other British subject, appeared before either your government or mine to raise any claim of any nature whatever to the vessel or her cargo, or to make any complaint concerning her capture, or any other proceeding of this government in regard to her. As the case now stands, it furnishes the anomaly of this government being asked by her Majesty's government for explanations of its dealings with the person and property of one of its own citizens in regard to transactions in which neither the British government nor any British subject has any interest; while this disloyal American citizen appears in person at this department, and urges that the suit of her Majesty's government be granted for his own exclusive benefit and advantage. When I add that the *Scylla* was seized upon the ground that she was engaged by the American owner in aiding insurgents against the government, I have completed what seems to me a full description of this extraordinary claim. I hardly need say that I am open to conviction if I have misunderstood the facts in the case.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 9, 1864.

MY LORD: I have the honor to enclose a copy of a communication of the 8th instant, from the War Department, in regard to reported hostile projects of insurgent citizens of the United States lurking in Canada.

I will thank your lordship to communicate this information to his excellency the governor general of Canada, with a view of an inquiry into the matter, and to the adoption of precautionary measures, if such may seem to be called for.

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c. &c., &c.

Gen. Townsend to Mr. Seward.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, August 8, 1864.

SIR: I am instructed by the Secretary of War to transmit to you the enclosed copies of two letters from Lieutenant Colonel B. H. Hill, United States army, in relation to certain rumors of rebel plots against the United States said to be on foot in Canada.

I have the honor to be, sir, with great respect, your most obedient servant,
E. D. TOWNSEND,
Assistant Adjutant General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lieut. Col. Hill to Mr. Potter.

HEADQUARTERS DISTRICT OF MICHIGAN,
Detroit, July 29, 1864.

SIR: I have the honor to report that I have on two occasions been approached by persons living in Canada with propositions to divulge something of great importance to the government for the sum of \$5,000. They promised to put me in possession of papers, &c. I replied, on both occasions, that the information they desired to communicate might already be in the possession of the government; that I could make no stipulation to pay such a sum, but if they were really in possession of information valuable, they could communicate it and rely upon the government to pay what it was worth. This was declined in both cases. The person who made the last proposition I am still in communication with. He represents that he is an English subject, in a banking-house in Windsor, that he has joined the scheme or plot, and can give me full information; but that he will only do so on condition of being paid the sum above mentioned, as he would have to leave Canada, considering his life in danger if he remained there.

I have thought it proper to communicate this matter, as the major general commanding or the government may be in possession of information which may give some clue as to whether or not the disclosure proposed to be made is of any real importance.

I am, sir, very respectfully, your obedient servant,

B. H. HILL,
*Lieutenant Colonel United States Army,
Commanding District of Michigan.*

Captain CARROLL H. POTTER,
Ass't Adj't Gen., Headquarters Northern Department.

ADJUTANT GENERAL'S OFFICE,
Washington, August 8, 1864.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

Lieut. Col. Hill to Mr. Potter.

MILITARY COMMANDER'S OFFICE,
Detroit, Michigan, July 30, 1864.

CAPTAIN: Since my letter to you of yesterday's date, information has been communicated to me that points to an attempt by rebel refugees in Canada at the destruction of our cities on the lake.

This coincides more with the impression I formed in the interviews referred to with the persons who were desirous of selling information. There is now frequent communication between the refugees in Windsor and Messrs. Sanders & Co., at Niagara Falls, and a telegraphic despatch was yesterday received, at Windsor, from Sanders, summoning three of the most prominent of the refugees to Niagara.

There are floating rumors that they are in possession of some machines to be mounted on vessels, &c.

I communicate this because you may be in possession of information to which this may offer some clue.

I am, very respectfully, your obedient servant,

B. H. HILL,
*Lieutenant Colonel 5th United States Artillery,
Military Commander District of Michigan.*

Captain C. H. POTTER,
Assistant Adjutant General, Columbus, Ohio.

ADJUTANT GENERAL'S OFFICE,
Washington, August 8, 1864.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

Lord Lyons to Mr. Seward.

WASHINGTON, *August 9, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of this day's date, requesting me to communicate to the governor general of Canada information which has reached this government concerning projects of enemies of the United States now in Canadian territory. I have, without loss of time, transmitted copies of your note and its enclosures to the governor general.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *August 11, 1864.*

SIR: With reference to your notes of the 18th and 20th of last month, and to my notes of the 19th and 20th of the same month, I have the honor to transmit to you copies of two despatches from the administrator of the government of New Brunswick with regard to the rumors that a force was being

organized in that province by enemies of the United States for the purpose of committing depredations on the Maine frontier.

You will perceive that there appears to have been little foundation for this rumor, and that the administrator suggests that the consul of the United States in New Brunswick might be instructed in future to give the provincial authorities any information of which he may become possessed which may lead him to apprehend attempts on the part of the enemies of the United States to violate the neutrality of her Majesty's territory.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Cole to Lord Lyons.

FREDERICTON, N. B., August 1, 1864.

MY LORD: The despatch which I had the honor of addressing to your lordship on the 20th of July will have, in some measure, anticipated the inquiries contained in your lordship's despatch of the 19th July which, I may mention, was not received by me till the 28th ultimo.

I beg now to state that, so far as I have been able to ascertain, the projected robbery of the Calais Bank must have given rise to the reports made by the United States consul at St. John to his government. Mr. Howard has not, up to this time, made any communication whatever to the government of New Brunswick respecting the evidence or information on which he based the very serious report, the substance of which is quoted in Mr. Secretary Seward's letter to your lordship.

I have received from the chief of police at St. John some account of the prisoners who were arrested during the attempted robbery of the Calais Bank, and of their movements during their stay in the province. I send your lordship some extracts from this document, in order that it may be in your lordship's power, should you think fit to do so, to assure Mr. Seward that the movements of persons of that description do not escape the surveillance of the local authorities.

As your lordship is under the impression that the United States consul would have communicated with this government on the matter in question, I trust your lordship will take an opportunity of assuring Mr. Seward that should instructions be given to that officer to communicate to the local authorities any information of which he may become possessed, similar to that which he reported to Mr. Seward, the government of this province will cheerfully adopt all the measures in its power to prevent the occurrence of acts which may have any tendency to violate the neutrality of her Majesty's dominions, or to interfere with the cordial good feeling now happily existing between those living on the frontiers of the two countries.

I have, &c., &c., &c.,

LORD LYONS, &c., &c., &c.

J. COLE.

Mr. Cole to Lord Lyons.

FREDERICTON, July 20, 1864.

MY LORD: With reference to your lordship's telegram, under date of the 19th instant, and my reply, sent off the same evening, I have the honor to

mention, that, as far as I have been enabled to ascertain, the intended robbery of the Calais Bank by Major Hollins, *alias* Collins, and two other persons, who were arrested in the attempt, (owing to the bank people being put on the alert by communication from St. John,) constitutes the main foundation for reports of projected depredations.

Should the United States government be in possession of any information leading to inference that any more wide-spread plan be on foot, this government will cheerfully lend itself to such preventive measures as may be deemed advisable.

I would further submit for your lordship's consideration whether it might not be of advantage that the government at Washington instruct their representative in this province that, in case of urgency, he might apprise this government of the reasons for any apprehension he may be led to entertain.

I have, &c., &c.,

J. COLE.

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 11, 1864.

SIR: With reference to my note of the 30th ultimo, and to your answer of the 8th instant, I have the honor to lay before you a copy of a letter which I have just received from Mr. A. R. McDonald, who earnestly requests that passes may be granted without delay to himself and his brother to enable them to travel in the West Tennessee department to endeavor to save from destruction the large quantity of cotton belonging to them.

It appears that a considerable portion of cotton which they had purchased has been burned by the enemies of the United States, and it is represented that it is very urgent that they should be enabled to go as soon as possible to take measures for preserving the remainder.

Such being the case, I venture to ask that their request for passes may be taken into immediate consideration.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. MacDonald to Lord Lyons.

WASHINGTON, August 10, 1864.

MY LORD: I am thankful for your lordship's kind consideration and prompt answer to the letter of our firm of the 28th ultimo.

Since that date we have received intelligence from the Mississippi river that cotton of ours, to the probable value of \$50,000, has been destroyed by the scouts of the enemy.

By the military regulations of the West Tennessee department aliens are forbidden to take up residence within that department unless they muster into service. How far that forbids passage through that department for transitory purposes by persons who have no intention of acquiring a domicile there I have no means of judging, but while a doubt exists as to the wishes of the military on this point, it would not be respectful to those authorities to hazard a passage through their lines without express permission. We are, therefore, debarred

from access to those places where our property is situated, and disabled from taking such measures as we might find upon the spot to be available for its safety.

Although aware that private interests are necessarily subordinate to the public service, especially where the latter is of the vast consequence of the present public issues, nevertheless I feel urged by the embarrassing position in relation to this matter in which we find ourselves to respectfully ask your lordship's kind assistance to procure for my brother and myself permission for transit through the West Tennessee department, so that we may be able to give some personal attention to the saving, if possible, of the rest of our property in that neighborhood; and as even a few days may be of very great importance to us, perhaps the authorities would be kind enough to give us every possible despatch.

As an argument in favor of the reasonableness of our request, it may be stated that a regular mail and passenger line of steamers passes from New Orleans to St. Louis, Cincinnati, &c., and that, as passengers travel from these extreme points through the West Tennessee department, it is a small latitude to permit them to call at intermediate points for transient purposes. The reason why aliens, who are non-combatants, are excluded is, that, while their residence enlarges the duties of the military, the non-combatant resident contributes nothing to the defence of his home; but as the transitory passenger does not throw additional burdens upon the military, I trust that the government will not exclude him from as much hospitality as it finds to be compatible with public measures.

Hoping that the urgency of our position, which has induced this visit to this city, will excuse us for the trouble we are giving your lordship,

I am, &c.,

A. R. MACDONALD.

LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 11, 1864.

MY LORD: With reference to your note of the 11th of May last, relative to the capture at Brockhaven, Mississippi, on the 20th of July, 1863, of an insurgent mail, containing despatches for your lordship which, it is alleged, were destroyed by the United States troops, I have the honor to enclose, for your information, a copy of a communication of the 30th ultimo upon the subject from Major General Canby.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, &c., &c., &c.

Gen. Canby to Mr. Seward.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,

New Orleans, La., July 30, 1864.

SIR: Referring to my communication of the 25th ultimo, enclosing copy of General Orders, No. 10, from these headquarters, relating to captured diplomatic correspondence, I have the honor to invite your attention to the enclosed

copies of statements relating to the matter of complaint of the British minister, alleging destruction of correspondence captured at Brockhaven, Mississippi, in July of last year.

I have the honor to be, very respectfully, your obedient servant,
 E. R. S. CANBY,
Major General Commanding.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

—
Capt. Bostwick to Capt. Rodgers.

OFFICE ASSISTANT INSPECTOR GENERAL,
District of Vicksburg, July 9, 1864.

COLONEL: I have the honor to return the enclosed communication from Secretary Seward and Lord Lyons, and submit the following report of my investigation :

There have never been any troops from this district sent to Brockhaven since the occupation of this portion of Mississippi by our forces.

In April, 1863, General Grierson made a raid from La Grange, Tennessee, to Baton Rouge, Louisiana, passing through Brockhaven, on or about the 28th of April. His command consisted of the 6th and 7th Illinois cavalry and a detachment of the 9th Illinois cavalry.

Some time in July, 1863, an expedition was sent from Baton Rouge to Brockhaven, but what troops composed the command I have not been able to ascertain.

The 2d and 3d Illinois cavalry were stationed at Baton Rouge at that time, and in the 2d Illinois cavalry there was a Lieutenant Colonel Fullerton. I think it is quite probable that he commanded the expedition, and is the officer referred to in Lord Lyons's communication.

By applying to him the matter can, no doubt, be satisfactorily explained.

I am, colonel, very respectfully, your obedient servant,
 S. BOSTWICK,

Capt. and Act'g Ass't Inspector Gen., District of Vicksburg.

Lieutenant Colonel H. C. RODGERS,
Assistant Adjutant General.

HEADQUARTERS MILITARY DIS'T WEST MISSISSIPPI,
July 29, 1864.

A true copy :

B. F. MOREY,
Captain and Acting Assistant Adjutant General.

—
Col. Bush to Mr. Christensen.

HEADQUARTERS 2D ILLINOIS CAVALRY,
Baton Rouge, La., July 22, 1864.

SIR: I have the honor to report, in regard to the despatches to Lord Lyons said to have been destroyed at Brockhaven in July, 1863, that Captain Bostwick, assistant inspector general, district of Vicksburg, makes several errors in regard to the 2d Illinois cavalry: First, the regiment was never at Baton Rouge until April, 1864; hence it did not go on a raid from this place in 1863. Second, the regiment never had a lieutenant colonel by the name of Fullerton, but did have a major by that name, who resigned in November last, and now lives in Havana, Mason county, Illinois. Major Fullerton commanded an ex-

pedition to Brockhaven in July, 1863; a mail was captured at the latter place. All the information I have been able to obtain in regard to it is contained in the accompanying report of Lieutenant B. T. Garrett, company K, 2d Illinois cavalry.

I remain, very truly, your obedient servant,

D. B. BUSH, JR.,
Colonel 2d Illinois Cavalry.

C. T. CHRISTENSEN,
Major and Assistant Adjutant General.

HEADQUARTERS MILITARY DIS'T WEST MISSISSIPPI,
July 29, 1864.

A true copy :

B. F. MOREY,
Captain and Acting Assistant Adjutant General.

Lieutenant Colonel Garrett to Mr. Bush.

BATON ROUGE, *Louisiana, July 26, 1864.*

SIR: By your orders I make the following report: That on or about July 13, 1863, the cavalry brigade under command of Major Hugh Fullerton, 2d Illinois cavalry, entered Brockhaven, Mississippi, took possession of the place, and, among other things, captured a large Confederate States mail, which I was ordered by Major Fullerton to examine and see if any knowledge of importance could be gained therefrom. I further state that I partially examined said mail, but for want of time a thorough examination could not be made. I further state that I found no despatches in said mail from Lord Lyons, or any *foreign despatches or papers* of any kind whatever; that I destroyed no part of said mail, but simply examined the same, or a part thereof; that if said mail, or any part thereof, was destroyed, it was done by irresponsible and unauthorized parties.

Very respectfully, your obedient servant,

B. T. GARRETT,
Lieutenant Colonel 2d Illinois Cavalry.

Colonel D. B. BUSH,
2d Illinois Cavalry.

HEADQUARTERS MILITARY DIS'T WEST MISSISSIPPI,
July 29, 1864.

A true copy :

B. F. MOREY,
Captain and Acting Assistant Adjutant General.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 12, 1864.

MY LORD: Referring to your communication of the 30th ultimo, in regard to large purchases of cotton said to have been made under Treasury regulations by the Messrs. McDonald Brothers & Co., of Montreal, so far as it relates to the effect of the recent act of Congress upon such purchases, I have the honor to enclose,

in reply, a copy of a letter from George Harrington, esq., the Acting Secretary of the Treasury, and four printed copies of the rules and regulations to which it refers.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Harrington to Mr. Seward.

TREASURY DEPARTMENT,

August 11, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, transmitting copy of a communication from Lord Lyons, and enclosure, relative to certain cotton alleged to have been purchased by Messrs. McDonald Brothers & Co., of Montreal, under treasury permits.

The regulations of this department of the 29th July concerning commercial intercourse (copies of which are enclosed herewith) provide for the transportation to the market of products purchased in good faith under proper authorities, and paid for prior to the date thereof, in the same manner and subject to the same conditions as products raised by the labor of freedmen, (see pages 30, and 24-5.)

No information is furnished in regard to the location of the cotton in question; but if it is within the lines of military occupation by the national forces, it is believed the provisions above cited will remove all ground of complaint so far as this department is concerned.

The order of General Washburn referred to, and the action in regard to it, desired by Messrs. McDonald Brothers & Co., are matters exclusively within the jurisdiction of the War Department.

With great respect,

GEO. HARRINGTON.

Acting Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, August 3, 1864.

SIR: I had great satisfaction in communicating to the governor general of Canada the order permitting the exportation of anthracite coal to that province, of which you did me the honor to send a copy to me with your note of the 30th ultimo.

I beg leave to transmit to you a copy of a proclamation prohibiting the exportation from Canada of anthracite coal in any manner or way whatever.

It is at the same time my pleasing duty to request the government of the United States to accept the best thanks of the governor general for its compliance with the application which I made to it by his excellency's desire for a modification of the prohibition to export coal of this description from the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Proclamation.

PROVINCE OF CANADA.

MONCK.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, defender of the faith &c., &c., &c.

To all to whom these presents shall come, or whom the same may concern, greeting :

J. A. McDonald, Whereas it is in and by an act of the Parliament of our said
Att'y General. province of Canada, made and passed in the twenty-seventh
year of our reign, entitled "An act to amend the act respecting duties of customs,
and the collection thereof," amongst other things, in effect enacted that our gov-
ernor in council may, by proclamation, or order in council, at any time, and from time
to time, prohibit the exportation of the following goods: arms, ammunition and
gunpowder, military and naval stores, and any articles which our governor in
council shall judge capable of being converted into or made useful in increas-
ing the quantity of military or naval stores; and whereas our governor in
council has judged that anthracite coal may be converted into or made useful
in increasing the quantity of military or naval stores, and has deemed it exped-
ient that the exportation thereof from our province of Canada be prohibited:
Now, therefore, know ye that we do, by and with the advice of our executive
council, and by this our royal proclamation, *prohibit the exportation from our
province of Canada of anthracite coal* in any manner or way whatever; of all
which our loving subjects are to take notice, and govern themselves accordingly.

In testimony whereof, we have caused our letters to be made patent, and the
great seal of our said province of Canada to be hereunto affixed. Witness our
right trusty and well-beloved cousin, the right honorable Charles Stanley, Vis-
count Monck; Baron Monck, of Ballytrammon, in the county of Wexford, gov-
ernor general of British North America, and captain general and governor-in-chief
in and over our provinces of Canada, Nova Scotia, New Brunswick, and the
island of Prince Edward, and vice-admiral of the same, &c., &c., &c., at our
government house, in our city of Quebec, in our said province of Canada, this
sixth day of August, in the year of our Lord one thousand eight hundred and
sixty-four, and in the twenty-eighth year of our reign.

By command :

WILLIAM McDOUGALL,
Secretary.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 15, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the
5th instant, in which, referring to my note of the 8th ultimo in regard to the
case of the *Labuan*, under instructions from her Majesty's secretary of state, writ-
ten before the reception by her Majesty's government of a copy of my note
above mentioned, your lordship inquires what progress has been made towards
the settlement of that case.

In reply, I have the honor to inform your lordship that since the date of my
last note on the subject the answer of the United States consul at Matamoros in
relation to the commission which was daily expected has not yet reached here.

I have the honor to be, with high consideration, my lord, your obedient ser-
vant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 15, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 11th instant, in regard to passes desired by the Messrs. McDonald, of the firm of Messrs. McDonald Brothers & Co., of Montreal, to travel for business purposes in the military district of West Tennessee, and, in reply, to inform your lordship that on the 12th I commended the matter to the attention of the Secretary of War.

I have the honor, referring to your lordship's letter of the 30th ultimo, concerning these gentlemen, so far as relates to their fear that the recent order issued by the military authorities will interfere with their visiting that city, to enclose, in reply, a copy of a letter of the 9th instant from the War Department.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, August 9, 1864.

SIR: I am instructed by the Secretary of War to acknowledge the receipt of your letter of the 6th instant, communicating the request of Messrs. McDonald Brothers & Co., made through Lord Lyons, for permission to visit Memphis, Tennessee, from time to time, and, in reply, to inform you that no pass whatever is necessary in order to enable any person to proceed to Memphis; but that the subject, in accordance with your request, will be referred to Major General Washburn for report.

I have the honor to be, sir, your obedient servant,

G. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 15, 1864.

MY LORD: Recurring to your communication of the 30th ultimo, relative to the refusal, on the part of the collector of the port of New York, to grant a clearance of certain merchandise shipped by Messrs. Darrell & Nash to Nassau, in the Bahama islands, I have the honor to enclose for your information a copy of a letter of the 11th instant, and of its accompaniment, upon the subject, from the Acting Secretary of the Treasury.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Harrington to Mr. Seward.

TREASURY DEPARTMENT, *August 11, 1864.*

SIR: In reply to your letter of the 3d instant, transmitting "copy of a communication of the 30th ultimo from Lord Lyons, relative to the refusal, on the part of the collector of the port of New York, to give Messrs. Darrell & Nash, British merchants, clearance on certain merchandise shipped by them to Nassau, in the Bahama islands," I have now the honor of transmitting copy of a report of the collector at New York upon the case, dated 3d instant.

In view of the facts as stated by the collector I could not but approve his action. The same rule would have been enforced against citizens of the United States in a like case.

I have the honor to be, with great respect, your obedient servant,

G. HARRINGTON,

Acting Secretary of the Treasury.

HON. WILLIAM H. SEWARD,

Secretary of State,

Mr. Clinch to Mr. Fessenden.

CUSTOM-HOUSE, NEW YORK,

Collector's Office, August 3, 1864.

SIR: I have the honor to submit to the department the facts in a case in which, in compliance with the act of Congress passed May 20, 1862, and article 36 of the Treasury Regulations of September 11, 1863, I refused to clear certain goods proposed to be shipped by the firm of Darrell & Nash, of this city, to Nassau, New Providence, per the British schooner Electric.

These gentlemen have for some time been engaged, as I have reason to believe, in shipping goods to blockade runners at Nassau, to be sent to the States in rebellion.

As evidence of such transactions on their part, I am informed that when bonds were first exacted at this port on shipments to Nassau, and before they were exacted on shipments to the islands of Bermuda, this firm, to avoid the regulations at this port in respect to shipments made to Nassau, "cleared" a vessel for Bermuda, but really sent her and her cargo directly to Nassau. And the goods were there delivered to blockade runners.

Recently I was notified by the United States consul at Turk's island that a large portion of the cargo of the Crusader, which cleared from this port for Kingston, Jamaica, on the 19th of May last, had been landed at Grand Turk, and there delivered to the agent of Wach, of Nassau, a notorious blockade runner, and that said agent was then making arrangement to ship the same to Nassau. He further informed me that Messrs. Darrell & Nash were the parties in New York who acted as the agents of said Wach.

Messrs. Darrell & Nash subsequently admitted to the officers of the customs that they shipped the goods by the Crusader to Grand Turk, as referred to by the United States consul, and that they were shipped on account of Wach, of Nassau, and were destined for that port. On this shipment no bond was given.

A few days ago they proposed to make another shipment to Nassau, which I refused to permit them to do, having satisfactory reasons to believe that such goods, although sent to Nassau, were really intended for ports or places in possession or under control of insurgents against the United States.

Very respectfully, your obedient servant,

C. P. CLINCH, *Deputy Collector.*

HON. WILLIAM PITT FESSENDEN,

Secretary of the Treasury.

Lord Lyons to Mr. Seward.

WASHINGTON, *August 17, 1864.*

SIR: A Mrs. Verner, who claims British protection, has written to me from Montreal, Canada, a letter relative to her only son, John Arthur, who appears to have run away from his home, at Montreal, in 1862, when only fourteen years old; to have then enlisted in the United States military service, and to be now in company K, 12th New York cavalry, stationed at Palmer, near Newbern, North Carolina.

Mrs. Verner informs me that Sir William Verner, her son's great uncle, who is in England, and appears to be interesting himself to procure the youth's discharge, has authorized her to say that any bounty money which her son has received will be duly repaid.

The certificate of baptism of John Arthur Verner, which has been transmitted to me by Mrs. Verner, is herewith enclosed. I beg that you will return it to me.

Mrs. Verner makes an urgent appeal to me to take steps to obtain her son's discharge, and I beg to submit her appeal to the favorable consideration of the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State.

Certificate of baptism.

John Arthur Cole, son of John and Charlotte Sherwood Verner, born June 30, 1848, baptized January 2, 1849, by me.

EDWARD DENRICHE.

The above certificate of the baptism of John Verner, son of John Willoughby Verner, nephew of Sir William Verner, Bart., was copied from the register of baptism of St. Peter's church, Breckville, this 31st of May, 1864, by me.

F. R. TANE,
Pastor of Breckville, Canada West.

I, Alonzo Byington Dana, mayor of the town of Breckville, in the county of Leeds, province of Canada, do certify that I am well acquainted with the Rev. F. R. Tane, above named, and that he is the incumbent or rector of St. Peter's church in Breckville aforesaid, and that the foregoing certificate was this day acknowledged before me by the said F. R. Tane, that he did write and sign the said foregoing certificate.

In witness whereof, I have hereunto set my hand and caused the corporate seal of the said town of Breckville to be affixed hereto this 7th day of June, A. D. 1864.

[L. s.]

A. B. DANA, *Mayor.*

Lord Lyons to Mr. Seward.

WASHINGTON, *August 17, 1864.*

SIR: Complaints having been made to her Majesty's consulate at New York that several British subjects had been illegally enlisted into the United States

naval service, and were on board the receiving-ship North Carolina, the acting consul sent recently one of his clerks with a written request to Admiral Paulding for permission to have access to these men, but the permission was refused.

As it is naturally of importance that the acting consul, before bringing these matters before the legation, should be enabled to elicit all the facts bearing upon them, I shall feel obliged if permission could be granted to him to visit, either in person or by deputy, the receiving-ship whenever the nature of the case may require it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 18, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 13th instant, which was accompanied by a copy of the Canada Gazette extra, of the 6th instant, containing a proclamation of the same date, issued by his excellency the governor general of Canada, prohibiting the exportation from that province of anthracite coal in any manner or way whatever.

In reply, I have the honor to inform your lordship that the course of his excellency in making an unqualified prohibition of such coal from Canada is highly satisfactory to this government. A copy of your lordship's note and of his excellency's proclamation has been communicated to the Secretary of the Treasury as fulfilling, so far as it can be done in advance, the conditions upon which the executive order of the President of the United States of the 30th ultimo, a transcript of which accompanied my note of the same date to your lordship, was to go into effect.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 20, 1864.

MY LORD: Referring to your note of the 13th instant, and to my reply of the 18th in regard to the modification of the executive order of the President of the United States of the 14th of April, 1862, I have the honor to enclose, for your lordship's information and use, three printed copies of an instruction of the 17th instant, issued by the Acting Secretary of the Treasury to the proper officers on the subject.

I have the honor to be, with high consideration, my lord, your obedient, servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

TREASURY DEPARTMENT, *August 17, 1864.*

This department having been officially notified that the conditions named in the Executive order of the 30th July, 1864, have been complied with by the government of Canada, to wit, that the exportation of anthracite coal from the province of Canada should be prohibited, the instructions of this department, heretofore issued, prohibiting the exportation of anthracite coal from the United States are hereby so far modified that such coal may be exported except by sea into Canada, without restriction.

GEORGE HARRINGTON,

Acting Secretary of the Treasury.

Lord Lyons to Mr. Seward.

WASHINGTON, *August 22, 1864.*

SIR: As I had the honor to inform you in my note of the 8th instant, I received with much satisfaction the assurance conveyed to me in your note of the 5th instant, that hereafter, when application shall be made for the discharge of an alleged subject of a foreign power, the man whose discharge is applied for will be retained at the draft rendezvous, or, if in active service, sent to said rendezvous until an investigation can be made in his case. You have since been so good as to send me, from time to time, copies of orders to the above effect, issued by the War Department in numerous cases, in which I have brought to your notice the claims of British subjects to be discharged from the United States service. The arrangement appears, therefore, to be punctually carried out by that department, and it will certainly tend to diminish the painful impressions which the constant complaints of the improper enlistment of British subjects in the United States have made upon her Majesty's government.

It appears, however, to be still necessary that some security should be given that obstacles will not be thrown in the way of British subjects who desire to bring their claims to the notice of her Majesty's consuls or of this legation, that the investigation will in every case be perfectly fair and impartial, and that proper facilities for establishing their claims will be given to the claimants who are, in the majority of instances, ignorant, illiterate men. With a view to attaining these objects, I venture to direct your particular attention to the enclosed extract from a report made to me by her Majesty's acting consul at New York, and especially to recommend to consideration the suggestion made by him, that in case of British subjects stated to have been improperly enlisted in the United States service some person deputed by the nearest British consul should be present at the investigation.

The adoption of such an arrangement would, I think, have the effect, in the first place, of increasing the probability that substantive justice would be done in the several cases; and in the second place, of removing misapprehension, and allaying the wide-spread dissatisfaction on the subject of these enlistments, which is exercising so unhappy an influence on the feeling in her Majesty's dominions towards this country.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Edwards to Lord Lyons.

[Extract.]

BRITISH CONSULATE,
New York, August 11, 1864.

I have the honor to report that I yesterday visited Hart's island with a view, as far as possible, to ascertain the ground for the numerous complaints lately made to her Majesty's legation and to this consulate, by British subjects, of having been kidnapped and taken to that place preparatory to being sent to the army.

Hart's island is situated in the Long Island sound, about twenty-five miles from this place, and is, from its position, and for the want of any regular communication therewith, very difficult of access.

General Dix, to whom I had applied for the necessary permission to visit Hart's island, at once acceded to my request, and, at my suggestion, supplied me with a letter of introduction to the officer in command there.

On my arrival at the island I was courteously received by the officers there, who expressed great willingness to place at my disposal every means within their reach for the investigation of any case I might desire to look into.

It would have been unreasonable to expect that these officers would have volunteered information upon the subject of my visit; and I was therefore, as I foresaw I should be, obliged to restrict my investigations to such cases as I could refer to as having been before brought to my notice. These consisted of cases in which the parties were being detained in consequence of representations made by your lordship, or by this consulate, to the authorities.

These men were all questioned by me, with a view, if possible to ascertain the names of others who might be similarly situated. They expressed great unwillingness to give such information, and in one instance positively refused to do so, alleging that they would be subject to severe punishment if they did.

They all assured me that there had, at different times, been a large number of British subjects at Hart's island who complained of having been illegally enlisted. That the number of these cases have, at any time, amounted to what the excited imaginations of these men represent I do not think; but, at the same time, I see good reason to fear that very many of these cases have never reached this consulate.

The general custom at Hart's island would appear to be to send off to the army a number of troops two or three times a week. Sometimes they would appear to be detained during several days upon the island, and at other times to be immediately sent away.

Upon the morning of the day upon which I had first obtained permission from General Dix to visit Hart's island, (this visit I was subsequently obliged to postpone until yesterday,) a much larger number than usual would appear to have been sent away, and on Sunday last another shipment took place.

In many of these cases, even were the parties aware that their proper course would be to lay their complaints before the consul, and were they themselves able to do so, or get others to write for them, the short time during which many of them remain upon the island would preclude the possibility of such applications. Several complaints were made to me that proper facilities were not given to British subjects to lay their cases before her Majesty's representatives; and I was told that men had been imprisoned in the guard-house for having attempted to communicate their grievances to the consul.

Complaints of this nature have reached me from so many different quarters that there would appear to be reason for believing that they are not entirely without foundation in truth.

I was told that those who succeeded in making such complaints were tauntingly designated as "Lord Lyons's men" and the "consul's men," and were generally set at the most laborious and disagreeable kind of work, such as digging trenches, building stone walls, &c. That it may not be conducive to the preservation of a rigid military discipline to encourage complaints on the part of recruits, I can very well understand; but that the officials meet these complaints in a proper spirit, I fear there is too much reason for doubting.

My representations in these cases of alleged kidnapping to the local officials are generally replied to with courtesy and promptitude, but I feel that it would be useless to expect that they should exceed the strict limit of what they consider their official duty in reference to them.

The evidence taken where a complaint of kidnapping is made must almost necessarily be of an *ex parte* nature, and the generally official character of such evidence cannot but outweigh any simple statement by the recruit.

Although the investigation of these cases may be conducted with a desire on the part of the United States officials to render justice, yet I cannot but think that the present system is open to grave objections.

In no case, so far as I have been able to ascertain, is the recruit confronted with the parties who are charged with having kidnapped him. He is generally subjected to an inquisitorial examination by men greatly his superiors in point of position and education, who, if so inclined, might easily extort statements calculated to injure his case.

There is, however, reason to fear that these investigations are not always conducted entirely without prejudice.

It appears to me that these objections might, in some measure, be obviated, if the United States government would consent, in all cases of alleged illegal enlistment, that some person be present at the official investigation on the part of her Majesty's consul. In addition to the advantage of the recruit having a proper person present to protect him against imposition, the consul would then be much better able to judge whether the case was such as to justify an application to the legation.

Although there would appear to be good reason for believing that there are many such, I feel that it would be hopeless; and for some reasons it would appear to be undesirable to attempt to ferret out cases which have not been voluntarily brought to the notice of her Majesty's legation or consulate.

I have &c., &c.,

PIERPONT EDWARDS,
Acting Consul.

LORD LYONS, G. C. B., &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 22, 1864.

SIR: With reference to your note to me of the 5th July, and to my note to you of the 8th of July, I have the honor to transmit to you herewith copies of a despatch, and its enclosure, which I have received from the governor of Newfoundland, respecting the statement that three pardoned criminals had been sent from St. John to New Boston.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Hoyles to Mr. Bannerman.

ST. JOHN, July 26, 1864.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of yesterday's date, enclosing copy of a despatch from Lord Lyons, under date of the 8th of July instant, forwarding a communication from Mr. Seward to his lordship, under date of the 5th of July instant, and a letter from Mr. Leach, United States vice-consul at this port, to Mr. Seward, on the subject of three prisoners—Daniel Hurley, Bryan Sheehy, and James Nowlan—alleged by Mr. Leach to have been sent by the local government to Boston, and directing me, for the information of the United States government, to report upon this despatch.

In obedience to your excellency's commands, I beg to acquaint you that about the 20th of May last the three men above named, they then being under sentence of imprisonment in the St. John penitentiary for various offences, petitioned for a remission of that part of their punishment, undertaking, if their application was acceded to, to leave the colony. The prayer of this petition was granted in the hope that, by being permitted to proceed to some place where their offences were unknown, these men would be enabled to retrieve their characters and to become useful members of society; and passages were accordingly provided for them on board the brig Arthur, then about to leave for the United States. Mr. Leach is, however, altogether incorrect in stating that they were sent by the local government. Banishment formed no part of their sentence, and the government had no power to send them out of the country, except with their own free will. It was a matter of total indifference to the local government whither they went, provided they left the colony, and they themselves selected the United States as the country to which they would proceed, believing they would there have a greater chance of obtaining employment than elsewhere. They refused to go to any other place; and Sheehy, who had just obtained his discharge from the rifle companies when arrested, had professed his intention of proceeding to the United States under any circumstances. Of the two others, I have just learned that Hurley has, since his arrival, been engaged at good wages, and has now sent for his wife and family.

I have, &c., &c.,

H. W. HOYLES,

H. M.'s Attorney General for Newfoundland.

Sir A. BANNERMAN.

Gov. Bannerman to Lord Lyons.

GOVERNMENT HOUSE,
Newfoundland, August 6, 1864.

SIR: I have the honor to acknowledge the receipt of your lordship's despatch of July 8, sending me a copy of a note from the Secretary of State of the United States, with a report made to him by the United States consul here relative to three pardoned criminals "having been sent from Newfoundland to Boston," and requesting me to obtain information regarding this matter.

I have to regret that Mr. Leach, the consul, before troubling the Secretary of State, omitted to make any communication to myself or the government here on the subject-matter of his report.

I beg leave to enclose, for the information of the Secretary of State, a letter from the attorney general, Mr. Hoyles, the law-adviser of the crown here, relative to the consul's report.

In addition, I may state, what your lordship is aware of, that a power is vested in me by her Majesty (as also in all other governors) to pardon or commute the sentence of all persons tried and convicted before judicial tribunals in the colony; but when petitions are addressed to me by criminals, or persons in their behalf, I have invariably referred such documents to the judges, or others who preside at the trials, to report whether there are any circumstances to justify, in their opinion, a commutation of the sentence; and by these reports I am generally (but not always) guided.

The criminals alluded to, I ascertained, were sentenced to *imprisonment*; *banishment* forming no part of the sentence. They earnestly petitioned that their imprisonment should be shortened on condition that they would leave this colony, and they also earnestly prayed that they might get a passage to the United States, where they hoped to obtain employment and redeem their character where they were not known.

The passage was accordingly given. And this is a common occurrence, passages having been granted in similar cases to Canada or some of the other provinces, and sometimes to the United Kingdom—the passage-money frequently being less than the cost which the colony would incur by supporting them in jail.

Your lordship will observe, however, that I had no power or authority to send the three men alluded to to the United States.

I have, &c., &c.,

A. BANNERMAN, *Governor*.

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 3, 1864.

SIR: Her Majesty's government have had under their consideration the notes which you did me the honor to address me on the 25th of May and 27th of June last, respecting the coals carried off from Angra Pequena by the United States ship *Vanderbilt*.

Her Majesty's government have learned from these notes that the government of the United States holds that the bill of lading forwarded to Messrs. Sinclair, Hamilton & Co. does not sufficiently show that at the time the coals were taken from Angra Pequena they were in point of fact the property of Messrs. Anderson & Co.; and, moreover, that the government of the United States consider it material to have information as to the purpose for which the coals were sent to Angra Pequena before admitting the claim of Messrs. Anderson & Co. to be paid for them.

With respect to the ownership, the bill of lading appears to her Majesty's government to be sufficient in the circumstances and for the purpose for which it was wanted. I nevertheless submit to you herewith a solemn declaration, made by Mr. James Murison, a merchant residing at the Cape of Good Hope, declaring that he knows of his own knowledge that the coal was the property of Messrs. Wm. Anderson, Saxon & Co., and stating particulars in corroboration of this fact. I trust that this document will preclude any further question on this part of the subject.

With respect to the destination of the coals, I am commanded by her Majesty's government to state distinctly that, in their opinion, the coals might just as lawfully be sent to Angra Pequena for the purpose of supplying the wants of the so-called confederate ship-of-war as of a United States ship-of-war; and that for a United States ship-of-war to take, without payment, British property on

a neutral shore, merely because it was intended to be sold by its owners to a ship-of-war of the other belligerent, would be an act of simple trespass, without justification from the law of nations.

Her Majesty's government cannot conceive that any jurist would or could maintain, either upon principle or authority, a contrary opinion; and they have instructed me to press this point of maritime international law strongly upon the government of the United States.

Begging you to be so good as to send the declaration back to me, I have the honor to be, with the highest consideration, your most obedient, humble servant

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

I, John Harrison, of the city of London, notary public by royal authority duly admitted and sworn, do hereby certify and assert unto all persons to whom these presents shall come, as follows:

1. The sheet of paper which is hereto annexed and paged from 1 to 3, inclusively, contains true and faithful copies of, and agreeing word for word and figure for figure with, the original declaration purporting to have been made by the therein-named declarant, James Murison, and the consular legality following the same.

2. I have compared the said annexed copy with the said original declaration and consular legality, which have been produced to me for that purpose.

Whereof an act being required, I have granted these presents under my signature and official seal, to serve as need may require, in London, this [L. s.] fourth day of August, in the year one thousand eight hundred and sixty-four.

JOHN HARRISON,
Notary Public.

Declaration of James Murison.

I, James Murison, a British merchant, residing at Cape Town, in the colony of the Cape of Good Hope, do hereby solemnly and sincerely declare, that in the month of October, 1863, the United States steamer Vanderbilt, Captain Baldwin, having arrived at Table bay, I was requested by the United States consul to purchase upon the most advantageous terms a supply of coal for the use of said ship. That I thereupon made arrangements with Messrs. William Anderson, Saxon & Co., of Cape Town, merchants, who had commenced to deliver the coal, when orders were sent from the governor of this colony to stop the coaling, which, as the Vanderbilt had within three months taken in coal at Mauritius, would have been a violation of the Queen's proclamation of neutrality. That thereupon the coaling was discontinued, about nineteen tons only having been shipped. I further declare that on the day of the departure of the Vanderbilt from Table bay, Mr. William Anderson, of the above firm of William Anderson, Saxon & Co., informed me that he had on Penguin island, on the coast, two hundred and fifty tons of coal, which he offered for sale to the Vanderbilt if she required it. That as Penguin island was then considered British territory, and the Vanderbilt could not in that view have coaled there without an infraction of the neutrality laws, I did not submit Mr. Anderson's offer to Captain Baldwin. And I lastly declare, that I know of my own knowledge that the coal was on Penguin island, and that it was the property of Messrs. William Anderson, Saxon & Co. And I make this solemn declaration, conscientiously believing the

same to be true, and by virtue of the provisions of the ordinance No. 6, 1845^r entitled "An ordinance for the suppression of voluntary and extra-judicial oaths and affidavits, and the substitution of declarations."

JAMES MURISON.

Declared before me at Cape Town, this twenty-third day of June, 1864.

EDMUND HULL,

Justice of the Peace for Cape Town and the district thereof.

I, Walter Graham, consul for the United States of America, at Cape Town, do hereby certify that Edmund Hull, before whom the above declaration was made is a justice of the peace for Cape Town, and qualified to administer oaths under the colonial statutes, and that James Murison, the declarer, is a merchant of Cape Town, thoroughly credible, and that his signature attached to the declaration above is genuine.

[L. S.]

WALTER GRAHAM,

United States Consul.

Lord Lyons to Mr. Seward.

WASHINGTON, August 24, 1864.

SIR: On the 17th instant I had the honor to bring to your notice the case of John Arthur Verner, who appears to have run away from his home at Montreal when only 14 years old, and to have enlisted in the United States army.

I have now the honor, in pursuance of instructions which I have received from her Majesty's principal secretary of state for foreign affairs, to transmit to you copies of memoranda communicated to Earl Russell by Sir William Verner, the great uncle of the young man, and to recommend the case to early and favorable consideration.

I have the honor to be, with the highest consideration, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Sir William Verner to Mr. Layard.

86 EATON SQUARE, August 1, 1864.

In consequence of Mr. Layard's kind offer of forwarding a letter to Lord Lyons, Sir William Verner takes the liberty to trouble him with the enclosed. Sir William Verner has made his statement as plain as possible, and adhered strictly to the facts. However, should Mr. Layard consider any thing further necessary, Sir William Verner will be much obliged for any suggestion he may offer.

Sir William Verner to Lord Lyons.

86 EATON SQUARE, August 1, 1864.

The following statement is submitted to Lord Lyons by Sir William Verner Bart., M. P., on behalf of a young man the son of his nephew, who holds a small situation under the crown at Port Colburne.

The person to whose case Sir William Verner is anxious to direct Lord Lyons's attention has recently become a private soldier in the K company, New York cav-

alry, Fort Andrew. He enlisted the beginning of the present year without the knowledge or consent of his parents, and was then only 16 years old. Sir William Verner has reason to believe he took this step in expectation of serving his family with the bounty he received.

Sir William Verner's object in troubling Lord Lyons upon the subject is to request his lordship's assistance, should it become necessary towards obtaining the young man's discharge. Sir William Verner has written to his mother, to forward the certificates of age and any others which may be necessary towards procuring his discharge. The money which may be requisite for this purpose Sir William Verner will have placed in the hands of the American minister in London, or in any other manner pointed out by Lord Lyons.

From the circumstances here set forth, the extreme youth of the boy, and the respectability of his connexions, Lord Lyons can well understand why Sir William Verner should be desirous to release him from his present disgraceful position.

The intention he was supposed to have had in view was defeated owing to his having been robbed of all his money on his way to join the regiment.

—

Sir William Verner to Earl Russell.

TREASURY, August 5, 1864.

Sir William Verner has the honor to acknowledge the receipt of a letter by direction of Earl Russell, for which he begs to return his best thanks. Sir William Verner loses no time in correcting the deficiency his lordship points out, and the statement to Lord Lyons respecting the name of the young man on behalf of whom he calls his lordship's attention. He is the son of Sir William Verner's nephew, John W. Verner, who fills a small situation at Port Colburne, under the government. The name of the young man is John A. C. Verner, and by that name he enlisted. Sir William Verner takes the liberty of enclosing a letter from his nephew at Port Colburne, which will explain how he is situated.

Sir William Verner has already instructed the boy's mother, Mrs. C. L. Verner, at present residing at Montreal, to forward to Lord Lyons the certificate of his age, and any other documents which may be necessary towards expediting his discharge. In the last letter from the young man to his mother, dated in April, he desires him (her) to direct to John A. C. Verner, company K, New York cavalry, Port Anderson. He mentions that one of their men had been carried off by the guerillas, and they expected the others would share the same fate.

Sir William Verner will write again to the mother to forward the certificates, &c.

86 EATON SQUARE.

—

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 24, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 23d instant, in which you present a declaration made by James Murison in support of the claim of Messrs. William Anderson, Saxon & Company, of the Cape Town, for payment of some certain coal which was taken from the island of Angra Pequena by the ship Vanderbilt. I have taken a copy of this instrument for future reference, and, in compliance with your request, I send to you the original.

Her Majesty's government, on behalf of the claimant, decline to furnish in-

formation of the object for which the coal in question was deposited by the claimants on a desolate and uninhabited island, outside of the sphere of civilized states. In place of giving the information desired by this government on that point, her Majesty's government express the opinion that the coal might just as lawfully be sent to Angra Pequena for the purpose of supplying the wants of a so-called confederate ship-of-war as of a United States ship-of-war, and that for a United States ship-of-war to take, without payment, British property on a neutral shore, merely because it was intended to be sold by its owners to a ship-of-war of the other belligerent, would be an act of simple trespass, without justification from the law of nations.

This government is therefore left to infer, from these remarks, that the claimants placed their coal on the island of Angra Pequena for the use of the navigators of the Alabama. Her Majesty's government are already aware that, in the opinion of the United States, the Alabama is not a lawful vessel of a lawful belligerent power, but a vessel built, manned, armed, and equipped in a British port, and put on the high seas by British subjects to make war against the United States in violation of the law of Great Britain, of treaties, and of the law of nations; and that this government, instead of holding itself under obligation to indemnify the pirates of the Alabama, is looking to the justice of Great Britain for indemnities from the many signal injuries which the citizens of the United States have sustained at the hands of British subjects who are engaged in that most unjustifiable enterprise. The claimants in the present case are regarded as having no more just claims upon the United States than the owners and crew of the Alabama have for indemnity for the losses they sustained in the destruction of that vessel in her combat with the United States ship-of-war Kearsarge.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 25, 1864.

MY LORD: With reference to your note of the 17th instant, in which a wish is expressed that permission may be granted to her Majesty's consul to visit, either in person or by deputy, the receiving-ship at New York, whenever the nature of the case may require it, I have the honor to enclose, in reply, a copy of a letter of the 23d instant from the Secretary of the Navy, and to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, August 23, 1864.

SIR: I have had the honor to receive your letter of the 18th instant, enclosing a copy of a note from Lord Lyons, [August 17,] respecting the refusal of permission to a clerk of the British consul at New York to visit persons supposed to be British subjects, illegally detained on board the receiving-ship North Carolina.

The department would not, at any time, withhold permission from the consul or his deputy to visit any designated person or persons, on board the receiving-ship, for a stated and reasonable purpose; and, most probably, the commandant at New York would, in a clear case, assume the responsibility of granting such permission without special authority from the department.

But if it be desired that the consul shall be at liberty, whenever, in his opinion, "the nature of the case may require it," to visit the receiving-ship in person or by deputy, and examine persons on board, the department is constrained to decline acceding to the suggestion.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, August 25, 1864.

SIR: With reference to the note which Lord Lyons had the honor of addressing to you on the 11th ultimo, and to your reply of the 21st ultimo, relative to the case of two apprentices belonging to the British bark Cuzco, who had deserted from that ship at Valparaiso, and been taken on board the United States ship St. Mary's, I have the honor to enclose copy of a further letter from Mr. Nicol on this subject, transmitted to me by her Majesty's principal secretary of state for foreign affairs, and to request you to be good enough to inform me how this case has progressed since the date of your last communication, when it had been referred to the Navy Department.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Nicol to Earl Russell.

7 SWEETING STREET, DALE STREET,
Liverpool, August 7, 1864.

MY LORD: Referring to my letter to your lordship of the 15th June, respecting the two apprentices belonging to the British bark Cuzco, who were detained on board the American ship-of-war St. Mary's, at Valparaiso, in February last, I have the honor to inform your lordship that I have received the following additional information from Captain McPherson, of the Cuzco, that vessel being now in Swansea. Captain McPherson being informed that the boys, Alfred Dentrile and John Williams, were on board the St. Mary's, went to ask the assistance of the British consul in Valparaiso, who did not render him any, but recommended him to go on board and claim the boys. Captain McPherson went on board and saw both boys, and actually had hold of one of them. Fearing, however, to cause any disturbance on board the St. Mary's, he did not struggle to retain the boy he had hold of, and the two concealed themselves.

Captain McPherson then saw the commander of the St. Mary's, who offered to muster the crew, which was done; but, of course, the deserters did not present themselves. The commander said it was too much trouble to look for them, and Captain McPherson had to leave without them, his ship being then under orders to proceed to sea. He sailed, therefore, short of hands, and at his dis-

charging and loading ports had to employ laborers to discharge and load his vessel, and had to ship two hands as substitutes, for the homeward voyage, at a high rate. Particulars of the expenses incurred are annexed. As the Cuzco is about to sail again, I am obtaining from the captain a statement of the facts of the case, in the form of a declaration, in the event of such being required by your lordship.

I may mention that at the time the boys deserted the St. Mary's was much in want of men, and was offering every inducement to get them.

I am, &c., &c.,

WILLIAM NICOL.

EARL RUSSELL, &c., &c., &c.

Expenses incurred by Captain McPherson owing to the detention of his two apprentices on board the St. Mary's.

For labor discharging at Tortorabello.....	\$9 00
For labor loading at Chaneral.....	42 52
	51 52
Together \$51 52 at 4s. 5d. per dollar.....	£9 13 2
For wages of two substitutes for the homeward voyage to Swansea.	29 13 0

Mr. Burnley to Mr. Seward.

WASHINGTON, August 29, 1864.

SIR: Her Majesty's government have had under their consideration the communications which Lord Lyons had the honor to receive from you on the 2d and 13th of June, respecting the sinking of the British schooner *Sylvanus*, and the imprisonment of her crew.

Her Majesty's government have instructed me to express to you their regret that they are unable to regard the explanations which were enclosed as entirely satisfactory. Upon the first question, indeed, the sinking of the *Sylvanus*, her Majesty's government conceive that an adequate excuse has been offered, for it now appears that the *Sylvanus* refused to obey the summons of the belligerent, and took her chance of escape. Her fate would, therefore, seem to be the consequence of an unlawful disobedience to a lawful command. But the belligerent had no right to fire shell in the first instance, even though he fired it wide of the vessel, and her Majesty's government considers that it is very important that the acknowledged rule of firing in blank, in the first instance, should not be deviated from.

With regard to the placing the men in irons, her Majesty's government are glad to see that the practice is not justified, and is said to be contrary to order; but her Majesty's government cannot but think the excuse for it on this occasion inadequate. The United States government cannot suppose that neutrals will ever consent to the attempts continually being made, during this war, to extend, in various ways, the severe right of blockade, and to treat captured neutrals as enemies.

The reference to the decisions of the court of New Brunswick, and of the Queen's Bench, in the extradition question, appears to her Majesty's government to be wholly irrelevant.

Her Majesty's government cannot perceive that these decisions, which were lawfully given by lawful courts, upon a different matter, have any connexion

whatever with the blockade, or with the obligations of the belligerents towards the neutral, as to the means of enforcing the blockade, and her Majesty's government has directed me to repeat that they cannot consent that the crews of captured British vessels, composed of her Majesty's subjects, should be punished by penal treatment, which does not lawfully belong to the offence of breaking a blockade.

In the opinion of her Majesty's government the present case raises the question of principle more broadly, perhaps, than any other, as it appears that the crew of the *Sylvanus* were detained and imprisoned, when no proceedings whatever before any prize court, on the part of the captors, were taken or contemplated.

Her Majesty's government have accordingly directed me to make to you, in friendly terms, a representation on the subject, and to say that they are convinced that, on further reflection, you will give your assent to the principle laid down by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, August 31, 1864.

SIR: I have received a letter from a Mr. Charles A. Russell, who states that he is captain of the British sloop *Racer*, of Nassau, N. P.; that he was captured off Bull's bay by the United States schooner *Hope*, on the 1st instant; that his vessel had no cargo, and that his register and clearance papers were all legal and correct. After a delay of a week off Charleston, under protest, he was sent to Beaufort, N. C., where he now is, in tow of a gunboat. The sloop's papers he informs me are detained by Admiral Dahlgren, at Port Royal. The sloop itself hauled ashore, stripped and nearly wrecked, whilst himself and crew were held as prisoners, without any trial or investigation.

I have to request you to cause the Navy Department to make an investigation of this case, in order that if wrong has been inflicted, redress may be offered.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, September 1, 1864.

SIR: I have the honor to bring under your notice the enclosed copy of a letter from a Mr. A. N. Thompson, which has been forwarded to me by her Majesty's consul at New York, relative to the liability of British subjects to military service, from the mere fact of their having voted at *school meetings*.

I should be glad to be informed, at your earliest convenience, whether a State election and a school meeting are to be considered to be on the same footing as regards citizenship.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Thompson to British Consul, New York.

NORFOLK, ST. LAWRENCE COUNTY, NEW YORK,
August 29, 1864.

SIR: I write at the solicitation of several British subjects resident in the United States with their families. The United States government claims from them military service because they have assumed to be citizens by voting in school meetings. You will understand that these British subjects sent their children to those schools, and were taxed for their support. I will be greatly obliged if you will have the kindness to reply at your earliest convenience. Can they be held?

Respectfully yours,

A. N. THOMPSON.

British CONSUL, *New York.*

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 2, 1864.

SIR: I have the honor to acknowledge the receipt of Lord Lyons's communication of the 25th ultimo, in regard to the cases of two apprentices alleged to have deserted from the British bark Cuzco, and to have been taken on board the United States ship-of-war St. Mary's. In reply I have the honor to inform you that I have transmitted a copy of that communication to the Secretary of the Navy, with a view to procuring the desired information.

F. W. SEWARD,
Acting Secretary.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 2, 1864.

SIR: Referring to Lord Lyons's communications of the 17th and 24th ultimo, in regard to the enlistment under age, without parental consent, of John Arthur Verner, I have the honor to enclose, in reply, a copy of a communication of the 29th ultimo from the War Department.

I have the honor to be, with high consideration, sir, your obedient servant,
F. W. SEWARD,
Acting Secretary.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, August 29, 1864.

SIR: In reply to your letter of the 22d instant, enclosing a copy of a note from Lord Lyons relative to the improper enlistment of John Arthur Verner, a minor, I am instructed by the Secretary of War to request that you will notify

the British minister of the rules of this department, and the evidence required for the discharge of minors, under the act of Congress approved July 4, 1864, as set forth in the enclosed copy of a circular letter from the Adjutant General's office.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 3, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, relative to the capture of the British sloop *Racer*, of Nassau, and, in reply, to inform you that I have transmitted a copy thereof to the Secretary of the Navy, who has been requested to investigate the case, with a view to the adoption of such proceedings as the result may call for.

Accept, sir, a renewed assurance of my high consideration.

F. W. SEWARD,
Acting Secretary.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 4, 1864.*

SIR: In the letter from the Navy Department, which you did me the honor of forwarding to me on the 25th ultimo, relative to a permission to enable her Majesty's consul at New York to visit the receiving-ship at the Brooklyn navy yard, with a view of collecting evidence as to enlistment of British subjects, it is stated that this permission would not be withheld from the consul or his deputy to visit any designated person or persons on board that ship for a stated and reasonable purpose.

Her Majesty's consul, acting on these instructions, has invariably, in addressing Rear-Admiral Paulding, designated the persons he wished to see, and stated his reasons for so doing. As his letters, however, have up to the present time remained unacknowledged, and access has been debarred to the receiving-ship, I venture to bring this question again before you, in the hope that her Majesty's consul may at length receive that permission without which the investigation into such cases of supposed illegal enlistment would be rendered quite nugatory.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 7, 1864.

SIR: Referring to Lord Lyons's communication of the 30th of July last, relative to the desire of Messrs. McDonald, Brothers & Company to visit Memphis, I have the honor to enclose for your information a copy of a letter of the 2d instant from the War Department on the subject.

I have the honor to be, with high consideration, sir, your obedient servant,
F. W. SEWARD,
Acting Secretary.

JOSEPH HUME BURNLEY, Esq., &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, September 2, 1864.

SIR: In reply to your letter of the 6th of August, relative to the desire of Messrs. McDonald, Brothers & Co. to visit Memphis, communicated to you through Lord Lyons, I am instructed by the Secretary of War to inform you that Major General Washburn reports, that, under existing orders, private parties are not allowed to purchase cotton or other products of insurrectionary districts within the limits of his command.

Your communication of the 12th ultimo upon the same subject, which was also referred to General Washburn, has not yet been returned.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 8, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant in regard to obstacles in the way of her Majesty's consul visiting the receiving-ship at the Brooklyn navy yard with a view to the collection of evidence as to the enlistment of British subjects, and in reply to inform you that I have invited the particular attention of the Secretary of the Navy to the matter.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 9, 1864.*

SIR: I have been requested by his excellency the lieutenant governor of Nova Scotia to acquaint you with the enclosed orders in council, directing that

vessels-of-war of the United States of America, or of the so-called Confederate States, entering or approaching the immediate vicinity of the harbor of Halifax, shall in future anchor in the usual man-of-war anchorage abreast of the navy yard.

I shall feel greatly obliged if you would be good enough to cause this order to be made generally known to all commanders of federal cruisers likely to visit that port.

It has been adopted solely with a view of carrying out in the most impartial manner the orders of her Majesty the Queen for the observance of a strict neutrality towards both belligerents, and I feel convinced that the federal authorities will be happy to afford every assistance towards effecting that object.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

ORDERS IN COUNCIL.

GOVERNMENT HOUSE, *August 29, 1864.*

(Extract from minutes.)

EXECUTIVE COUNCIL.

Present: His excellency Sir Richard Graves Macdonnell, C. B., lieutenant governor, &c., &c., &c.; the honorable Charles Tupper, provincial secretary; honorable W. A. Henry, attorney general; honorable James McNab, receiver general; honorable Isaac Le Vesconte, financial secretary; honorable S. Leonard Shannon.

It is ordered, That if any ship-of-war or privateer of the United States of America, or of the States calling themselves the Confederate States of America, shall come into the port of Halifax, or within the territorial jurisdiction of her Majesty in the vicinity of the said port, every such vessel-of-war or privateer aforesaid shall immediately come to anchor off the naval yard, unless prevented by stress of weather; and in the latter event, shall be required to anchor as aforesaid as soon as the weather will permit.

Pilots and all other officers of the port are commanded (on boarding or hailing any such ship or privateer) to communicate the foregoing order to the chief officer on duty of every ship-of-war or privateer aforesaid.

A true copy:

JAMES H. THORNE,
Clerk Executive Council.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 9, 1864.*

SIR: Lord Lyons, on the 12th July, had the honor of informing you that her Majesty's principal secretary of state for foreign affairs had caused the resolution of the New York Chamber of Commerce in the case of the Chesapeake to be communicated to the magistrate who had charge of that vessel at Halifax, and to Sir Samuel Cunard.

I beg now to enclose copy of a letter from the colonial officer, which gives Mr. Secretary Cardwell's reasons for not forwarding to the judge of the admiralty court at Halifax a copy of the 4th resolution of that chamber, which

contains an acknowledgment of his upright proceedings in the case of the above-mentioned vessel.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, July 16, 1864.

SIR: I am directed by Mr. Secretary Cardwell to acknowledge your letter of the 28th ultimo, accompanied by certain resolutions passed by the New York Chamber of Commerce with regard to the case of the Chesapeake.

I am desired to acquaint you that Mr. Cardwell has not deemed it expedient to forward to the judge of the admiralty court at Halifax a copy of the fourth resolution, which contains an acknowledgment of his upright proceedings in the matter.

There can be no doubt that the decision of the judge was founded on the perfectly pure and impartial motives which befit his trust and characterize the administration of justice in the British courts; and Mr. Cardwell has thought that it would be unsuitable to convey to him anything in the nature of compliment from that one of the two parties before him in whose favor he felt it his duty to pronounce his judgment.

I am, &c.,

T. FRED. H. ELLIOT.

E. HAMMOND, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

BRITISH LEGATION,
Washington, September 10, 1864.

The undersigned, her Britannic Majesty's chargé d'affaires in the United States, has the honor to inform Mr. Seward, the Secretary of State of the United States, that her Majesty's government have attentively considered the proceedings of the court of inquiry held at Boston on the conduct of Commander Trenchard, of the United States steamer Rhode Island, in firing on the steamer Margaret and Jessie, off the coast of Eleuthera, of which proceeding copies were enclosed in the note which Mr. Seward did Lord Lyons the honor to address to him on the 23d of June last.

The undersigned has now the honor to inform Mr. Seward that her Majesty's government are satisfied that, upon the evidence adduced, the court of inquiry was justified in coming to the conclusion that the territorial rights of her Majesty had not been violated, and that there had been no intention on the part of Commander Trenchard to violate those territorial rights.

But the undersigned must nevertheless observe, that although it is shown that the Rhode Island never fired at a less distance than four miles from the shore, the evidence as to the distance from land of the Margaret and Jessie when the last shot or shots were fired is much less distinct; and her Majesty's government are unable to consider that it was proved conclusively before the court of inquiry that at the time when these last shots were fired the Margaret

and Jessie may not have been within three miles from the shore. The undersigned has further the honor to inform Mr. Seward that he is instructed by his government to call the attention of the United States government to a matter of very considerable importance arising out of this case, namely, the bearing on the territorial limits of three miles beyond the sea-shore which the more powerful artillery now constructed may involve. The Parrott gun which was used on board the Rhode Island is stated by Commander Trenchard in his evidence before the court of inquiry, (page 7 of the proceedings,) to carry a distance of five miles; and he also expresses an opinion, although not so positively, that the range of the Dahlgren 30-pounder rifle gun was as great as that of the Parrott. In the present instance shot fired from the Rhode Island appear to have reached the shore, notwithstanding that that vessel did not approach within four miles of the land; and it is obvious that the use of weapons of this description, when fired at that distance towards the shore, is calculated not only to infringe neutral jurisdiction by falling within neutral waters, but also seriously to endanger life and property on neutral territory itself.

The undersigned is accordingly directed by her Majesty's government to express to the United States government their hope that the United States government will concur with them in opinion that vessels should not fire towards a neutral shore at a less distance than that which would insure shot not falling in neutral waters or on neutral territory.

The undersigned avails himself of this opportunity to renew to Mr Seward the assurance of his highest consideration.

J. HUME BURNLEY.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 10, 1864.

SIR: Referring to your note of the 31st ultimo, in relation to the case of the British sloop Racer, I have the honor to inform you that a letter of the 7th instant upon the subject has been received from the Secretary of the Navy, in which that officer states that Rear-Admiral Dahlgren will be instructed to make a full report to that department of all the facts relating to the case, which, when received here, will at once be communicated to you.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley

DEPARTMENT OF STATE,

Washington, September 12, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th instant, with regard to orders which have recently been promulgated by the executive council of Nova Scotia, relative to vessels-of-war of the United States, and of the so-called Confederate States, on their approaching or entering the harbor of Halifax. In reply, I have the honor to state that a copy of that communication has been submitted to the Secretary of the Navy.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 13, 1864.

SIR: This department has been informed that the steamer *Mary*, which formerly, under the name of the *Alexandra*, was charged in the British courts with having been built for the naval service of the insurgents, has arrived at Halifax for the supposed purpose of there being armed and equipped for that service. It is consequently suggested that you communicate with the governor of Nova Scotia, in order that the hostile designs of that vessel against the United States and their shipping may not be carried into effect from any port within his jurisdiction.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 13, 1864.*

SIR: I have the honor to acknowledge receipt of your note of this day's date, relative to the probable proceedings of the steamer *Mary* in the port of Halifax, and I beg to say, in reply, that I forwarded at once a copy of your note to his excellency the lieutenant-governor of Nova Scotia.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 15, 1864.

SIR: The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note of the 10th instant, addressed to him by J. Hume Burnley, esq., her Britannic Majesty's chargé d'affaires, in which, referring to the proceedings of a court of inquiry held at Boston on the conduct of Commander Trenchard, of the United States steamer *Rhode Island*, in firing on the *Margaret* and *Jessie*, off the coast of Eleuthera, Mr. Burnley states that he is directed by her Majesty's government to express to that of the United States their hope that the United States government will concur with them in opinion that vessels should not fire toward a neutral shore at a less distance than that which would insure shot not falling in neutral waters, or on neutral territory.

The undersigned has the honor to inform Mr. Burnley, in reply, that the proposition which has thus been made by her Majesty's government will be brought to the attention of other maritime powers, in order that if any change shall be made it may be general.

The undersigned avails himself of this occasion to renew to Mr. Burnley the assurance of his highest consideration.

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 16, 1864.*

SIR: I have the honor to submit to your notice a copy of a letter which I have received from a man named George W. Hutcheson, who states that he is a British subject, and of the paragraph No. 4 of General Orders No. 36, of the district of Vicksburg, to which reference is made in his letter.

You will perceive that Mr. Hutcheson, who appears to be a respectable man, and to have already suffered great losses by the war, would be by this order reduced to the alternative of taking the oath of allegiance to the United States government, or of being deprived of the only means of supporting himself and his family.

I beg you to take this case into your favorable consideration, and I should be very much obliged to you if you could enable me to give Mr. Hutcheson some assurance of being able to continue in his present situation without his being obliged to take the oath of allegiance to the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Hutcheson to Lord Lyons.

VICKSBURG, MISS., *September 3, 1864.*

MY LORD: I enclose copy of orders published here for regulation of trade stores, and respectfully call your attention to article four thereof, to the effect that none shall be employed, or admitted, in any capacity, in any such store, who has not taken the oath of allegiance to the United States government. My lord, I have been residing in this city for some years, and, through depredations of confederate soldiers and losses by fire, been deprived of all I possessed. Since the federal occupation of this place I have been employed as a book-keeper, and I most respectfully ask information from your lordship if, unless I take the oath of allegiance to the United States government, I am, by military authority, to be forbidden to use the only means I now possess of subsisting my family. I have strictly observed the neutrality proclamation of her Majesty, and have at all times been ready to perform any duty that could be required of me as a subject of her Majesty.

I have, &c.,

GEORGE W. HUTCHESON.

The Lord LYONS, &c., &c., &c.

[Extract.]

HEADQUARTERS DISTRICT OF VICKSBURG,
Vicksburg, Miss., September 2, 1864.

* * * * *

IV..No person keeping a trade, supply, sutler, or other store shall employ and admit into his or her place of business as a clerk, partner, assistant, or otherwise, any person who has not taken the oath of allegiance to the government of the United States.

By order of Major General N. J. T. Dana.

H. C. RODGERS,
Assistant Adjutant General.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 16, 1864.*

SIR: Lord Lyons in his note of the 15th June had the honor of addressing you on the subject of the nefarious practices resorted to by unscrupulous persons in seducing youths from their homes in Canada, and inducing them to enlist in the United States army. His lordship's note called attention to the observations made on this subject by her Majesty's consul at Buffalo in the latter part of his despatch, which formed the enclosure of the above-mentioned note, and suggested for your consideration whether the United States government should not take some measure to discountenance and frustrate the illegal and improper practices alluded to.

I need hardly say that this is a subject which engages largely the attention of the governor general of Canada and her Majesty's government, and I am convinced that any measures which the government of the United States might adopt towards helping to frustrate such practices would prove most acceptable both to the Canadian authorities and to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 16, 1864.

SIR: On the 30th day of May last Commander Trenchard, of the United States steamer Rhode Island, while chasing the insurgent vessel the Margaret and Jessie, in the open sea, off the coast of Eleuthera, in the Bahamas, fired at her at least one cannon-shot, which is alleged to have reached the neutral coast. Her Britannic Majesty's government thereupon complained to this government that the Rhode Island had come and was within the distance of a marine league, or three miles from the shore, when the cannon-ball was fired. On investigating the complaint it did not satisfactorily appear that a cannon-ball was fired by the chaser within the distance of three miles from the land; but, on the other hand, it was established that a Parrott gun, which was discharged, had a range of five miles, and that a ball from it might have reached the neutral shore, although fired outside of the line of maritime jurisdiction. Upon this state of facts, her Majesty's government have, through you, expressed a hope that the United States will concur with the British government in opinion that vessels should not fire towards a neutral shore at a less distance than that which would insure shot not falling in neutral waters, or in a neutral territory. To this suggestion I at once replied, by order of the President, that the subject would be brought to the attention of other maritime powers, in order that, if any change of the existing construction of the maritime law should be made, it should first receive the assent of all the great maritime states.

There is reason to apprehend that the subject, although now abstractly presented, may soon become a practical question. Spain claims a maritime jurisdiction of six miles around the island of Cuba. In pressing this claim upon the consideration of the United States, Spain has used the argument that the modern improvement in gunnery renders the ancient limit of a marine league inadequate to the security of neutral states.

When it was understood at Paris that an engagement was likely to come off before Cherbourg, between the United States ship-of-war *Kearsarge* and the pirate *Alabama*, the French government remonstrated with both parties against firing within the actual reach of the shore by cannon-balls fired from their vessels, on the ground that the effect of a collision near the coast would be painful to France.

For these reasons I think that the subject may now be profitably discussed; but there are some preliminary considerations which it is deemed important to submit to her Majesty's government: First. That the United States, being a belligerent, now when the other maritime states are at peace, are entitled to all the advantages of the existing construction of maritime law, and cannot, without serious inconvenience, forego them. Secondly. That the United States, adhering in war, no less than when they were in the enjoyment of peace, to their traditional liberality towards neutral rights, are not unwilling to come to an understanding upon the novel question which has thus been raised "in consequence of the improvement in gunnery." But, thirdly. It is manifestly proper and important that any such new construction of the maritime law as Great Britain suggests should be reduced to the form of a precise proposition, and then that it should receive, in some manner, by treaty or otherwise, reciprocal and obligatory acknowledgments from the principal maritime powers.

Upon a careful examination of the note you have addressed to me, the suggestions of her Majesty's government seem to me to be expressed in too general terms to be made the basis of a discussion. Suppose, by way of illustration, that the utmost range of cannon now is five miles, are her Majesty's government understood to propose that the marine boundary of neutral jurisdiction, which is now three miles from the coast, should be extended two miles beyond the present limit? Again, if cannon-shot are to be fired so as to fall not only not upon neutral land, but also not upon neutral waters, then supposing the range of cannon-shot to be five miles, are her Majesty's government to be understood as proposing that cannon-shot shall not be fired within a distance of eight miles from the neutral territory? Finally, shall measure-distances be excluded altogether from the statement, and the proposition to be agreed upon be left to extend with the increased range of gunnery; or shall there be a pronounced limit of jurisdiction, whether five miles, eight miles, or any other measured limit?

I have to request that you will submit these suggestions to your government, to the end that they may define, with necessary precision, the amendment of maritime law which they think important, and upon which they are willing to agree with the other great maritime powers.

I have the honor to be, with high consideration, sir, your most obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 16, 1864.

SIR: Referring to your note of the 4th instant, relative to a permission to enable her Majesty's consul at New York to visit the receiving-ship at the Brooklyn navy yard, with a view to collect evidence in regard to the enlistment of British subjects, I have the honor to communicate for your information a copy of a letter of the 12th instant upon the subject, from the Secretary of the Navy.

I have the honor to be, with highest consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward

NAVY DEPARTMENT,
September 12, 1864.

SIR: I have had the honor to receive your letter of the 8th instant, enclosing a copy of a note from J. Hume Burnley, esq.

Directions have been given by the department to the commandant of the navy yard at New York to permit the British consul or his deputy to interrogate any designated individual under his command who may claim to be a British subject and to be illegally detained.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burnley to Mr. Seward.

WASHINGTON, September 17, 1864.

SIR: Lord Lyons in his note of April 11, of this year, had the honor of addressing you on the subject of cotton owned by British subjects in Louisiana and the neighboring States, as represented to him by her Majesty's consul at New Orleans, copies of whose despatches were enclosed in the above-mentioned note.

Lord Lyons's note had, however, special reference to a claim of a Miss Murray, who made oath that she was a British subject, and stated that one hundred and seven bales of cotton belonging to her on a plantation in Jefferson county, Mississippi, had been seized by General Ellet, of the United States marine brigade. At the same time the suggestion put forward by her Majesty's acting consul at New Orleans, with a view to the security of cotton the property of British subjects, was particularly recommended to the consideration of the government of the United States.

You were good enough to state, in your reply of the 15th of the same month, that you had communicated a copy of Lord Lyons's note, with its enclosure, to the Secretary of War, requesting that Miss Murray's complaint might be investigated, with a view to such proceedings as might be requisite, and calling his attention generally to the subject as represented by his lordship.

I should feel very greatly obliged if you would inform me whether this matter has indeed engaged the attention of the Secretary of War, and whether I may soon expect to receive something further on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 17, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, and of its accompaniment from the colonial office, in which are given the reasons for not forwarding to the judge of the admiralty court at Halifax a

copy of the fourth resolution of the New York Chamber of Commerce,* containing an acknowledgment of his proceedings in the case of the Chesapeake. In reply, I have the honor to state, that a copy of that communication has been transmitted to the president of the Chamber of Commerce at New York.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR: Referring to our previous correspondence in regard to permission for the British consul at New York to visit British subjects, and to my communication of the 16th instant respecting the matter, I have the honor to enclose a copy of a letter of the 17th instant from the Secretary of the Navy, and of its accompaniment, providing an arrangement which it is hoped will prove satisfactory.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

September 17, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, enclosing a copy of a private note of the 7th instant from J. Hume Burnley, esquire, in regard to permission for the British consul at New York to visit designated British subjects on board the receiving-ship.

On the 12th instant, in acknowledging the receipt of your letter of the 8th instant, I informed you that instructions had been given to Rear-Admiral Paulding on the subject referred to. That the matter may be fully understood, I enclose herewith a copy of those instructions. I also enclose a copy of the reply of Rear-Admiral Paulding to the complaints of the British consul, communicated in the note of Mr. Burnley which accompanied your letter of the 8th instant.

Very respectfully, &c.,

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Welles to Admiral Paulding.

NAVY DEPARTMENT,

September 12, 1864.

SIR: I transmit herewith a copy of a communication received from the Department of State, in relation to an alleged refusal by you of permission to a clerk or deputy of the British consul at New York to visit persons supposed to be British subjects, illegally detained on board the recruiting ship North Carolina.

The department does not desire you to withhold permission from the consul,

or a proper person delegated by him, to interrogate any designated individual under your command, who may claim to be a British subject, and to have been illegally or improperly enlisted or detained.

Any examination of this kind, made of a recruit, should take place in presence of a proper officer, and not on board the receiving-ship, but elsewhere in the yard.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Rear-Admiral HIRAM PAULDING,
Commandant Navy Yard, New York.

Admiral Paulding to Mr. Welles.

NAVY YARD, NEW YORK,
September 13, 1864.

SIR: In reply to the department's letter in relation to the complaint of the British consul, that his letters to me remain unanswered, I have the honor to state that all letters from him that seemed to call for a reply have been duly attended to.

To his complaint that he has not free access to men who claim the protection of his government, I reply that I have no recollection of any instance of the kind, where the man has been named, and the request been officially made. Some time since the acting British consul sent a clerk of his office with a note, requesting that he might be permitted to go on board the North Carolina to converse with her Britannic Majesty's subjects, and, not recognizing the fact that we had such people there, refused the privilege of his going for that purpose.

Very respectfully, your obedient servant,

H. PAULDING, *Commandant.*

Hon. GIDEON WELLES,
Secretary of the Navy.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in which, referring to Lord Lyons's note of the 15th of June last, concerning the nefarious practices resorted to by unscrupulous persons in seducing youths from their homes in Canada, and inducing them to enlist in the United States army, you intimate that this is a subject which engages largely the attention of the governor general of Canada and her Majesty's government; and you then remark that any measures which the government of the United States might adopt towards helping to frustrate such practices would prove most acceptable, both to the Canadian authorities and to her Majesty's government.

I have the honor to inform you, in reply, that since complaints of the nature above indicated have arisen, this government has used, as it will continue in the future to use, all diligence in preventing, and when discovered, in severely punishing, such transactions; and that it believes they are practically arrested.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 21, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, which presents the views of her Majesty's government in regard to the case of the crew of the ship *Sylvanus*, as their view are affected by the explanations which I have heretofore submitted.

I cheerfully admit that it was irregular on the part of the *Huron* to fire from a shotted gun at the *Sylvanus* in the first instance; although the firing was designedly wide of the mark, and therefore neither did nor could do any injury.

While this government disapproves of that irregularity, and directs that it shall not be repeated, it thinks, at the same time, that the case has very considerable extenuation in the facts that the *Sylvanus* was manifestly using the darkness of the night, increased by a haze, to effect her unlawful voyage, and that she did not respond to the summons she received, but persisted, and thereby rendered it necessary for the United States cruiser to apply direct force.

In regard to the ironing of the men, in order to carry them to Fort Warren I think it only necessary to say, that their detention was essential in order to ascertain whether they were rebels, or only blockade-running neutrals—a fact that could not be ascertained without personal inquiry, because the vessel had been sunk, and until this day we have no evidence that the *Sylvanus* was a British vessel. When British neutrals confound themselves with insurgents in arms in the United States, and refuse reasonable challenge and explanation, this government must insist on its right to make such inquiries as are necessary to ascertain the character of the offenders. Assuming the crew of the *Sylvanus* to have been British subjects, it is, nevertheless, to be considered that it was civil war into which the crew of that vessel improperly and wrongfully intruded themselves, against the laws of their own country and the law of nations. They thereby exposed themselves to such measures of vigilance on the part of the police as were required by a due regard to the safety of the state against which they were offending. The President regrets that a necessity for the injurious measures complained of should exist, but consoles himself with the reflection that it is not from any fault of this government that it has not long ago ceased.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 23, 1864.

SIR: Referring to your communication of the 25th ultimo, in relation to two apprentices of the *Cuzco*, I have the honor to enclose a reply of a letter of the 19th instant from the Secretary of the Navy on the subject.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

JOSEPH HUME BURNLEY, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
September 19, 1864.

SIR: Referring to my letter of the 6th instant, relative to the two apprentices alleged to have deserted from the British ship *Cuzco*, and to have been enlisted on board the United States ship *St. Mary's*, I have the honor to inform you of the receipt by this department of a despatch from Acting Rear-Admiral C. H. Bell, dated Callao, August 27, 1864, in which he says he has written to Captain Middleton for all the information he has concerning the two lads, and directed him, should they be found on board the *St. Mary's*, to notify the British consul at Panama, and deliver them up, if called on to do so.

Very respectfully, &c., &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burnley to Mr. Seward.

WASHINGTON, September 23, 1864.

SIR: I have the honor to transmit to you herewith copies of a notification issued by her Majesty's government prohibiting any ship-of-war, belonging to either of the belligerent powers in North America, being dismantled or sold in any of her Majesty's ports.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

FOREIGN OFFICE, September 8, 1864.

It is hereby notified that her Majesty has been pleased to order, that for the future no ship-of-war belonging to either of the belligerent powers of North America shall be allowed to enter, or to remain, or be, in any of her Majesty's ports for the purpose of being dismantled or sold; and her Majesty has been pleased to give directions to the commissioners of her Majesty's customs, and to the governors of her Majesty's colonies and foreign possessions, to see that this order is properly carried into effect.

Mr. Burnley to Mr. Seward.

WASHINGTON, September 24, 1864.

SIR: With reference to Lord Lyons's note of the 30th July, and to your reply of the 15th ultimo, respecting the case of Messieurs Darrell & Nash, British merchants, who were refused a clearance by the customs authorities at New York for goods shipped by them for Nassau, on the plea that their goods were intended to be sent ultimately to ports under blockade, I am instructed by her Majesty's government again to bring this case under your notice, with a view to obtaining some relief for these merchants.

Her Majesty's government see with regret such interference on the part of the custom-house authorities at New York with trade between that port and Nassau, and I am consequently desired to make a fresh remonstrance on the subject of these vexatious trade restrictions.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 25, 1864.*

SIR: Her Majesty's government have attentively considered the various sections of the new prize act passed by the Congress of the United States on the 30th June last. Sections 27 and 28 of that act have particularly engaged their attention, as they would seem to recognize, and virtually repeat, the provisions of former acts of Congress, that the United States government, previously even to the bringing into court of any neutral vessel seized as prize, may appropriate such vessel to their own use, subject, of course, to compensation to the owners of the vessel, should she be afterwards released, and the capture pronounced illegal by the prize court.

That her Majesty's government hold an opinion adverse to the assumption of this power is already known to the government of the United States.

I am consequently instructed, on this occasion, to repeat to the government of the United States that her Majesty's government cannot assent to any interference, by virtue of the domestic legislation of the United States, with the unquestionable right of the neutral to have his vessel brought in, and adjudicated upon by the prize court, before it can be appropriated by the belligerent.

Her Majesty's government further instruct me to state that they would be compelled to regard as an invasion of the neutral rights of her Majesty any attempt to enforce these provisions of the act of Congress against British shipping, for the introduction of such a practice would at once supply a motive for groundless and irregular captures of ships capable of being made serviceable by the United States government, and would go far to destroy the confidence of neutrals in decisions of the prize courts of the United States, which, under such circumstances, must either support the validity of the captures, or leave their own government under the imputation of a violent and unjustifiable invasion of neutral rights.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 26, 1864.

SIR: I have the honor to inform you, with a view to her Majesty's government being acquainted with the facts, that, owing to the recent hostile and piratical proceedings on the lakes lying between the United States and her Majesty's

possessions, it has been deemed necessary, for the present, to increase the observing force of the United States on those lakes; that the arrangement is temporary, and will be discontinued so soon as circumstances permit, and that the vessels to be employed on that service are to be under instructions to respect British rights in all cases.

I have the honor to be, with the highest consideration, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, September 27, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, transmitting copies of a notification issued by her Majesty's government prohibiting any ship-of-war belonging to either of the belligerent powers in North America being dismantled or sold in any of her Majesty's ports, and to inform you, in reply, that a copy of the notification has been communicated to the Secretary of the Navy.

I have the honor to be, with high consideration, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 28, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, informing me that, owing to recent piratical proceedings on Lake Erie, it had been found necessary to increase the observing force of the United States on the American lakes lying between the United States and her Majesty's possessions, and beg to state, in reply, that I shall forward a copy of that note to her Majesty's government. Without wishing to prejudge the question, I must leave it to her Majesty's government to decide as to whether such a measure, although only temporary in its effect, can be warranted by treaty stipulations.

I would, however, simply here recall to your recollection a note of Lord Lyons, addressed to you on the 4th ultimo, which set forth the views of her Majesty's government, when the question of abrogating the treaty limiting the naval force to be maintained upon the American lakes was brought before Congress.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *September 28, 1864.*

SIR: On the 31st ultimo I had the honor to bring to your notice the case of Mr. Charles A. Russell, of the British sloop Racer, captured off Bull's bay, and to request that an investigation of the matter might be made; and on the 3d instant you informed me that a copy of my note had been transmitted to the Navy Department.

I shall be glad to learn how this affair now stands.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 1, 1864.*

SIR: I had the honor, on the 9th ultimo, to acquaint you with certain orders in council issued by his excellency the lieutenant governor of Nova Scotia, directing that American and belligerent cruisers should come to an anchorage in the regular man-of-war anchorage off the dock-yard of Halifax, and requesting that those orders might be made generally known to all commanders of federal cruisers who might be likely to visit that port.

I regret to say, however, that I received yesterday a despatch from his excellency, stating that on more than one occasion lately federal cruisers had anchored in the immediate vicinity of the port of Halifax, with a view apparently to chasing or visiting vessels leaving that port.

As this is a manifest violation of international usage, of the Queen's regulations, and of the immediate municipal rights of the province of Nova Scotia, I feel convinced that you will see the expediency of suggesting to the Navy Department the urgent necessity and pressing importance of issuing the necessary orders, if not already issued, to the commanders of federal ships-of-war to comply in good faith with the regulations established for the port of Halifax.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 1, 1864.

SIR: With reference to the previous correspondence between this department and her Britannic Majesty's legation on the subject, I have the honor to communicate a copy of a letter of yesterday, addressed to this department by the Secretary of the Treasury, and from which it appears that it has been deemed advisable at this juncture to charter the steam propeller Hector for revenue cutter purposes on the lakes. Any excess which may thus be occasioned, however, in the arrangement of United States vessels in that quarter over the limit

fixed by the armament of April, 1817, will be temporary only; and as it has been made necessary by an emergency, probably not then foreseen, may not be regarded as contrary to the spirit of the stipulation of that instrument.

I have the honor to be, with high consideration, sir, your obedient servant,
 WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq. &c., &c., &c.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT,
 September 30, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date transmitting telegram from General Hitchcock, and to state that this department has this day chartered the steam propeller Hector (at Oswego, New York) for revenue cutter purposes. This vessel, together with the Winston, chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Hitchcock to Mr. Stanton.

[Telegram]

SANDUSKY, Ohio, September 23, 1864.

SIR: I take upon myself to express an opinion that the safety of our commerce on the lakes, and the security of the cities along the lake shores, make it of the highest importance, if not an indispensable necessity, that the government should have several armed vessels fully manned, to prevent the rebels who find security in Canada from seizing steamers engaged in commerce, and converting them into war vessels, with a few of which they may, if not prevented, do us incalculable mischief. Ex-secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character. The recent seizure of two steamers in this vicinity has, indeed, terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our government to take immediate measures to guard against a repetition of it. It will be but an act of self-defence; and from the disclosures made by Coole, now in arrest at Johnson's island, I earnestly recommend that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the upper lakes also. I suppose we are engaged in war, rendering this step justifiable under the treaty of eighteen fifteen, (1815,) but it is my duty to speak only of the justifying necessity of the case.

E. A. HITCHCOCK,
Major General of Volunteers.

Hon. E. M. STANTON,
Secretary of War.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 3, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, in which you inform me of the views of her Britannic Majesty's government in regard to sections 27 and 28 of the prize act, passed on the 30th June, 1864. In reply I have the honor to state that due consideration will be given to the subject.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 3, 1864.

SIR: This department has been informed that Captain Hewitt, late in command of the British ship-of-war Rinaldo, and who is understood to be still an officer in her Britannic Majesty's naval service, is now the commander of the steamer Condor, which recently cleared from Halifax, Nova Scotia, for Wilmington, North Carolina, laden principally with clothing for the insurgents in this country. If this information should prove to be well founded, it is presumed that the employment of Captain Hewitt in the business referred to is without the knowledge of, and will not be sanctioned by, his government.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 3, 1864.*

SIR: Since I had the honor of addressing you on the 31st August and 28th ultimo, relative to the sloop Racer, captured off Bull's bay by the United States steamer Hope, I have seen Captain Russell at this legation, who informs me that himself and crew were released, and his ship's papers returned to him.

These papers, which I herewith enclose in original, show that the vessel was registered at and owned by British subjects at Nassau.

I further enclose the affidavits of Captain Russell, his mate and crew, which tend to show that they were engaged on a legitimate voyage, in a neutral vessel, with registry and clearance perfectly legal and correct, having no cargo, or anything to excite even suspicion.

The detention for thirty-one days of the captain and crew appears to me, therefore, illegal, as no proceedings of any kind were taken before a prize court, and I am of opinion that their claims for compensation are entitled to consideration.

I beg you to return to me the affidavits and papers.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Affidavit of Captain Russell.

UNITED STATES OF AMERICA,

Southern District of New York, ss :

Charles Anson Russell, of Perrysburgh, Nova Scotia, master mariner, being duly sworn, says :

That he is and was at the several times hereinafter mentioned a British subject, and resident of Nova Scotia as above stated. That on or about the 26th day of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by way of Port Royal; that deponent so left in command of the British sloop Racer, belonging to the port of Abaco.

That the said sloop was of the value of \$1,250. That the said vessel had no cargo, and only ballast on board. That her crew consisted of this deponent, master, John Martin, of Ireland, mate, and two men. That he had on board provisions amounting in value to about \$375. That the vessel when she so left Abaco belonged to and was the property of British subjects residing at Nassau, New Providence, the names of the owners being Otis Johnson & — Johnson, of Nassau, aforesaid. That the object of the voyage was to sell the vessel at Port Royal or Beaufort, and purchase another with the proceeds of said vessel, and the proceeds of two drafts of \$1,000 each in gold. That the said drafts cost, at their rate of exchange in currency of the United States, 295 per cent., making the value of said drafts for use, when so coming from Nassau, the sum of \$5,900. That the papers and documents of said vessel are hereto annexed and marked severally.

That the vessel so started from Abaco for Beaufort, *via* Port Royal, in good faith, and with no other destination, and duly proceeded on her said voyage, without any unnecessary delay, until the 1st day of August, 1864, when the said sloop Racer was taken by the United States schooner Hope, and detained as prize, against deponent's protest.

That the vessel was towed off Charleston to the fleet there, and from there ordered to Beaufort, North Carolina. That the sloop Racer, after her capture, after being towed to Charleston by a steamer, was again towed to Beaufort; that she was a small vessel of about the tonnage of eighteen American tons; that the weather was heavy, and the effect of the towage was to strain the sloop, and otherwise injure her by collision with the steamer, breaking her bulwarks and knocking in her stanchions, and she also lost her anchor and chain.

That after the arrival of the vessel at Beaufort, the captain hauled her on the beach, and let her fall, breaking her keel, and otherwise further injuring her. That after a detention of the vessel in the possession of the captain until the 1st of September, she was released, the order of release being here annexed and marked.

That after such release, on examining his vessel, deponent found that, with the want of facilities at hand to repair, it would probably cost as much to repair the vessel at Beaufort as she would be worth repaired. That he further found that a part of the stores had been used and appropriated by the captors, amounting in value to \$125, a statement of which is annexed and marked. That the effect of the detention was to decrease the value of the bills of exchange held by deponent the sum of \$1,500. That in addition to the above losses the owner of the vessel was put to the loss of the use of said vessel during the said month the sum of \$450. That the deponent was himself kept and detained as a prisoner during the said 31 days, 20 days he being confined on shore; and he claims, therefore, the sum of \$100 per day. That the mate and two men attached to the vessel were also detained during the time deponent was detained. That no prize proceedings were had or attempted against said

vessel, and no court existed at either Charleston or Beaufort to try her. That deponent is the agent of the said Otis Johnson & Brother, and authorized to act for them in regard to all the affairs of said sloop Racer.

CHARLES ANSON RUSSELL.

[L. s.] Sworn to before me this 22d day of September, 1863.

[Revenue stamp.]

O. R. STEELE,
Notary Public.

The United States of America to Otis Johnson & Brother, Dr.

To value of the sloop Racer, injured and beyond the value of repair by the capture by steamer	\$1, 250 00
Detention of said vessel before loss, 31 days, at \$1,500 per day ...	465 00
Value of provisions used or lost by captors from the vessel	125 00
Difference in exchange on drafts held by their agent while sloop Racer was detained	1, 500 00
	<hr/>
	3, 340 00
	<hr/> <hr/>

CHARLES ANSON RUSSELL.

Affidavit of John Martin.

UNITED STATES OF AMERICA,

Southern District of New York, ss :

John Martin, of Ireland, Great Britain, being duly sworn, says : That he is, and was at the several times hereinafter mentioned, a British subject. That on or about the 26th day of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by way of Port Royal. That deponent so left as mate of the British sloop Racer, belonging to the port of Abaco.

That the said sloop was, as deponent verily believes, of the value of \$1,250 ; that the said vessel had no cargo, and only ballast on board ; that her crew consisted of this deponent as mate, with Charles Anson Russell as captain and master, and two men ; that she had on board provisions amounting in value to about \$375 ; that the said sloop Racer started as aforesaid from Abaco for the port of Beaufort, and proceeded on her voyage without any unnecessary delay, until the 1st day of August, 1864, when she was taken by the United States schooner Hope, and detained as a prize against the protest of the captain and mate of said sloop. Deponent further says that said sloop was towed to off Charleston to the fleet there, and from there ordered to Beaufort, North Carolina. That the sloop Racer, after her capture, after being towed to Charleston by a steamer, was again towed to Beaufort. That being a small vessel of about the tonnage of eighteen American tons ; that the weather was heavy, and the effect of the towage was to strain the sloop, and otherwise injure her by collision with the steamer, breaking in her bulwarks and knocking in her stanchions ; and she also lost her anchor and chain. That after the arrival of the sloop at Beaufort the captain hauled her on the beach, and let her fall on the beach, breaking her keel and otherwise further injuring her. Then after a detention of the vessel until the 31st of August she was released.

Deponent further says that the vessel was very much injured, and verily believes that it would have cost more to repair her there than she would have been worth after her repairs. That a part of the stores were taken and carried away and appropriated to the use of the captor. That the owners were put to the loss of the use of said sloop during the time of said detention, which, as deponent verily believes, amounted to the sum of \$450. That deponent was kept and detained as a prisoner during the said 31 days, 20 days being confined on shore. Deponent further says that the captain and the two men were also imprisoned for the same length of time that deponent was. That no prize proceedings were had or attempted against said vessel, and deponent further says that the affidavit of Jacob Birt, hereunto annexed, is in all respects true.

JOHN MARTIN.

[L. s.] Sworn to before me September 23, 1864.

[Revenue stamp.]

O. R. STEELE.

Affidavit of Jacob Birt.

UNITED STATES OF AMERICA,

Southern District of New York, ss:

Jacob Birt, of Trieste, Austria, being duly sworn, says: That he was one of the crew on board the sloop Racer on her voyage from Abaco to the port of Beaufort, and when said vessel was seized by the United States schooner Hope. That he knows Charles Anson Russell, and knows that he was captain of said sloop Racer at the times mentioned in the annexed affidavit of said Captain Russell. Deponent further says that he has heard the annexed affidavit of said Charles Anson Russell read, and that he knows the contents thereof, and says that said affidavit is true in every particular, so far as it relates to the taking of the sloop Racer, and her capture and detention, and the length of time that she was detained, and the injuries which she received, and the imprisonment of the said captain; and deponent says that he was also detained the same length of time that the captain and others on board were; and he also knows about the stores being taken away from said vessel by her captors. Deponent further says that he is forty-one years of age, and that he understands the English language; and further says, that the sloop Racer did not have any cargo on board, and that she proceeded on her voyage without any unnecessary delay until her capture aforesaid.

his
JACOB + BIRT.
mark.

[L. s.] Sworn to before me, September 23, 1864.

O. R. STEELE, *Notary Public.*

[Revenue stamp.]

Mr. Hendricks to Captain Russell.

CUSTOM-HOUSE, BEAUFORT, NORTH CAROLINA,

September 1, 1864.

SIR: I transmit herein the paper seized on board the sloop Racer on the 2d ultimo, off Bull's bay, South Carolina, and do hereby release said sloop, her master and crew, from further custody.

I am, very respectfully, your obedient servant,

JOHN A. HENDRICKS, *Collector.*

Captain C. A. RUSSELL,

Master of the Sloop Racer, Beaufort, North Carolina.

Certificate of clearance.

PORT OF GREEN TURTLE CAY, ABACO,
Office of Collector of Revenue.

These are to certify to all whom it doth concern that the British sloop Racer, whereof — Russell is master, has been duly cleared at this office for Beaufort, in Port Royal, South Carolina, in ballast.

Given under my hand, at the aforesaid port, this 26th day of July, in the year of our Lord 1864.

JOSEPH J. LOWNERS, *Collector of Revenue.*

Agreement between the Captain, &c., of the Racer and her owner.

BAHAMA ISLANDS.

An agreement made pursuant to the directions of an act of assembly made and passed in the 2d year of the reign of her Majesty Queen Victoria the first between C. A. Russell, the master of the sloop Racer, of the port of Nassau, N. P. :

It is agreed by and on the part of the said persons as they severally hereby engage to serve on board the said sloop Racer in the several capacities against their respective names, expressed in a voyage from the port of Abaco, to Beaufort, S. C., *via* Port Royal, and back to the port of Abaco. But the said crew further engage to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master or other officers in everything relating to the said sloop, and the materials, stores, and cargo thereof, whether on board said sloop, in boats, or on shore.

In consideration of which services to be duly, honestly, carefully, and faithfully performed, the said master doth hereby promise and agree to pay the said crew by way of compensation or wages the amount against their names respectively expressed.

In witness whereof, the said parties have hereunto subscribed their names on the day against their respective signatures mentioned :

Place and time of entry.	Men's names.	Capacity.	Wages per month.	Money advanced.	Witness's signature.
Abaco, July 27, 1864.	C. A. Russell	Master	-----	-----	Robert Curry. Robert Curry. Robert Curry. Robert Curry.
	John Martin	Mate	\$20 00	\$10 00	
	Jacob Birt	Seaman	18 00	9 00	
	Benjamin Sanders.	Cook	16 00	8 00	

NOTE.—Any embezzlement, or wilful or negligent loss or destruction of the vessel, cargo, stores, may be made good to the owner out of the wages (so far as this will extend) of the seaman guilty of the same; and if any seaman shall enter himself as qualified to a duty to which he shall prove to be not competent he will be subject to a reduction of wages hereby agreed for in proportion to his competency.

Certificate of British Registry.

Official No. of ship, 49,143; date of registry, April 22, 1864; port, No. 52; name of ship, Racer; British or foreign built, foreign built; port of registry, Nassau, N. P.; how propelled, by sails; number of decks, one; build, curved; number of masts, one; galleries, none; rigged, sloop; head, none; stern, round; frame-work, wood.

Measurements :

	feet.	inches.
Length from the fore part of stern, under the bowsprit, to the aft side	30	8
Main breadth to outside plank.....	12	2
Depth in hold for tonnage, deck to ceiling at midships.....	3	5

Tonnage:

	No. of tons.
Tonnage under tonnage deck.....	6.27
Trunk.....	1.28
Total register tonnage.....	7. ⁵⁵ / ₁₀₀

I, the undersigned, registrar of the port of Nassau, N. P., hereby certify that the ship the description of which is prefixed to this my certificate has been duly surveyed, and that the above description is true; that Azariah Curry is the master of said ship; and that the name, residence, and description of the owner, and number of 64 shares held by him, are as follow :

Name, residence, and occupation of the owner, Samuel Otis Johnson, of Nassau, N. P., Bahama merchant; number of sixty-four shares, sixty-four.

Dated at Nassau, N. P., the 22d of April, 1864.

JOHN D. DUNMERING, *Registrar.*

Notice.—A certificate of registry, granted under the merchant shipping act, 1556, is not a document of title. It does not necessarily contain notice of all changes of ownership, and no case does it contain an official record of any mortgages affecting the ship.

The United States of America to Charles Anson Russell, Dr.

To detention as prisoner for 31 days, preventing the carrying on his business. Damages to him per day \$100: Total, \$3,100.

CHARLES ANSON RUSSELL.

Deposition of John Martin.

UNITED STATES OF AMERICA,

Southern district of New York, ss :

John Martin, of Ireland, Great Britain, being duly sworn, says :

That he is, and was at the several times hereinafter mentioned, a British subject. That on or about the 20th day of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by way of Port Royal; that deponent so left as mate of the British ship Racer, belonging to the port of Abaco, bound for the port of Beaufort, and proceeded on her voyage without any unnecessary delay until the 1st day of August, 1864, when she was taken by the United States schooner Hope, and detained as prize, against the protest of Charles Anson Russell, who was the master of the said sloop Racer. Deponent further says, that the said sloop Racer was towed to off Charleston, and then taken to Beaufort, and that the said vessel was seriously injured by being so towed and hauled upon the beach at Beaufort. Deponent further says, that Charles Anson Russell, the master of said sloop, as well as deponent and the two men on board of

her, were imprisoned and detained for thirty-one days, until the said sloop was released, twenty days of which he was detained on shore, about the 1st of September, 1864. Deponent further says, that he has heard the annexed affidavit of Charles Anson Russell read, and the facts there set out are true, as to the voyage, capture, and detention, to the knowledge of deponent.

JOHN MARTIN.

Sworn to before me, this 24th day of September, 1864.

[L. s.]

[Revenue stamp.]

FRANKLIN A. WILCOX,

Notary Public.

Deposition of Jacob Birt.

UNITED STATES OF AMERICA,

Southern district of New York, ss :

Jacob Birt, being duly sworn, says: That he is well acquainted with Charles Anson Russell, and that he was master of the sloop Racer on her voyage from Abaco to Beaufort, North Carolina; that the vessel started from Abaco on the 26th day of July, 1864, and proceeded on her voyage without any unnecessary delay until the 1st of August, when she was taken by the United States schooner Hope to off Charleston, and thence to Beaufort. Deponent further says, that he has heard the annexed affidavit of Charles Anson Russell read, and knows the contents thereof, and that the same is true of his own knowledge, so far as the facts are therein set out in regard to the voyage, the capture, and the detention of the vessel and of the persons on board of her.

JACOB BIRT.

Sworn to before me, September 24, 1864.

[L. s.]

[Revenue stamp.]

FRANKLIN A. WILCOX.

Notary Public.

Deposition of Jacob Birt.

UNITED STATES OF AMERICA,

Southern District of New York, ss :

Jacob Birt, of Abaco, being sworn, says that he was born near Trieste, Austria, and is an Austrian subject. Deponent further says that, on or about the 26th of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by way of Port Royal; that deponent so left as a common seaman on board the British sloop Racer, belonging to the port of Abaco; that Charles Anson Russell was the master of said vessel, and John Martin was the mate of said sloop, and that deponent and one other were hands on board of said sloop; that the vessel had no cargo, and only ballast on board; that she had on board provisions amounting to the sum, as deponent believes, of \$375; that the vessel, when it left Abaco, belonged, as deponent was informed and verily believes, to British subjects residing at Nassau, New Providence, and was their property; that the names of owners being Otis Johnson & Brother, of Nassau, New Providence; that the said ship started from Abaco for Beaufort, *via* Port Royal, in good faith, and duly proceeded on her said voyage without any unnecessary delay until the 1st day of August, 1864, when the said sloop Racer was taken by the United States schooner Hope, and detained as prize against the protest of the captain of said sloop; that the vessel was towed to off Charleston to the fleet there, and from there ordered to Beaufort, North Carolina; that deponent and all on board were kept and detained as prisoners during the said days that the said sloop was detained before her release; twenty days of which time he was detained on shore, and deponent claims the sum of \$10 per day for said detention, arrest, and imprisonment.

Deponent further says that there were no prize proceedings had, or attempted to be had against said vessel, either at Charleston or Beaufort, and that there was no court there by which she could be tried.

J. BIRT.

Sworn before me, September 24, 1864.

[L. s.]

FRANKLIN A. WILCOX, *Notary Public.*

[Revenue Stamp.]

United States of America to Jacob Birt, Dr.

To damages for detention and imprisonment thirty-one (31) days,
at ten (\$10) dollars per day \$310 00

Deposition of Captain Russell.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

Charles Anson Russell, of Perrysborough, Nova Scotia, master mariner, being duly sworn, says that he is, and was at the several times hereinafter mentioned, a British subject and resident of Nova Scotia; that on or about the 26th day of July, 1864, he left Abaco and sailed to the port of Beaufort, South Carolina, by way of Port Royal; that deponent was master in command of British sloop Racer, belonging to the port of Abaco; that the said sloop was of the value of about \$1,250; that she had no cargo but ballast, and had provisions on board for the use of the crew, &c.; that said sloop, when she left Abaco, belonged to British subjects residing at Nassau, New Providence, whose names are Otis Johnson & Johnson. Deponent further says, that the vessel so started from Abaco for Beaufort, *via* Port Royal, in good faith, and with no other destination, and duly proceeded on her voyage without unnecessary delay, until the 1st day of August, 1864, when the said sloop Racer was taken by the United States schooner Hope, and towed to off Charleston, and from there to Beaufort, and detained as prize, against deponent's protest; that this deponent and all the crew were detained and confined as prisoners for the space of 31 days, until the vessel was released on the 1st of September, 1864; 20 days of which they were detained on shore; that Jacob Birt was a hand on board of said sloop, and was detained and imprisoned as aforesaid. Deponent further says, that the affidavit of Jacob Birt, hereto annexed, so far as it sets out the capture, detention, and imprisonment of the said Birt, is true; and also as to the voyage of said sloop is also true.

CHARLES ANSON RUSSELL.

Sworn before me, September 24, 1864.

FRANKLIN A. WILCOX, *Notary Public.*

[Revenue Stamp.]

Deposition of John Martin.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

John Martin, of Ireland, being duly sworn, says that he was on board the sloop Racer during the time mentioned in the annexed affidavits of Russell and

Birt, and that the same, so far as they set out the voyage of the sloop Racer and her capture and detention, and the detention and imprisonment of the persons on board of her, are true to the knowledge of this deponent.

JOHN MARTIN.

Sworn to before me this 24th day of September, 1864.

[L. s.]

FRANKLIN A. WILCOX, *Notary Public.*

[Revenue Stamp.]

Deposition of John Martin.

UNITED STATES OF AMERICA,

Southern district of New York, ss:

John Martin, of Great Britain, Ireland, being duly sworn, says: That he is, and was at the several times mentioned, a British subject, and resident at Abaco; that on or about the 26th of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by the way of Port Royal; that deponent so left as mate of the sloop Racer, a British sloop belonging to the port of Abaco.

That the said sloop, as deponent verily believes, was of the value of \$1,250; that the said vessel had no cargo, and only ballast on board; that her crew consisted of this deponent as mate, Charles Anson Russell, master, and two men; that she had on board provisions amounting in value to about \$375; that the vessel, when she left Abaco, belonged, as deponent was informed and verily believes, to British subjects residing at Nassau, New Providence, and was their property, and the names of the owners being Otis Johnson and Johnson of Nassau aforesaid; that the said sloop sailed from Abaco for Beaufort, *via* Port Royal, in good faith, with no other destination, and duly proceeded on her voyage without any unnecessary delay until the 1st day of August, 1864, when the said sloop Racer was taken by the United States schooner Hope and detained prize, against the protest of the captain of said sloop; that the vessel was towed to off Charleston to the fleet there, and from there ordered to Beaufort, North Carolina. The deponent and all on board were kept and detained as prisoners during the said 31 days that the vessel was detained before her release, 20 days of which he was confined on shore; and deponent claims the sum of \$40 per day for said detention, arrest, and imprisonment. Deponent further says that there was no prize proceedings had, or attempted to be had, against said vessel, either at Charleston or Beaufort.

[Internal revenue stamp.]

JOHN MARTIN.

Sworn to before me this 24th day of September, 1864.

[L. s.]

FRANKLIN A. WILCOX,

Notary Public.

United States of America to John Martin, Dr.

To damages by detention as prisoner for the space of thirty one (31) days, at \$40 per day..... \$1, 240 00

JOHN MARTIN.

Deposition of Captain Russell.

UNITED STATES OF AMERICA,

Southern district of New York, ss:

Charles Anson Russell, of Perrysborough, Nova Scotia, master seaman, being duly sworn, says, that he is, and was at the several times hereinafter mentioned,

a British subject, and resident of Nova Scotia, as above stated; that on or about the 26th day of July, 1864, he left Abaco, bound for the port of Beaufort, North Carolina, by way of Port Royal; that deponent so left in command of British sloop Racer, belonging to the port of Abaco; that the said sloop was of the value of about \$1,200; that the said vessel had no cargo, and only ballast on board; that her crew consisted of this deponent as master, John Martin, of Ireland, whose affidavit is hereto annexed, and two men; that he had on board provisions amounting in value to about \$375; that the vessel when she so left Abaco belonged to and was the property of British subjects residing at Nassau, New Providence, whose names are Otis Johnson and Johnson of Nassau, aforesaid; deponent further says that the vessel so started from Abaco for Beaufort, via Port Royal, in good faith, with no other destination, and duly proceeded on her said voyage without any unnecessary delay, until the first day of August, 1864, when the said sloop Racer was taken by the United States schooner Hope, and detained as prize against deponent's protest; that the vessel was towed off Charleston, to the fleet there, and from there ordered to Beaufort, North Carolina; that the deponent was himself kept and detained as a prisoner during the said 31 days, 20 days he being confined on shore; and that the mate, John Martin, was also confined and detained for the same length of time that deponent was, and that the two men attached to the vessel were also detained in like manner; that deponent has heard the affidavits hereto annexed of John Martin and Jacob Birt read, and that the same are true.

CHARLES ANSON RUSSELL.

Sworn to before me September 24, 1864.

[Revenue stamp.]

[L. S.]

FRANKLIN A. WILCOX,
Notary Public.

Deposition of Jacob Birt.

UNITED STATES OF AMERICA,
Southern district of New York, ss :

Jacob Birt, being duly sworn, says, that he was born near Trieste, Austria; that he was one of the crew of the British sloop Racer, on her voyage from the port of Abaco to Beaufort, and that the vessel left said port of Abaco about the 26th day of July, 1864, and was taken about the 1st of August by the United States schooner Hope; deponent further says, that the annexed affidavits of John Martin and Charles Anson Russell have been read to him, and that he knows the contents thereof, and the same are true so far as they set out the voyage of said sloop, her capture by the schooner Hope, and her detention and also the detention of the persons on board of her, and their confinement for the length of time therein set out.

JACOB BIRT.

Sworn to before me this 24th day of September, 1864.

[Revenue stamp.]

[L. S.]

FRANKLIN A. WILCOX,
Notary Public.

Deposition of Captain Russell.

UNITED STATES OF AMERICA,
Southern district of New York, ss :

Charles Anson Russell, of Perrysborough, Nova Scotia, master mariner, being duly sworn, says that he is, and was at the several times hereinafter mentioned, a British subject and resident of Nova Scotia, as above stated. That on

or about the 26th day of July, 1864, he left Abaco, bound for the port of Beaufort, N. C., by way of Port Royal. That deponent so left in command of the British sloop *Racer*, belonging to the port of Abaco; that the said sloop was of the value of \$1,250; that the said vessel had no cargo and only ballast on board. That her crew consisted of this deponent as master, John Martin, of Ireland, mate, and two men. That she had on board provisions amounting in value to about \$375; that the vessel when they so left Abaco belonged to and was the property of British subjects residing at Nassau, New Providence, the names of the owners being Otis Johnson and — Johnson, of Nassau, aforesaid. Deponent further says, that the vessel so started from Abaco for Beaufort, via Port Royal, in good faith, and with no other destination, and duly proceeded on her said voyage without any unnecessary delay, until the first day of August, 1864, when the said sloop *Racer* was taken by the United States schooner *Hope*, and detained as prize, against deponent's protest. That the vessel was towed to off Charleston to the fleet there, and from there ordered to Beaufort, North Carolina. That this deponent was himself kept and detained as a prisoner during the said thirty-one days, twenty-three days he being confined on shore; and he claims for said arrest, detention, and imprisonment the sum of \$100 per day. That the mate and the two men attached to the vessel were also detained during the time that deponent was detained. That the vessel was not released until the first of September, 1864, at which time deponent was released. Deponent further says, that no prize proceedings were had against said vessel, nor none attempted to be had, and no court existed at either Charleston or Beaufort to try them; and deponent says that the object of said voyage was to sell the vessel at Port Royal or Beaufort, and purchase another with the proceeds, and with the proceeds of two drafts which he had of \$1,000 each in gold. Deponent further says, that the vessel was put to great loss, and that this deponent was put to great loss and inconvenience on account of his capture and confinement.

CHARLES ANSON RUSSELL.

[L. s.] Sworn to before me this 28th day of September, 1864.

FRANKLIN A. WILCOX,

[Rev. Stamp.]

Notary Public.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 4, 1864.

SIR: I have the honor to acknowledge receipt of your note of the 1st, relative to an increase of the American naval force in the Canadian lakes, and of its enclosures, and beg to state, in reply, that I have to-day forwarded copies to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 4, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant, referring to your communication of the 9th ultimo, in which you did me

the honor to communicate to me copies of certain order in council issued by his excellency the lieutenant governor of Nova Scotia, directing that American and belligerent cruisers should come to an anchorage in the regular man-of-war anchorage off the dock-yard of Halifax, and informing me that on more than one occasion lately federal cruisers had anchored in the immediate vicinity of the port of Halifax, with a view apparently of chasing or visiting vessels leaving that port; and stating that as this is a manifest violation of international usage, of the Queen's regulations, and of the province of Nova Scotia, you feel convinced that I will see the expediency of suggesting to the Navy Department the urgent necessity and pressing importance of issuing the necessary orders, if not already issued, to commanders of federal ships-of-war, to comply in good faith with the regulations established for the port of Halifax.

I have the honor to inform you, in reply, that I have communicated to the Secretary of the Navy a copy of your note, inviting his immediate attention to the subject.

It is presumed that the commanders of the vessels which have recently anchored off the port of Halifax have, in consequence of being on remote cruising grounds, failed to receive notice of the new regulation. Whatever may have been the cause of their proceedings, they are very much regretted, and it is not to be doubted that the Secretary of the Navy will adopt such measures as will prevent their recurrence.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 5, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 24th ultimo, relative to the case of Messrs. Darrell & Nash, British merchants, who were refused a clearance by the customs authorities at New York, for goods shipped by them for Nassau. In reply, I have the honor to inform you that I have recalled the attention of the Secretary of the Treasury to the subject.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 5, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, in regard to the seizure of the British sloop Racer by the United States schooner Hope, and preferring a claim to compensation on account of losses growing out of the capture and detention of the Racer.

In reply, I have the honor to inform you that I have submitted the case to the Secretary of the Navy, with a view to investigation and proper proceedings.

I have the honor to be, sir, with the highest consideration, your obedient servant.

WILLIAM H. SEWARD.

J. HUME BURNLEY, esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 5, 1864.*

SIR: I beg to enclose extract of a letter from a Mr. James Stewart, a cotton-owner, of New Orleans, and beg to recommend it to your earnest consideration, particularly as to the statement of the Assistant Secretary of the Treasury, that if Mr. Stewart applied to the Secretary of the Treasury here, he would get either the proceeds or the cotton.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Stewart to Lord Lyons.

[Extract.]

"I am a citizen of Great Britain, and for a number of years was engaged in commercial business in New Orleans, Louisiana. At the commencement of the rebellion I had large amounts due me by the cotton-planters of Mississippi, and in settlement I took cotton from them, paying the difference in cash when the cotton purchased exceeded my claims. This cotton was stored on the plantations, and after the fall of Vicksburg I waited on General Grant, who, after examining my papers, gave me a permit to carry my cotton to New Orleans, and a letter to Brigadier General Crocker, commanding at Natchez, to give me all the assistance in his power. I did get several lots out, but have a good deal of it remaining on the plantations. One Bilguay, claiming to be a French subject, purchased some lots of cotton in the same county where my cotton is stored, all of which was burnt by order of Wirt Adams, who commanded a regiment of cavalry. This man entered into some arrangement with Colonel Ellett, commanding the marine brigade, and one Mr. Clements, and they landed and carried away cotton wherever they found any, alleging that as Bilguay's cotton was destroyed, he had a right to take property until his losses were made good. This cotton was carried to Natchez and placed in the government yard. A number of claimants came forward, and, by paying fifty dollars a bale, they got back their property. Another portion was handed over to Bilguay, who shipped the same to New Orleans, and there the owners of the property seized it. Among the property carried off were seventy bales of my cotton, which was stored on the plantation of Mr. W. Harrison, nine miles back of Rodney, in the State of Mississippi. I was informed by the assistant special agent of the Treasury in Natchez that the cotton having been turned over to him by the military, he had no power to surrender it; but that if I applied to the Secretary of the Treasury, I would get either the cotton or the proceeds.

"Judge Hart shipped the cotton, with several other lots, on the steamer *Empress* to Cairo, either in April or the beginning of May, but always told me I would get it back again upon making application at the proper quarter. About this time Judge Hart was dismissed, and his successor in Natchez, Judge Burnett, gave me all the assistance in his power to have the cotton out. There was no record kept of the different marks, and they could only inform me that the cotton had been shipped with other lots. Mr. Hartley, who was the custom-house officer in Natchez, saw the cotton in the yard, and it was branded N. H. He also shipped it along with other lots to Cairo, and all this can be proved by him. I think, under the circumstances, I am justified in requesting that the United States officer at Cairo, or St. Louis, hand over to me the proceeds of said cotton.

“I have, however, every confidence that the Secretary of the Treasury will do me justice. I will say that Judge Burnett, who acted as agent for the Treasury in Natchez when I left, did all he could for me; and had he been in authority when the cotton was in Natchez, I should have had it restored at once. I had to leave earlier than I anticipated, on account of sickness in my family.”

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 5, 1864.*

SIR: Her Majesty's government have had under their consideration the note which you were good enough to address to Lord Lyons, on the 13th July, in reply to the one which his lordship had the honor of addressing to you, under instructions from her Majesty's principal secretary of state for foreign affairs, on the 13th June last, relative to the imprisonment in the Old Capitol prison at this place of the late Mr. James Hardcastle, and his death in consequence of a shot fired by a sentry at that prison.

I am now instructed to state, that her Majesty's government have learned with much regret the view taken of Mr. Hardcastle's case by the United States government, and their refusal to offer compensation to the relatives of this unfortunate person. After a further and careful consideration of all the circumstances connected with this case, her Majesty's government see no reason to modify their opinion with respect to it, as expressed in Lord Lyons's notes of the 13th August, 1863,* and 13th June, 1864. I can, therefore, only repeat that her Majesty's government considers that Mr. Hardcastle's life was sacrificed by the carelessness of subordinate officers of the United States government, and by the bad regulations of the prison in which he was improperly confined.

Her Majesty's government further consider that there are some portions of the report of the United States Judge Advocate General to the Secretary of War which ought not to be left wholly unnoticed.

If the construction which that officer places upon the meaning and effect of a safe conduct under a flag of truce is to prevail, it should be widely and generally known, for in substance it amounts to this—that the United States regard a flag of truce, when used for the purpose of soliciting and obtaining permission for a particular individual to pass and remain within their lines, as imparting no protection whatever to the person who may come under it into their territory. As thus interpreted it means, merely, that persons who bring it are not to be fired upon while they pass the space which intervenes between the lines of the enemies, and while the flag itself is exhibited; but that, as soon as they are within the lines of the United States, they may be treated in exactly the same manner as if they had been made prisoners of war. Her Majesty's government affirm such a doctrine to be utterly at variance with international law, with the usages of all civilized states, and with the reason and justice upon which both are founded. Good faith, in matters of this kind, is a question of substance, and not (as international authorities seem to be interpreted by the Judge Advocate General of the United States) one of form. Whether the form be a written safe conduct, or a permission given (without writing) for the safe passage of an individual within the lines of a belligerent, the promise of safety is in substance the same; and the effect of such promise must continue (unless a limit was originally fixed to its duration) until it is revoked, after such a notice as may at least give the person relying upon it the opportunity of returning without moles-

tation from the same belligerent to the place from which he came, or some other place of security. The necessary use of a flag of truce to obtain such a permission does not imply that the permission itself is to be nugatory as soon as that flag is withdrawn.

As regards the passage brought forward by the Judge Advocate General, in support of his views, from Vattel, cap. 17, I am instructed to state that the passage does not appear in any way to support the doctrine for the confirmation of which it is cited. That author is there not speaking of the protection afforded by a flag of truce to a person who is admitted under it to enter and remain in the enemy's lines, but of a general suspension of hostilities for a limited period, after the lapse of which period, he rightly says, in the absence of any special condition, the enemy found in the territories of either belligerent is subject to the laws of war.

Her Majesty's government do not dispute, that if Mr. Hardcastle had misconducted himself after he had been so received into the territory of the United States, he was liable to be arrested or imprisoned; but her Majesty's government are of opinion that Mr. Hardcastle's arrest and imprisonment, upon no ground whatever except upon vague suspicions as to his previous acts and history, derived from the very fact of his coming from the enemy's lines, and from the papers produced at the time of his admission under promise of safe conduct, (for it is admitted that this expression was used, and it is vainly attempted to explain away its force,) was a plain violation of the good faith pledged to him, for which her Majesty's government see no justification in any alleged necessities of the belligerent.

Under these circumstances, I am instructed to state that her Majesty's government feel bound to reserve to themselves the right of renewing their application to the United States government for compensation to Mr. Hardcastle's relatives, should they, at a future period, consider it to be their duty to do so.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 6, 1864.*

SIR: Her Majesty's government have had under their consideration the records of the various prize cases which have been submitted to them from time to time, with regard to the proceedings before the prize court of New Orleans, respecting the capture, in the Rio Grande, of the British vessels *Science*, *Sir William Peel*, *Dashing Wave*, and *Volante*.

With respect to the *Volante*, her Majesty's government cannot perceive that there was any sufficient legal justification for the condemnation of that vessel. In the absence of a reasoned judgment in the case, her Majesty's government are left to suppose that the sentence had proceeded on the ground that part of the cargo was proved to have consisted of military clothing, and that, from the position in which the ship lay, that clothing may have been intended for importation direct into the Confederate States, although ostensibly consigned to merchants in the neutral port of Matamoras. But her Majesty's government consider that there seems to be no sufficient evidence to warrant such a conclusion, and can collect only that the ground really assigned by the judge for the sentence was, that the vessel was "anchored in interdicted or American waters," and her Majesty's government are wholly at a loss to understand the

meaning of the word "interdicted," as applied to any anchorage whatever, where there is no blockade.

I am, therefore, instructed to express the surprise of her Majesty's government at the declared ground of this sentence, and their confident expectation, that, unless it can be shown either that her Majesty's government has been misinformed as to the reasons for the sentence, or that such a ground is warranted by the principles and precedents of maritime international law, the United States government will at once interfere to prevent the execution of a sentence which is, on the face of it, so unjust.

With regard to the *Sir William Peel*, *Science*, and *Dashing Wave*, which was declared by the sentence of the court to have been seized without probable cause, her Majesty's government instruct me to say, whilst expressing their satisfaction at the release of these vessels, that they are at a loss to conceive upon what principle of recognized prize law a reasonable ground of capture can have been asserted in the case of the *Sir William Peel*, or cost and damages can have been refused to the owners.

Her Majesty's government have also heard with much regret that the district attorney of the United States has given notice of appeal in these several cases. In the opinion of her Majesty's government it appears too clear for any reasonable controversy that the seizure of all these ships was made upon a false principle, contrary to international law, in which (even if it were to receive the sanction of an American prize court) her Majesty's government could not acquiesce.

Her Majesty's government, therefore, approving of the representation made by Lord Lyons in his note of the 11th July, as to the threatened appeal in the particular case of the *Sir William Peel*, instructs me again to remonstrate against the delay and injustice which must arise from the prosecution of appeal in any of these cases.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 6, 1864.

SIR: Information has been received at this department that the agents of the insurgent enemies of the United States are engaged in fitting out vessels at Nassau, New Providence, with a view to piratical operations against the commerce of the United States. The steamer *Hope*, which sailed on the 23d of August last from that port, bound for Wilmington, is represented to be a vessel of that character.

I will thank you to invite the attention of the proper colonial authorities of her Majesty to the matter, with a view to the prevention of such enterprises.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 7, 1864.*

SIR: With reference to your note of the 15th August, with its enclosure from the Secretary of the Treasury to my note of the 24th ultimo, and to your reply of the 5th instant, relative to the refusal of the collector of the port of New York to grant a clearance of certain merchandise shipped by Messrs. Darrell & Nash to Nassau, in the Bahama islands, I have the honor to enclose a copy of a letter from these gentlemen addressed to her Majesty's consul at New York, accompanied by a protest, signed by the captain and navigator of the Teviot, with a view, in the first place, of explaining the nature of these mercantile transactions with the port of Nassau; and, in the second place, of refuting what the deputy collector states in the third paragraph of his letter enclosed in your note of the 15th August.

I beg to recommend this case strongly to your consideration, in the hope that restrictions of this kind will be removed, and a legitimate commerce not hampered or interfered with.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

J. HUME BURNLEY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Darrell to Mr. Archibald.

NEW YORK, *September 3, 1864.*

SIR: I beg to thank you for the perusal of the correspondence between the Secretary of the Treasury and Lord Lyons, in reference to the refusal of the collector of this port to clear the cargo shipped by my firm (Darrell & Nash) on the British schooner Electric, for Nassau, New Providence.

The deputy collector says, in his letter of 3d August, "These gentlemen have been for some time engaged, as I have reason to believe, in shipping goods to blockade runners at Nassau, to be sent to the States in rebellion."

For my late and present firm, I have no hesitation in pronouncing the conclusion of the deputy collector as hasty and altogether unfounded in fact. If the collector knows this statement to be correct, it is somewhat singular that he has taken no action against us on the bonds we have given for those shipments. Our business with Nassau has been purely as commission merchants, and we have had no interest whatever in any of our shipments to that port. The number of our correspondents has not increased, and all were doing business there prior to the secession of the southern States. We have been most particular, in the execution of orders for that port, not to send any articles that we thought unlikely to be wanted for consumption in the Bahamas, and have declined, repeatedly, business that we did not think came within the limits of our custom-house regulations; further, we have every reason to believe that our constituents in Nassau have dealt in good faith and fairly by us, in the observance of their pledge to us that they would sell our shipments in that market for consumption.

In explanation of the case that the deputy collector cites in his third paragraph, we refer you to a copy of a protest herewith, signed by the captain and navigator of the schooner Teviot, showing the cause of the deviation. The cargo was shipped by my late firm in good faith to be landed at Bermuda, as you will perceive by reference to bills of lading herewith.

The deputy collector has been grossly misinformed with regard to the ultimate destination of the cargo intended to be shipped by us on the Electric. We offered the deputy collector of the bond department, and are still prepared to show our orders for all the articles of that cargo, and do not think that the collector can show an authenticated case of any of the gentlemen who sent those orders ever having been engaged in the blockade business.

I am, &c.,

WM. E. DARRELL.

E. M. ARCHIBALD, Esq., &c., &c., &c.

—
Protest.

BAHAMA ISLANDS :

Be it known, that on this day, being Monday, the 19th day of July, in the year of our Lord 1863, personally appeared before me Thomas William Henry Dillet, notary public by lawful authority appointed, duly admitted and sworn, residing in the city of Nassau, in the island of New Providence, William Wilson, master of the British schooner Teviot, of, and belonging to, the port of Nassau, and Albert Orlando Stone, of Charleston, South Carolina, a passenger on board the said schooner, who, of their own free will and voluntary accord, did allege, affirm, protest, and say, as follows :

That they sailed in and on board of the said schooner Teviot, from the port of New York, in the United States of America, on the 27th day of June last past, for St. George's, in the island of Bermuda, with a cargo consisting of 80 barrels of flour, 100 barrels of alcohol, 100 kegs of soda, 200 firkins of butter, mackerel, and other articles; that on the 29th it blew a fresh gale from the southeast, and on the 30th it continued so to blow with a heavy sea, which caused the vessel to make much water. At 1 p. m. they carried away the jib-stay; took in the jib, and put a preventer on the stay, and set the jib without bonnet; at 7 a. m. the wind blew stronger from southeast by east, wherefore the sails were close reefed fore and aft; on the 1st of July, being by observation in latitude $34^{\circ} 2'$, and longitude $73^{\circ} 57'$, the gale continued, and the vessel labored hard, making water freely, the weather continuing boisterous throughout the day; on the 2d it became more moderate, the wind blowing from southeast by east, but the vessel being in a crippled condition, and continuing to leak badly, it was deemed unsafe to proceed to Bermuda, and, upon consultation, it was determined to run to Nassau for repairs; on the 3d there were fresh gales from the southeast, they being, by observation, in latitude $33^{\circ} 56'$, and longitude $73^{\circ} 48'$. The next day they had pleasant weather, with the wind to the east; that on Sunday, the 5th, they had fresh gales from the south; the vessel still continued to leak badly. The 6th came in with strong gales from the southeast by east; at 1 p. m. they hove to; but as the wind became more moderate, at 8 a. m. they filled away, their course being south by west, and they being by observation in latitude $28^{\circ} 2'$ and longitude $73^{\circ} 59'$; that the 7th and 8th they had moderate winds and pleasant weather; on the 9th day they had strong breezes for the first part of the day; at 8 a. m. they made Abaco, the light-house being and bearing west by south, distant about 19 miles, and arrived at Nassau on Friday evening, the 10th day of July, instant; that they commenced to discharge the cargo on this 13th day of July, and that 6 casks of alcohol, 5 barrels of flour, and 4 nests of empty trunks were found to be damaged by sea-water; that they are now still discharging the said cargo.

Wherefore the said master hath requested me, the said notary, to protest, as I do, by these presents, most solemnly protest, against all winds, waves, and

seas, and against all and every person or persons whom it may or shall concern, and declare that all damages, losses, and detriments that have happened to the said ship and her cargo are and ought to be borne by the merchants and freighters interested, or whomsoever else it may concern, (by way of average or otherwise,) the same having occurred as before mentioned, and not by or through the insufficiency of the said ship, or neglect of the said appearer, or of the officers or mariners.

WILLIAM WILSON.
A. O. STONE.

In witness whereof, I have hereunto set my hand and seal notarial, at Nassau, this 19th day of July, 1863.

[L. s.]

WILLIAM HENRY DILLET,
Notary Public, Bahamas.

On the 16th July, the said William Wilson further declared, protested, and said, that the said schooner Teviot being discharged of her cargo aforesaid, he found 6 barrels of mackerel and 4 barrels of pork damaged; in addition to those mentioned above, and to serve and avail as occasion may require.

WILLIAM WILSON.

In testimonium veritatis.

WILLIAM HENRY DILLET,
Notary Public, Bahamas.

BAHAMA ISLANDS:

I, Thomas W. Henry Dillet, of Nassau, a notary by lawful authority appointed, duly admitted and sworn, do hereby certify and attest unto all to whom it may concern, that the above and before written is a duplicate or true copy of a certain instrument of protest made before me, taken and extracted from my register of all notarial acts by and before me, granted and passed, marked A, folio —.

In witness whereof I have hereunto set my hand and seal at Nassau, this 16th day of July, A. D. 1863.

WILLIAM HENRY DILLET,
Notary Public, Bahamas.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 9, 1864.

SIR: With reference to your note of the 13th ultimo, relative to the steamer Mary, and her supposed connexion with the southern insurgents, I have the honor to enclose copy of a despatch which I have received on this subject from the lieutenant governor of Nova Scotia.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Macdonnell to Mr. Burnley.

GOVERNMENT HOUSE,
Halifax, Nova Scotia, September 30, 1864.

SIR: I have the honor to acknowledge the receipt of yours of the 13th instant, which did not reach me till the 28th instant. Your letter encloses a communication from Mr. Seward, representing that the *Mary*, formerly the *Alexandria*, has arrived at Halifax, for the supposed purpose of being armed and equipped for the confederate service.

Mr. Seward, therefore, suggests that you should communicate with me, in order that the hostile designs of that vessel against the United States and their shipping may not be carried into effect from any port within my jurisdiction.

In reply, I have to state that in future, as heretofore, my most strenuous exertions shall be directed to maintaining within the neutral waters of this portion of her Majesty's dominions the strictest observance of those orders which have been issued for my guidance in reference to belligerent cruisers, whether federal or confederate.

I cannot, however, interfere with any vessel British-owned, in a British harbor, on mere suspicion; nevertheless, I have so decided a determination to prevent any abuse of the accommodation afforded by this port to any party, that I have instituted inquiry, for my own satisfaction, into the rumored destination of the *Mary*. I have even directed that the *Mary* shall be watched, and am prepared to interfere, if any illegal equipment of that vessel, for warlike purposes, be attempted in this province.

At the same time you may inform Mr. Seward that the result of my inquiries leads me to suppose that the *Mary*, although originally strongly built, and apparently intended for warlike purposes, is now lying here an embarrassment to her owners, unsaleable and unserviceable, either as an ordinary merchantman or a cruiser. Her speed under steam does not exceed four and a half knots, and I believe she is considered a failure, whatever may have been her original destination. Therefore no difficulty is likely to arise in her case.

I have, &c., &c.,

R. G. MACDONNELL,
Lieutenant Governor, &c., &c.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 10, 1864.

SIR: Referring to your note of the 1st instant, relative to a recent violation by the United States vessels-of-war of the order of the executive council of Nova Scotia, a copy of which was communicated by you to this department on the 9th ultimo, I have the honor to enclose, in reply, a copy of a letter of the 6th instant from the Secretary of the Navy, containing a full explanation of the evil complained of, which I hope will prove satisfactory to her Britannic Majesty's government.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 6, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, enclosing a copy of a note of the 1st instant from J. Hume Burnley, esq., in regard to United States cruisers anchoring in the vicinity of the port of Halifax, instead of at the regular man-of-war anchorage off the dock-yard of Halifax, as required by the order of the executive council of Nova Scotia, a copy of which was communicated to this department with your letter of the 12th ultimo.

The vessels that were despatched by this department to cruise on the eastern coast had received their instructions and had left port before the receipt of the copy of the order of the council referred to. The steamer Florida is the vessel that has probably violated the regulation, but the violation has doubtless been unknowingly committed. She was on special service, and was ordered by telegraph towards Halifax, without being in possession of this decision of the council.

I have sent a copy of it to-day to our cruisers on the eastern coast, and I would be glad if the Department of State would instruct the United States consul at Halifax to communicate to any of our war vessels arriving at Halifax the order of the council before they drop anchor, if possible.

Very respectfully, &c., &c.,

GIDEON WELLES,
Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burnley to Mr. Seward.

WASHINGTON, *October 10, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, enclosing copy of a letter from the Secretary of the Navy, giving an explanation relative to the violation by federal cruisers of the Halifax harbor regulations, and beg to state, in reply, that I have forwarded a copy of that note to the lieutenant governor of Nova Scotia, who, I am convinced will, receive the explanation given as entirely satisfactory.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

J. HUME BURNLEY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 10, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, in relation to the proposed temporary increase of the observing force of the United States on the American lakes, and in reply to inform you that I have transmitted a copy of the correspondence on the subject to Mr. Adams, the min-

ister of the United States at London, who has been requested to make explanations to Earl Russell, which it is not doubted will prove satisfactory to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 11, 1864.

SIR: Information having been received at this department that William H. Crawford, charged with the crime of assault with intent to commit murder in the State of New Hampshire, is a fugitive from the justice of the United States in Canada, I have the honor to request through you, sir, that her Britannic Majesty's government will, upon the arrest and commitment of the above-named William H. Crawford, be pleased to issue the necessary warrant for the delivery to Enoch L. Colby, esquire, the sheriff of Lancaster county, New Hampshire, or to any other person duly authorized by the authorities of New Hampshire to receive the said fugitive, in order that he may be brought back to the United States for trial.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 12, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, relative to the extradition of William H. Crawford, and to state, in reply, that I have communicated a copy of that note to his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

WASHINGTON, October 13, 1864.

SIR: Information having been received at this department that a man passing by the name of Bell, together with a number of associates, some of whom have been known under the names of Hault, Bristow, Robert Drake, Burley, and Thomas, respectively, and others of whom the names have not been ascertained, charged with the crime of robbery and of assault with intent to commit murder within the jurisdiction of the United States, are now fugitives from the justice of the United States in Canada and Nova Scotia, I have the honor to

request, through you, sir, that her Britannic Majesty's government will, upon the arrest and commitment of the said fugitives, or any of them, be pleased to issue the necessary warrant for their delivery to Joseph Dimmick and James Henry, or to any other person or persons duly authorized by the authorities of the State of Ohio to receive the said fugitives, in order to bring them back to the United States for trial.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 13, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, relative to the suggestion that measures be adopted for the protection of cotton owned by British subjects residing in the insurrectionary States, which formed the subject of Lord Lyons's note of the 11th of April last, in which his lordship had special reference to a claim of Miss Murray, on account of the alleged seizure by the United States military authorities in Mississippi of a quantity of cotton belonging to her. In reply, I have the honor to inform you that the attention of the Secretary of War has been recalled to the complaint of Miss Murray, with a view to ascertain his decision upon the subject. The suggestion first above mentioned is now under consideration.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 13, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant, relating to the refusal of the collector of the port of New York to grant a clearance of certain goods shipped by Messrs. Darrell & Nash to Nassau, which case formed the subject of a previous correspondence. In reply I have the honor to state that a copy of that communication has been submitted to the Secretary of the Treasury, to whom all the papers in the case have been referred.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 14, 1864.

SIR: I have the honor to acknowledge the receipt of your notes of the 28th ultimo and 3d instant, in regard to the case of the British sloop Racer, captured

off Bull's bay by the United States schooner Hope, and, in partial reply, to enclose a copy of a communication of the 11th instant from the Secretary of the Navy.

A further investigation concerning the case by the Secretary of the Treasury has now been requested, upon the receipt of whose reply I shall have the honor to address you again upon the subject.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, October 11, 1864

SIR: I have the honor to acknowledge the receipt of your communication of the 5th instant in relation to the case of the British sloop Racer, and to transmit herewith a copy of a report, dated the 28th ultimo, received by the department from Rear-Admiral Dahlgren, explaining the causes of the detention of the vessel.

There appears to be no just ground of complaint against any persons acting under the authority of this department, and it therefore cannot entertain the claim presented, with any views to its allowance.

In compliance with your request the original papers which accompanied your communication are herewith returned.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Rear-Admiral Dahlgren to Mr. Welles.

FLAG-STEAMER PHILADELPHIA,
Port Royal Harbor, S. C., September 28, 1864.

SIR: I beg leave to state, for the information of the Navy Department, that the sloop Racer was taken possession of by the United States schooner Hope, off Bull's bay, South Carolina, within the limits of the blockade off that station. She had British papers and a clearance from Nassau to Beaufort, North Carolina, but had no cargo. I did not learn of the capture until the 4th of August, when I gave orders to send her to Beaufort, her alleged port.

If the vessel had been on the proper course to her port, she would not have been molested; but having been found entirely off that course, and within the limits of the blockade, just about the vicinity which the blockade runners strike as a sure point whereby to regulate their course for entrance into Charleston, and where a vessel is stationed to assist in defeating this purpose, she properly became an object of suspicion. She had no cargo, which is now a very common occurrence with vessels entering under the circumstances. The least I could do was to see that she did actually go to the port where the master alleged she was bound. Accordingly I directed her to be towed to Beaufort, North Carolina, and have no doubt that, though a delay of some days ensued before a steamer could be spared, she reached her destination quite as soon as

she could have sailed there; and cannot therefore plead detention. The directions were to turn her over to the collector there, who would determine on the propriety of further measures.

The papers of the vessel were sent to the department in order that it might be apprised of what I considered a new device for evading the blockade, with a request that the papers should be transmitted to the collector of Beaufort. My part terminated with the delivery of the *Racer* at her alleged port, and the department will perceive that the master had no reason to complain of detention up to that period. As for ill-treatment and damages, I give the following statement of Captain Green in reply to my interrogatories :

“ Interrogatory 1st. Was there any protest made by the captain of the *Racer* ?

“ Answer. The captain of the *Racer* made no protest until the 8th August ; on which day he addressed a letter, either to you or myself, and which was forwarded to you under date of August 10, protesting in terms against his detention, and which was, probably, immediately after he learned the fact that he was to be towed to Beaufort.

“ Interrogatory 2d. Was the *Racer* hauled ashore, stripped, and nearly wrecked ?

“ Answer. She was not at this anchorage. She was securely moored and cared for, and left in as good condition as when she arrived here.

“ Interrogatory 3d. Were the crew and captain held prisoners ?

“ Answer. In consequence of the limited accommodations of the *Racer*, her captain and crew were placed on board of the *Supply* for safe-keeping, and ship-keepers were put on board of the sloop to take care of her. I am not aware that any restraint was imposed on the captain and crew other than confining them to the *Supply* and placing them on board the *Mary Sanford* when the sloop was towed to Beaufort.”

I think it proper to state, however, that I was informed, by whom I do not now recollect, that small pieces of cotton were found in the sloop's hold attached to the ceiling, indicating that she had been employed in carrying cotton ; and also that her captain evinced in conversation a thorough knowledge of the harbors and waters of this coast.

The master of the *Racer*, so far from complaining, should be thankful that his vessel was not sent in for adjudication, having not only been off his course but within the limits of the blockade, and at a point known to be used by blockade runners in order to regulate their course to Charleston.

Upton, the authority supplied to our ships' libraries by the Navy Department, says, (p. 283) : “ The breach of a blockade may be either by going into or coming out of the blockaded place with a cargo laden after the commencement of the blockade, but in order to constitute such a going into the blockaded port as will subject a neutral to the penalties of confiscation, it is not necessary that the entrance be completed. If the vessel is placed in the vicinity, in a situation so near that it may enter with impunity when it pleased, and especially if the vessel be placed so as to be under the protection of shore batteries, it is considered a breach of the blockade. In such cases it is regarded as a presumption *de jure* that the vessel is so placed with an intention to violate the blockade ; and notwithstanding that such a presumption may operate severely in individual instances of innocence,” yet, says Lord Stowell, “ it is a severity necessarily connected with the rules of evidence and essential to the effectual exercise of this right of war.”

The department will judge whether a transferral from a miserable sloop like the *Racer* to large vessels like the *Supply* and *Sanford* justifies the use of terms conveying the idea of personal confinement.

I have the honor to be, very respectfully, your obedient servant,

J. A. DAHLGREN,

Rear-Admiral, Com'dg S. A. B. Squadron.

HON. GIDEON WELLES, *Secretary of the Navy.*

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 15, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 5th instant, relative to the alleged improper seizure of cotton belonging to Mr. James Stewart, and, in reply, to inform you that I have transmitted a copy thereof to the Secretary of the Treasury, who has been requested to investigate the claim, with a view to the adoption of such proceedings as the result may call for.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 15, 1864.

SIR: Thomas and Charles Jones, claiming British protection, wrote to me on the 12th ultimo, stating that they had been captured on the steamer Lillian, and were then confined at Camp Hamilton, Virginia, and that they were the only two, out of fifty-eight men upon that vessel, who were held as prisoners.

Her Majesty's vice-consul at Norfolk, to whom I referred the case, has reported to me that these two men have been detained in prison as witnesses.

If this be so, I must request that the men may not be kept any longer in confinement, but that they be now released on reasonable conditions, to appear at the trial for which their services may be required.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 18, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, relative to the proceedings before the prize court of New Orleans in the cases of the British vessels Science, Sir William Peel, Dashing Wave, and Volante, which were captured on the Rio Grande. With regard to the action of the district attorney of the United States in prosecuting an appeal in these several cases, and against which proceeding her Majesty's government have instructed you to remonstrate, I have the honor to state, in reply, that the subject will receive attentive consideration.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 20, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, which is accompanied by a copy of a despatch of the 30th of September, addressed to you by the lieutenant governor of Nova Scotia, relative to the steamer *Mary*, and her supposed connexion with the insurgents, which formed the subject of my communication of the 13th ultimo. In reply I have the honor to state that the action of his excellency in the premises is highly creditable to himself, and is justly appreciated by this government.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 20, 1864.

SIR: I have the honor to bring under your immediate notice the circumstances attending the capture of the *Night Hawk*, and the detention of her crew as prisoners.

It appears from the enclosed copy of a despatch from her Majesty's consul at New York, who was instructed by me to report upon the case, that the *Night Hawk*, a British ship, registered at Liverpool, sailed from Bermuda on the 26th ultimo, with an assorted cargo of merchandise, for the purpose apparently of running the blockade at Wilmington; that she ran aground off the harbor of Wilmington on the 29th ultimo, and was boarded by an armed boat's crew from the United States ship *Nippon*, who fired three or four volleys of small-arms at the *Night Hawk*, wounding the surgeon, J. E. Taylor, a seaman named Patrick Hardigan, and a fireman named John McKay.

The ship was then fired by Ensign Seaman under aggravated circumstances; in fact, his whole conduct seems to have been considered unjustifiable by the senior officer in command of the *Santiago*, who stated that he would report him to the admiral.

Captain Smiley, his officers and crew, were then carried off to Beaufort, and from thence to New York, and lodged in the Ludlow street jail.

I beg to enclose further a sworn affidavit of the circumstances attending the capture, taken before a public notary of New York; copies of a complete list of the crew, and a discharge paper of one of the seamen, with a view of confirming the nationality of the vessel, and have to request now that a thorough investigation of the case may take place, and that I may be furnished, as soon as possible, with the result of the inquiry, particularly as regards the wounding of the three persons mentioned in the previous part of my note, and that the crew may be released, without delay, from custody.

I beg you to return the affidavit and discharge paper to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant;

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Mr. Burnley.

BRITISH CONSULATE,

New York, October 17, 1864.

SIR: I had the honor to receive, on the 15th instant, your despatch of the 10th instant, transmitting a copy of a letter received by you from the master, officers and crew of the *Night Hawk*, at present confined in the Ludlow street jail, stating that they are British subjects, and had been captured when endeavoring to run the blockade; enclosing to me, under flying seal, the answers which you had returned to them, and instructing me to report upon their case.

In compliance with your instructions, I this morning sent Mr. Vice-Consul Edwards to the prison, where he saw and examined on oath the whole of these men, whose names, ages and birth-place will be found in the enclosed list. They not only all positively swear that they are native-born British subjects, never naturalized in the United States, but from their accent, and from other circumstances, Mr. Edwards sees no reason to doubt their statement in this respect is true.

The *Night Hawk* was a British steam vessel, recently built and registered at Liverpool, official number 50296. She sailed from Bermuda, on the 26th ultimo, with a cargo of provisions, lead, pig iron, and general merchandise. The master and officers state that on the 29th September she ran on shore near the harbor of Wilmington, and was boarded by a boat from the United States ship *Nippon*. There were in the boat sixteen men, under the command of Ensign Seaman. Before boarding the *Night Hawk*, and while she was fast on the reef, three or four volleys of small-arms were fired at the *Night Hawk* from the boarding boat, wounding the surgeon, T. E. Taylor, a seaman named Patrick Hardigan, and a fireman named John McKay. After boarding the ship, and finding it impossible to get her off, Ensign Seaman went into the cabin and fired the ship, by setting fire to the beds and then pouring spirits upon them; one of the prize officers at the same time set fire to the ship forward. The prize crew then left, taking off in their boat, and in the only ship's boat available, the master and crew, with the exception of fourteen men, including the second and fourth officers, second and third engineers, and all the wounded men. The boarding and seizure took place at night.

On boarding the *Night Hawk*, Ensign Seaman asked what ship it was? The master (Smiley) replied, "the *Night Hawk*, from Bermuda." Ensign Seaman, without further inquiry, or asking for the ship's papers, went immediately into the cabin, and within three minutes from the time he came on board the ship was fired. The *Night Hawk* had but two boats, one of which was employed, as above stated, in taking off part of the crew, the other was lying under the stern of the ship, swamped, and requiring much exertion to get her in a condition to be useful. As the boats, which were heavily laden, left the ship, Captain Smiley asked the ensign to send back a boat to take off the rest of the crew and the wounded men. The ensign replied, that "if they had not sense enough to bail out the boat (meaning the swamped boat) they might go to hell and be damned." At this time the stern of the vessel was in flames, and none of the men on board could have got at the boat. After the vessel was fired, the engineer represented to Ensign Seaman that the vessel might be got off if the fire was extinguished, and asked permission to extinguish it, but he refused to give him permission.

After the vessel was fired, Captain Smiley told the ensign there was a quantity of gunpowder in the cabin. About five minutes after the boats left the ship this powder exploded, blowing up the after part of the ship. The people on board knew of the powder being in the cabin, (it was about forty-three pounds in all,) and the captain thinks that, from this circumstance, the men

who were left on board kept in such a part of the ship as to escape danger from the explosion. No further visitations of the *Night Hawk*, so far as the captain knows, was made from the *Nippon*, or any of the vessels of the blockading squadron.

From the *Nippon*, Captain Smiley was taken on board the United States ship *Santiago*, whose commander appeared to be the senior officer. Captain Smiley reported to him the conduct of Ensign Seaman and the burning of the ship. The commander of the *Santiago* replied, that he thought that the burning of the *Night Hawk* was unjustifiable; that Ensign Seaman was not a proper person to have been sent on board the prize, and that his misconduct should be reported to the admiral.

In reference to the firing at and wounding of the crew, as above mentioned, Captain Smiley and his officers assert that this proceeding was entirely unprovoked, and without any justification whatever. The boarding party could not but have known that the ship was aground, and not the least resistance or show of resistance was made by any one on board of her.

In confirmation of the nationality of the ship, I enclose a discharge (according to the requirements of the mercantile marine act) of one of the seamen at Bermuda. The only flag used on board was the proper flag—the British flag. On leaving Bermuda the agent sent on board a small parcel, which he said was a confederate flag, which the master was told must be displayed in passing up the river at Wilmington, otherwise he might be delayed a long time outside. This flag was never used, as the vessel ran in at night; it was in the cabin, and burnt with the ship when she was fired. This circumstance was first made known to the marshal here by Captain Smiley.

I have, &c., &c.,

E. M. ARCHIBALD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Crew of steamer Night Hawk, of Liverpool, (official number 50296,) in county jail.

W. F. Smiley, master, native of Ireland, aged 30; James Brown, first officer, native of Scotland; Wm. McIntyre, first engineer, native of Scotland, aged 40; Alexander Reed, third engineer, native of Scotland, aged 23; John Davis, native of Wales, aged 29; Dayid Dowden, native of England, aged 26; Matthew Callaghan, native of Ireland, aged 26; John Taylor, native of Ireland, aged 25; James Foote, native of Ireland, aged 47; Daniel Connell, native of England, aged 39; Henry McClarey, native of Ireland, aged 23; Edward Smith, native of Ireland, aged 28; William Brown, native of Ireland, aged 46; Michael Donahue, native of Ireland, aged 39; Thomas Bark, native of Scotland, aged 38; John McDonald, native of Scotland, aged 35; Michael Pender, native of Ireland, aged 33; Henry Goodyear, native of England, aged 46; Peter Murrin, native of Ireland, aged 26; Benjamin Holden, native of England, aged 29; William Brown, native of England, aged 20; Joseph McEng, native of England, aged 25; William Manly, native of Bermuda, aged 17.

Deposition of Captain Smiley.

[L. S.] UNITED STATES OF AMERICA,
State of New York, ss :

By this public instrument be it known to all whom it doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by

letters patent under the great seal of the said State, duly commissioned and sworn, in and by the said letters patent invested with full power and authority to attest deeds, wills, codicils, &c., &c., and other instruments in writing, and to administer any oath or oaths to any person or persons, do hereby certify that on the day of the date hereof before me personally came and appeared Francis Smiley, now confined in Ludlow street jail, New York, and late captain of the steamer Night Hawk, which was destroyed at Wilmington, and he, being by me duly sworn, did depose and say: that he is a British subject by birth, born at Newtownards, county of Down, Ireland, and has never been naturalized in the United States of America, and has done nothing to forfeit his British allegiance, nor has he ever voted at elections or exercised any of the peculiar privileges of a citizen of the United States, nor declared an intention to become a citizen of the same; that he is a British master mariner, his certificate being 19629; that the said steamer Night Hawk was entirely owned by British subjects of Liverpool, England, when destroyed, and no one in the southern confederacy had any ownership or share in her, so far as this deponent knows, has been informed, and believes; that he and his officers, and the principal portion of his crew (22 in number) were taken in open boats near Wilmington on the 29th day of September last, and were first put on board the United States vessel Tephau, or Niphon, from thence placed on to the United States vessel or ship Newbern, and carried to Beaufort, and from thence brought in the Newbern to New York, arriving on Thursday, the 6th day of October instant, and then taken to Ludlow street jail aforesaid, where he remains imprisoned; that he has undergone some examination by a United States marshal under oath, but further he has not been required to give any evidence or testimony. Also, he saith that he is a married man, having a wife and four children and mother, all residing at Liverpool, England, and entirely dependent upon him for their maintenance and support; that on his examination before the United States marshal he deposed there was a confederate flag on board, and he now says the facts in connexion with this were these: A person came on board at Bermuda who appeared to act as the ship's agent, and brought in a parcel that he said was a confederate flag; that this deponent protested against carrying it, but such agent said it was a private signal, and insisted on deponent's taking it, and left it on the vessel just as she was about to leave. And this deponent further made oath that this was the first time he ever was on board a blockade vessel of any kind, he having for years been running in regular vessels between Liverpool and New York; also, that the said vessel Night Hawk was a British ship, under British register, and wholly owned in Liverpool, England.

Whereof an attestation being required, I have granted this under my notarial firm and seal. Done in the city of New York, in the said State of New York, the 12th day of October, in the year of our Lord 1864.

In premissorum fidem.

[Revenue stamp.]

CHARLES EDWARDS,
35 Pine Street, New York.

URIAH FRANCIS SMILEY.

Deposition of Mr. Platt.

[L. S.] UNITED STATES OF AMERICA,
State of New York, ss:

By this public instrument be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested with full power and

authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer oath or oaths, &c., &c., &c., do hereby certify that on the day of the date hereof before me personally came and appeared William H. Platt, of Staten Island, formerly master mariner, now retired, being sworn, maketh oath that he well knows Uriah Francis Smiley, now confined in Ludlow street jail, New York; knew him at Newtownards, in county of Down, Ireland, where he had a family; known him ever since he was about fifteen years of age; that said Smiley was a British subject by birth, and deponent believes he still is; never knew anything to the contrary. Also, deponent says that said Smiley has always been a seafaring man.

Whereof an attestation being required, I have granted this under my notarial firm and seal. Done at the city of New York, in the said State of New York, the 15th day of October, in the year of our Lord 1864.

In præmissorum fidem.

CHARLES EDWARDS, *New York.*

W. H. PLATT

Deposition of Mr. Harrison.

L. S.] UNITED STATES OF AMERICA,
State of New York, ss:

By this public instrument be it known to all to whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the State, duly commissioned and sworn, in and by the said letters patent invested with full power and authority to attest deeds, &c., &c., &c., to administer oaths, &c., &c., &c., do hereby certify that on the day of the date hereof before me personally came and appeared Thomas Harrison, No. 712 South Juniper street, Philadelphia, Pennsylvania, and he being by me duly sworn, doth depose and say, that he is the brother-in-law of Uriah F. Smiley, now confined in Ludlow street jail, New York city, and who was, as deponent understands, captain of the steamer Night Hawk; that deponent married his sister; that deponent came from the same county in Ireland that the said Uriah F. Smiley did, and they were both born there, within fifteen miles of one another; that they have been very intimate for years; that from all he knows, has been informed, and believes, the said Uriah F. Smiley was not only a British subject by birth, but is still a British subject, and has never thrown off his allegiance to the Queen of Great Britain, nor ever become a citizen of the United States, or declared his intention to do so; also, that the said Smiley has a wife and family in Liverpool, England.

Whereof an attestation being required, I have granted this under my notarial firm and seal. Done at the city of New York, in the said State of New York, the 12th day of October, in the year of our Lord 1864.

In præmissorum fidem.

CHARLES EDWARDS, *New York.*

THOMAS HARRISON.

Certificate of discharge, for seamen discharged before a duly appointed officer in a British possession abroad.

Name and official number of ship, 50296

Port of registry, Liverpool.

Tonnage, 360.

Description of voyage or employment, Liverpool to Bermuda.

Name of seaman, John M'Donald.
 Place of birth, Glasgow.
 Date of birth, 1829.
 Number of fund ticket, if any.
 Capacity, fireman.
 Date of entry, August 27, 1864.
 Date of discharge, September 23, 1864.
 Place of discharge, Bermuda.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly. Dated this 23d day of September, 1864.
 U. F. SMILEY, *Master*.

———, *Seaman*.

Dated at Bermuda, and given to the above-named seaman in my presence this 23d day of September, 1864.

C. H. SMITH,
Shipping Officer.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 20, 1864.

SIR: With reference to my note of the 15th instant, relative to Thomas and Charles Jones, captured on board the *Lilian*, I have the honor to inform you that I have received a letter from these men, dated October 17, in which they state that they were removed to the military prison at Point Lookout, on the 14th instant.

I should be glad to be informed, with as little delay as possible, of the reason of the prolonged imprisonment of these men.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October, 21, 1864.

SIR: I have received communications from the United States consul at Montreal, which inform me that his excellency Governor Monck and other Canadian authorities are proceeding, with zeal and vigor, to arrest the parties who were engaged in the depredations committed at St. Albans, in Vermont. It is not to be doubted that the object of these depredations is the same with that of the piratical operations which recently occurred on Lake Erie, namely, to embroil the governments of the United States and Great Britain in a border war. Under these circumstances, I think it proper to let you know that the President regards with sincere satisfaction the conduct and proceedings of the Canadian authorities before referred to.

Thus far I have received no official or other certain account of the proceedings of the United States civil or military agents; but I am glad to learn by manifold reports that the officers and agents of the two governments are acting together in good faith, and with due respect on each side for the lawful rights

and authority of the other. This is in entire conformity with the wishes of the United States.

I have the honor to be, with high consideration, sir, your obedient servant,
 WILLIAM H. SEWARD.
 J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 22, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, informing me that Thomas and Charles Jones, captured on board the Lillian, and who were the subjects of your note of the 15th instant, had been transferred from Camp Hamilton to the military prison at Point Lookout. In reply, I have the honor to inform you that I have advised the proper departments of this change.

I have the honor to be, with high consideration, sir, your obedient servant,
 WILLIAM H. SEWARD.
 J HUME BURNLEY, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 23, 1864.

SIR: I have the honor to acknowledge receipt of your note of the 21st instant, relative to the affair at St. Albans, and beg to state that I have caused a copy of this note to be sent to his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

SUNDAY, October 23, 1864.

MY DEAR SIR: I send you, on the other side, the answer received this morning from the governor general of Canada.

Believe me, very truly yours,

J. HUME BURNLEY.

Telegram from Governor General of Canada to Mr. Burnley.

QUEBEC, October 22, 1864.

Your telegram of yesterday received. By last accounts eleven of the St. Albans men were in custody. Directions have been given to detain them until the demand for their extradition can be fully investigated.

Please to inform Secretary of State of United States.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 25, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, relative to the alleged capture of the *Night Hawk*, and the detention of her crew as prisoners; and, in reply, to inform you that I have transmitted a copy thereof to the Secretary of the Navy, who has been requested to investigate the case, with a view to the adoption of such proceedings as the result may call for.

Accept, sir, a renewed assurance of my high consideration,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 25, 1864.

SIR: Your note of the 6th instant, on the subject of certain vessels belonging to British subjects, captured as prizes, and whose condemnation as such has been sought in the court of the United States for the eastern district of Louisiana, has been referred to the consideration of the Attorney General. That functionary, in a communication to this department, observes that the objections taken by her Majesty's government to the proceedings in those cases, seem to rest entirely upon supposed errors in law committed by the court adverted to. Mr. Bates adds, however, that the grounds of complaint are questions of law, subject to judicial determination only; that the constitution of this government, and its division into co-ordinate departments, is well known to her Majesty's government, and that it ought not to excite surprise that when one department of the government has lawfully assumed jurisdiction of a particular case, any other co-ordinate department should decline to interfere with or presume to control its legitimate proceedings. That the judgments of the court for the eastern district of Louisiana are subject to revision by the Supreme Court, as those of the admiralty in England are to review by the House of Lords; and that he knows of no power in the executive government to revise and reverse the judgments of the courts of law, or to criticise and condemn their supposed legal errors.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, October 25, 1864.

SIR: Information has been received at this department that C. M. Wallace, Charles Swegan, Bennett Young, Squire Lewis, Dudley Moore, George Williams, *alias* George Scott, Samuel Gregg, Marcus A. Spieise, S. B. Collins, H. P. Bruce, S. C. Lackey, S. Dory, and J. McGrosly, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction

of the United States, at St. Albans, in the State of Vermont, and now fugitives from the justice of the United States, in Canada, where they have been arrested and committed by her Majesty's authorities, with a view to their examination in compliance with the provisions of the 10th article of the treaty of Washington. I have the honor to request, through you, sir, that her Majesty's government will be pleased to issue the necessary warrant for their delivery to any person whom the governor of the State of Vermont may appoint to receive the said fugitives, in order that they may be brought back to the United States for trial.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 26, 1864.

SIR: Referring to your note of the 17th ultimo, relative to the claim of Miss Murray to certain cotton alleged to have been seized by the United States government in Mississippi, I have the honor, in reply, to enclose a copy of a letter of the 19th instant, from the War Department, regarding this case.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, October 19, 1864.

SIR: I have the honor, by direction of the Secretary of War, to inform you that your communication of the 13th instant, enclosing a note from J. Hume Burnley, esq., upon the subject of Miss Murray's claim on account of a quantity of cotton alleged to have belonged to her, and to have been seized by military authorities in Mississippi, has been referred to Major General Canby, commanding the military division of west Mississippi, from whom no report has yet been received in relation to the previous papers in the case, transmitted to him on the 19th of last April, though the intervening time has, without doubt, been essential to the proper investigation of the case.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burnley to Mr. Seward.

WASHINGTON, October 27, 1864.

SIR: I have the honor to transmit to you a copy of a despatch which the governor general of Canada has written in answer to a communication from Mr.

Burnley, enclosing a copy of the note dated 13th instant, in which you asked for the extradition of certain persons passing under the names of Bell, Houlst, Bristow, Robert Drake, Burley, and Thomas.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Mr. Burnley.

QUEBEC, October 22, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 16th instant, covering a note from the Secretary of State of the United States, in which he demands the extradition of certain persons passing under the names, respectively, of Bell, Holt, Bristow, Robert Drake, Burley, and Thomas.

I have the honor to state, for the information of the Secretary of State of the United States, that as soon as I shall have been advised that these persons, or any of them, have been arrested in Canada, and that the proofs required by the treaty shall have been made, the necessary warrants will be issued for their delivery to the authorities of the United States.

I have, &c., &c.,

MONCK.

J. HUME BURNLEY, Esq., &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, October 29, 1864.

SIR: I have the honor to transmit to you, and to recommend to your serious attention, a copy of a despatch which I have received this morning from the governor general of Canada.

The governor general states that his attention has been called to an extract from the New York Post, purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major General Dix, on the occasion of the late outrage at St. Albans; and his excellency requests me to bring the subject to your notice, with the view that the order may be disavowed or explained.

I enclose a copy of the newspaper extract, and have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Monck to Mr. Burnley.

GOVERNMENT HOUSE,
Quebec, October 26, 1864.

SIR: My attention has been called to the accompanying extract from the New York Post, purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major General Dix, on the occasion of the late outrage at St. Albans.

I have, of course, no means of knowing whether such an order as that alluded to was ever issued by Major General Dix; but as it has appeared uncontradicted in the public papers, and contains express directions, on the part of an official of the United States, for the entry of the troops of that power on the territory of her Majesty, I think it my duty to ask you to bring the subject under the notice of the Secretary of State of the United States, with the view that the order may be disavowed or explained.

While no one would be inclined to scan too narrowly the conduct pursued by the citizens of St. Albans, while smarting under the effect of the outrage to which they have been lately unfortunately subjected, it is obvious that an order such as that to which allusion is here made, if issued by a responsible officer of the United States, would be liable to a different construction, and might, unless remonstrated against, be drawn into a precedent in the future. You may assure Mr. Seward that there exists among the British authorities in Canada the most earnest desire to use all the powers which the laws confer upon them, in co-operation with the officials of the United States, for the repression and punishment of outrages such as that which has just occurred at St. Albans.

I trust that the proceedings lately adopted in this province will prove that this declaration is not an empty profession, and will show that the most energetic measures will at all times be used to prevent any aggression on the territory of the United States from Canadian soil, or any abuse of the right of asylum allowed in her Majesty's dominions.

I am sure that Mr. Seward will, on the other hand, see that it is necessary, in order to the maintenance of these amicable relations, that no act should be done by any civil or military officer of the United States which might bear the construction of being an infraction of the rights of her Majesty, or a violation of the soil of her dominions, and that he will believe that this remonstrance is made in no unfriendly spirit, and is prompted by a sincere desire to prevent any just cause of complaint between the countries.

I have, &c., &c.,

J. HUME BURNLEY, Esq., &c., &c., &c.

MONCK.

[From the New York Evening Post.]

THE RAID AT ST. ALBANS.

The organization of bands of rebel marauders in Canada for the purpose of coming within our lines, committing depredations on our property, and shooting down our citizens, is of so grave a character as to demand the prompt and decisive action of the government. If measures are not adopted to put an end to this abuse of the right of asylum, and the violation of the duties of neutrality, our citizens on the frontier will take the matter into their own hands. We should deeply regret such unauthorized acts of reprisal. Whatever is done should be done under the authority of the government. Either the Canadian authorities should be called on to send the rebels who are getting up predatory enterprises against us out of Canada, or we should have armed forces on the frontier, ready to take summary vengeance on these marauders, and for that purpose to follow them, as we have a right to do, across the lines, if the pursuit is instant. When General Dix was advised of the outrage at St. Albans, he sent the following despatch to the commanding officer, at Burlington, Vermont: "Send all the efficient force you have to St. Albans, and try to find the marauders who came from Canada this morning. Put a discreet officer in command; and, in case they are not found on our side of the line, pursue them into Canada, if necessary, and destroy them."

The order was carried out, so far as to pursue the marauders into Canada, where eight of them were captured. If they had been shot down, as they shot down the peaceful citizens of St. Albans, it would have been no more than exact justice. A single example of stern retribution would go far to break up these piratical expeditions. But the government should take the matter in hand, as a grave international question, and not leave it to local commanders.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, October 29, 1864.

MY LORD: Information has been received at this department that Samuel Eugene Lackey, Squier Turner Travis, Charles Moore Swager, George Scott, Bennett H. Young, Caleb McDowell Wallace, James Alexander Doty, Joseph McGrasty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, and Alamanda Pope Bruce, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, are now held in jail at St. John, in Canada East, awaiting the requisition of this government for their extradition as fugitives from justice.

I have the honor, therefore, to request, through your lordship, that her Majesty's government will be pleased to issue the necessary warrant for the delivery of the persons of the above-mentioned fugitives to any person or persons duly authorized by the governor of the State of Vermont to receive them, and to bring them back to the United States for trial.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 1, 1864.

MY LORD: This department has received from the Secretary of the Navy the explanation in regard to the capture of the Night Hawk, and the detention of the crew of that vessel, which formed the subject of Mr. Burnley's note of the 20th ultimo.

It appears from Mr. Welles's communication that, at half past eleven o'clock of the night of the 30th of September, a steamer was discovered standing in toward New inlet, to which the United States steamer Nippon gave chase, went to quarters, and fired upon, causing the unknown steamer to run ashore on Federal shoals. A boat was sent to board her, which went alongside after firing several rifle shots at a party escaping in one of the boats from the steamer, which proved to be the Night Hawk. Shortly after the steamer was boarded the rebel fort Fisher and adjacent batteries opened fire upon both her and the Nippon. The boarding party found it impossible to get the Night Hawk off. As they were exposed to the shot and shell from the fort and batteries referred to, they set the Night Hawk on fire and abandoned her, bringing with them to the Nippon such of the officers and crew as had not succeeded in making their escape. The officers and crew made captives were taken to New

York, and were retained because they were not regarded as falling within the class of neutral subjects captured in neutral vessels engaged in violating the blockade. The cargo of the *Night Hawk* consisted, in part, of saltpetre and lead. At the time of her capture and destruction she was within range and protection of the rebel batteries.

Mr. Welles adds that the official reports which have reached the Navy Department make no reference to the wounding of any one on board the *Night Hawk*, and it is presumed that those alleged to have been wounded were of the party who tried to reach the shore. Though the right of persons under such circumstances to escape is not denied, at the same time they do it at their own hazards. It further appears that the *Night Hawk* was laden at Liverpool by Henry Laforce, well known there as an agent for the insurgents. This and other circumstances are believed to leave little room for doubt that both the vessel and her cargo were in point of fact belligerent and not neutral property, liable to capture, or if attempting to escape, thereby showing a consciousness of guilt, to such a destruction as might result from their attempt.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 1, 1864.

MY LORD: Information has been received at this department that William H. Hutchinson, a fugitive from the justice of the United States, charged with the commission of the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, is now held in custody at Montreal, in Canada, awaiting the requisition of this government for his extradition.

I have the honor, therefore, to request, through your lordship, that her Majesty's government will be pleased to issue the necessary warrant for the delivery of the person of the above-named William H. Hutchinson to any person or persons who may be duly authorized by the governor of the State of Vermont to receive him and bring him back to the United States for trial.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 2, 1864.

SIR: With reference to Mr. Burnley's note to you, dated the 20th ultimo, respecting the case of the *Night-Hawk*, and to your answer, dated the 25th ultimo, I have the honor to transmit to you, in original, the discharge paper of a seaman named Matthew Callahan, which has been sent to me in corroboration of the evidence that the *Night Hawk* is a British vessel.

I submit also to you a certificate of character given under the regulation of the Board of Trade to Uriah F. Smiley, the master of the *Night Hawk*, on his

discharge, in June last, from the royal mail packet Australasian. It is stated in this certificate that Smiley was born at Belfast.

Taking into consideration the evidence in this case which was submitted to you by Mr. Burnley, with the note to which I have already referred, I feel it to be my duty to press for the immediate release of Smiley and the other British subjects formerly belonging to the Night Hawk, who are held as prisoners in the Ludlow street jail at New York.

I must also urge that a searching investigation may without delay be made with regard to the allegations that volleys from small-arms were discharged into the Night Hawk, and that she was subsequently set on fire by the boarding party sent from the United States ship Nippon, under the command of Ensign Seaman.

I also earnestly request that any information which can be procured as to the fate of the fourteen men stated to have been left on board the Night Hawk when she was fired and abandoned by the boarding party may be communicated to me.

Begging you to be so good as to send the two original documents back to me, I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Certificate of discharge, for seamen discharged before a duly appointed officer in a British possession abroad.

Name and official number of ship—Night Hawk, 50296.

Port of registry, Liverpool.

Tonnage, 360.

Description of voyage or employment, foreign.

Name of seaman, Matthew Callahan.

Place of birth, Queenstown.

Date of birth, 1838.

Number of fund ticket, if any.

Capacity.

Date of discharge, September 23, 1864.

Place of discharge, Bermudas.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly. Dated this 23d day of September, 1864.

U. F. SMILEY, *Master.*

_____, *Seaman.*

Dated at Bermuda, and given to the above-named seaman, in my presence this 23d day of September, 1864.

C. W. SMITH,
Shipping Officer.

E 1.—Certificate of character.

[SEAL.]

Character for ability in whatever capacity, g—.

322. Character for conduct, g—.

Sanctioned by the Board of Trade May, 1855, in pursuance of 17 and 18 Vict., c. 104.

I certify the above to be a true copy of so much of the report of character, made by the said master on the termination of the said voyage, as concerns the said seaman, Uriah F. Smiley.

Dated at Liverpool this 26th day of June, 1864.

T. COOK,
Master of the Ship.
D. CHAPMAN,
Shipping Master.

For signature of seaman see back.

NOTE.—Any person who fraudulently forges or alters a certificate of character, or makes use of one which does not belong to him, may either be presented for a misdemeanor, or may be summarily punished by a penalty not exceeding \$100, or imprisonment, with hard labor, not exceeding six months.

Printed by authority of the Board of Trade.

E1.—Certificate of discharge for seamen discharged before a shipping master.

Name of ship, Australasian.

Registered tonnage, 1,512.

Official number, 19492.

Port of registry, Glasgow.

Description of voyage and employment, foreign.

Name of seaman, Uriah F. Smiley

Capacity, 2d officer.

Place of birth, Belfast.

Date of birth, 1827.

Date of entry, 2d May, 1864.

Date of discharge, 26th June, 1864.

Place of discharge, Liverpool.

I certify that the above particulars are correct, and that the above seaman was discharged accordingly.

Dated this 26th day of June, 1864.

T. COOK,
Master of Ship.
D. CHAPMAN,
Shipping Master.

For signature of seaman see back.

NOTE.—One of these certificates must be filled up and delivered to every seaman who is discharged, whenever the discharge takes place before a shipping master.

Printed by authority of the Board of Trade.

Lord Lyons to Mr. Seward.

WASHINGTON, November 2, 1864.

SIR: With reference to your note to Mr. Burnley of the 21st ultimo, and to his answer dated the 23d ultimo, I have the honor to transmit to you a copy of a despatch from the governor general of Canada, expressing his acknowledg-

ments for the expression of the satisfaction of the President, with regard to the proceedings of the Canadian authorities, in reference to the perpetrators of the late depredations on St. Albans, Vermont.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Mr. Burnley.

GOVERNMENT HOUSE,
Québec, October 28, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch and enclosure of October 23, respecting the course pursued by the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont. In reply, I beg leave to express my satisfaction that the motives and conduct of the Canadian government have been rightly appreciated by the President of the United States.

I will feel much obliged if you will communicate to Mr. Seward the substance of this letter.

I have, &c.,

MONCK.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 3, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 29th of October last, together with a copy of a communication which has been addressed to you by his excellency Lord Monck, the governor general of Canada, in which he asks an explanation or a disavowal of what is set forth in an article in the *New York Evening Post*, on the subject of the crimes of robbery and murder recently committed at St. Albans by persons who came from Canada to that place, and retired again to Canada for refuge from capture and punishment.

On the 24th day of October last I addressed a note to Mr. Adams concerning the transactions referred to, in which I fully explained the views and sentiments of this government in regard to the unhappy condition of affairs on the British American borders, its causes, probable consequences, and its needful remedy. Indignant complaints by newspapers, which are entirely independent of the government, as well as spirited, hasty, popular proceedings for self-defence and retaliation, are among the consequences which must be expected to occur, when unprovoked aggressions from Canada no longer allow our citizens to navigate the intervening waters with safety, or to rest at home with confidence of security for their property and their lives. With a sincere conviction that Earl Monck is governed by the highest sense of honor and justice, I must, nevertheless, be allowed to say that I do not think the matter which he has submitted, when duly weighed, is sufficient to call for any enlargement or modification of the views I have already submitted through Mr. Adams to her Majesty's government.

While the government has been engaged in considering Earl Monck's request, our requisitions for the offenders whose crimes committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered. We hear of a new border assault at Castine, in the State of Maine, and we are warned that plots are formed at Montreal to fire the principal cities of the Union. It is not the government nor is it the people of the United States that are delinquent in the fulfilment of fraternal national obligations.

I have honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Hunter to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 4, 1864.

MY LORD: Referring to Mr. Burnley's communication of the 7th ultimo, relative to the refusal of the collector of the port of New York to grant a clearance of certain merchandise shipped by Messrs. Darrell & Nash to Nassau, in the Bahama islands, I have the honor, in reply, to enclose for your lordship's information a copy of a letter of the 29th ultimo from the Secretary of the Treasury.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

W. HUNTER,

Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT,

October 29, 1864.

SIR: I have the honor to state, that on the receipt of your letter of 13th instant, covering a copy of the note of J. Hume Burnley, esq., of the British legation, relative to the case of Darrell & Nash, this question was again submitted to the collector at New York for consideration and report, of which report I send you enclosed a copy.

In view of the facts as stated, I approve his action in the premises, and the same course would have been pursued against the citizens of the United States.

With great respect,

W. P. FESSENDEN,

Secretary of Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Draper to Mr. Fessenden.

CUSTOM HOUSE, NEW YORK,

Collector's Office, October 24, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th and 14th instants, with their enclosures, in reference to the matter of Messrs. Darrell & Nash, British merchants of this city. The principal

facts in this case were set forth in the reports made by my late predecessor to the department on the 3d and 6th of August last, and to which you are respectfully referred.

The circumstances stated in the protest of the master of the vessel, and of the passenger, Albert Orlando Stone, of Charleston, S. C., that the Trendt put into Nassau for repairs, &c., are now relied on as an excuse for not proceeding to the original port of destination; but it appears that the vessel did not leak badly, and that the cargo was only slightly injured. Besides, it does not appear that any efforts were subsequently made to complete the voyage, and no excuse is offered for not doing so.

These gentlemen admit that they shipped goods to Nassau via Turk's Island, as stated in the report of my predecessor of August 3, above referred to, and they allege that they did so to obviate the necessity of giving bonds, which they would have been required to give had they shipped their goods directly to Nassau.

The enclosures contained in your letters are herewith returned.

Very respectfully, your obedient servant,

S. DRAPER, *Collector.*

HON. WILLIAM P. FESSENDEN,
Secretary of the Treasury.

Lord Lyons to Mr. Seward.

WASHINGTON, November 4, 1864.

SIR: With reference to your note of the 25th ultimo, applying for the extradition of C. U. Wallace and others, stated to be fugitives in Canada from the justice of the United States, I have the honor to communicate to you a copy of a despatch from the governor general of Canada, stating that as soon as he shall have been advised that the proofs required by the treaty of extradition shall have been given, the necessary warrants will be issued for the delivery of these men to the United States authorities.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Mr. Burnley.

QUEBEC, October 31, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 25th instant, covering an application from the Secretary of State of the United States for the extradition of C. M. Wallace and other persons, fugitives from justice from the United States, and stated to be now in Canada.

I have the honor to state, in reply, that as soon as I shall have been advised that the proofs required by the treaty of extradition have been made in the case of these men, the necessary warrants will be issued for their delivery to the authorities of the United States.

I have, &c., &c., &c.,

MONCK.

J. HUME BURNLEY, Esq., &c., &c. &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 5, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of yesterday respecting the proper extradition of C. M. Wallace and others. The information which it contained will be duly communicated to the proper authorities.

Thanking your lordship for your prompt action in the matter, I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 8, 1864.

SIR: I have the honor to bring under your notice the enclosed copy of a letter which I have received from a British subject, Captain Scanlan, the owner of a cotton plantation on the Mississippi river, 18 miles below the city of Memphis, relative to the difficulties he has experienced in shipping the produce of his crop to New York or Liverpool, owing to the peculiar wording of the affidavit he is called on to sign, requiring him to state that he is loyal to the United States. Captain Scanlan states that, with the exception of these words, he could conscientiously sign the affidavit, as he has always been friendly to the United States government, and has been uniformly treated with kindness and courtesy by the officers of that government.

It will not escape your attention, on perusing Captain Scanlan's letter, that the cotton raised on his plantation is the result of free negro labor instead of slave labor, and therefore, as a commencement of the new order of things so wisely organized by the President of the United States, should, I venture to think, be rather encouraged by the United States government than hampered with any unnecessary formalities which would make any future attempt of the kind abortive.

Captain Scanlan having entered into a regular contract with the proper officers of the United States for the employment of the free negroes, is anxious to secure his crop from any roving bands of guerillas and send it to a secure place of shipment.

Under these circumstances I would fain hope that the wording of the affidavit may be altered, leaving out "loyal to the United States" as being incompatible with his nationality as a British subject, and that he may be allowed to ship his cotton and continue his efforts in the interest of freedom, more particularly as he appears to be a peaceable man and on good terms with the authorities.

I beg you to return me the original documents enclosed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY,
For LORD LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Scanlon to Lord Lyons.

MEMPHIS, October 28, 1864.

MY LORD: I beg leave respectfully to submit the following statement of facts, and invoke such action on your part as the merits of the application may, in your judgment, require:

I am a subject of her Britannic Majesty's government, and now, as I ever have been, true and loyal to the same. In 1857 I came to the United States, and was the same year married to my present wife, who then resided on a plantation on the banks of the Mississippi river, in Crittenden county, Arkansas, and 18 miles below this city, Memphis.

Since my residence here I have taken no part, directly or indirectly, in the politics of the country, but confined myself strictly to the conduct and management of my private affairs.

Since the inauguration of this impending contest I have scrupulously abstained from all interference therein, but have faithfully observed the proclamation of my sovereign, enjoining strict neutrality on the part of her subjects. My rights and relation as a foreign resident have been respected by the federal officers here, both civil and military, and they have not hesitated to grant whatever I might ask, when such was not deemed inconsistent with the policy and interests of their government.

During the past year I have grown on the plantation above referred to a cotton crop from which I hope to realize about 300 bales. This was produced by freedmen's labor, forty-one of which class, as will be seen by the accompanying copies of contents, I employed under contract with the United States superintendent of freedmen at this point, and the remainder of my force consisted of 26 negroes, former slaves of my wife, emancipated, however, under the proclamation of his excellency the President of the United States, and with which I made contracts as with the others, under the laws and regulations of the department, and which contract I have faithfully observed by paying them regularly the amount agreed upon. This course I adopted at the kindly suggestion and advice of Major General Hulburt, who commanded this district at the time.

Having grown this crop and gathered it in part with a force engaged under a solemn contract with the proper officer of the United States, I am now prohibited from shipping it, under construction of the treasury officers here, to New York or Liverpool, because I will not sign the affidavit on account of the words "loyal to the United States" being inserted therein. With the exception of these words I could conscientiously subscribe to the affidavit, as I am truly friendly to the United States government, her officers having always treated me with kindness and consideration, as far as was consistent with their official duties.

Having been not only permitted, but encouraged and furnished the means to produce it by the United States authorities, it is submitted that international comity would dictate that I should not be so trammelled in the disposition thereof as to seriously impair its value, if not to hazard its entire destruction, as it is subject to be burnt at any time by roving bands of guerillas or marauders.

Although the officers here have construed themselves as without authority to permit the sale or shipment of my cotton for the aforesaid reason, yet they have not hesitated to express the opinion, that if the matter were referred to the proper heads of department at Washington, that permission to ship the cotton would be readily granted.

Accompanying this is my application to General William Orme, special supervising agent, 2d agency, which he favorably submits to the Secretary of the Treasury. I therefore, my lord, beg that you will give the above such consideration as you may deem proper; satisfied as I am that the government of the United

States will act in that spirit of liberality and fairness towards the subject of a friendly neutral power which has so signally characterized her past history.

Hoping, my lord, that you will forward me a reply by the bearer, Mr. Hurlburt, who is a brother-in-law,

I have, &c., &c., &c.,

W. E. SCANLAN.

Right Hon. LORD LYONS, &c., &c., &c.

—
Contract.

This contract, made this twelfth day of March, 1864, between W. E. Scanlan, employer, and George Hall, Henry Cole, Anderson Manning, Paul McMillar, Grenville McMillar, Jem Rodgers, Peter White, Bell Sykes, Arch Ganing, William Norval, Ephraim Dennings, George Washington, freed laborers, witnesseth: that said W. E. Scanlan agrees to employ said laborers on his plantation, from the 12th day of March, 1864, to the 12th day of March, 1865, on the terms prescribed in the code of rules and regulations for leasing abandoned property and hiring freedmen; and the said laborers agree to be diligent and faithful hands while in his employ, it being understood and agreed that this contract is subject to the provisions of said code, by which all parties agree to be governed.

W. E. SCANLAN.

In presence of—

O. D. BIRD.

George Hall.
Henry Cole.
Anderson Manning.
Pau McMillar.
Grenville McMillar.
Jem Rodgers.

Peter White.
Bill Sykes.
Arch Gurney.
William Norval.
Ephraim Dennings.
George Washington.

I certify that the above is a true copy of a contract on file at this office.

S. A. WALKER,

Captain 63d Regiment, Sup't Freedmen, West Tennessee.

—
Contract.

This contract, made this 8th day of March, 1864, between W. E. Scanlan, employer, and Susan Banks and child, Milly Tucker, Jane Hicks, Margaret Ingram, Charley Grear, Ann Kibbs and four children, Laura Gibbs, Maria Gibbs, Rachel Gibbs, Amanda Taylor, Fred Norris, Caledona Malone, Francis Quinlan, Abby Vance, Laura Hodge, Catharine Malone, Emma Holmes, Elijah Potts, Nancy Johnson and child, freed laborers, witnesseth: that said W. E. Scanlan agrees to employ said laborers on his plantation from the 8th day of March, 1864, to the — day of —, 186 , on the terms prescribed in the code of rules and regulations for leasing abandoned property and hiring freedmen; and the said laborers agree to be diligent and faithful hands while in his employ, it being understood and agreed that this contract is subject to the provisions of said code, by which all parties agree to be governed.

W. E. SCANLAN.

Signed in presence of—

JOHN PHILLIPS,

Lieut. Col. and Sup't of Freedmen, West Tenn.

Susan Banks and child.
Milly Tucker.
Jane Hicks.

Fred Norris.
Caledona Malone.
Francis Quinlan and child.

Margaret Ingram.
 Charley Grear.
 Ann Kibbs and children.
 Susan Gibbs.
 Maria Gibbs.
 Rachel Gibbs.
 Amanda Taylor.

Abby Vance.
 Susan Hodge.
 Catharine Malone.
 Emma Holmes.
 Elijah Potts.
 Nancy Johnson and child.

I certify that the above is a true copy of a contract on file at this department.

S. A. WALKER,
Captain and Sup't for Freedmen.

—
Certificate of nationality.

HER BRITANNIC MAJESTY'S CONSULATE, CHICAGO.

I, J. Edward Wilkins, esq., her Britannic Majesty's consul, do hereby request and require all whom it may concern, to allow the bearer, W. E. Scanlan, residing in Memphis, Tennessee, who I have good reason to believe, after careful examination, is a subject of her Britannic Majesty, who has never forfeited his claim to the protection of the Queen by becoming a subject or a citizen of any foreign state, to pass without let or hindrance, and to afford him every assistance and protection of which he may stand in need.

In testimony whereof, I do hereunto set my hand and seal of office, at my office, in the city of St. Louis, Missouri, on this fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

J. EDWARD WILKINS,
H. B. M. Consul at Chicago,
 (Residing, under instruction, at St. Louis.)

Issued by E. B.

[Endorsement.]

Personal description.—Age 31 years; height 5 feet 9 inches; color of eyes —; hair black; peculiarities —.

This certificate confers no right to the bearer to pass beyond the lines of the United States forces.

I believe the bearer is a resident of the congressional district of the State of —; is a British subject, not liable to military duty in the United States.

The bearer must be careful to comply with all regulations relating to enrolment in the manner and within the time prescribed; then if desirous to claim exemption from military service, the bearer must make application to the proper authorities for a certificate of exemption on the ground of being an alien.

This certificate is to be retained by the bearer.

—
Oath of foreign citizenship.

UNITED STATES OF AMERICA, STATE OF TENNESSEE.

PROVOST MARSHAL'S OFFICE, DISTRICT OF MEMPHIS,

June 2, 1863.

I do solemnly swear that I am a subject of the government of Great Britain, and owe allegiance to the same; that I have never declared an intention of becoming a citizen of any other government; that I have never voted at any na-

tional, State, county, or municipal election held in the United States of America, nor have I ever claimed the rights and privileges belonging only to citizens giving their allegiance to the government thereof.

I further swear that I will not aid, directly or indirectly, the rebellious league known as the Confederate States of America. So help me God.

W. E. SCANLAN.

Sworn and subscribed before me this 2d day of June, 1863.

JAMES SMITH, *Provost Marshal*.

By A. J. ENLAN, *Assistant*.

Residence, Arkansas; age, 31 years; height, 5 feet 9 inches; hair, black; eyes, hazel.

[Pass.]

OFFICE PROVOST MARSHAL,
Memphis, December 13, 1862.

Mr. William E. Scanlan, a subject of Great Britain, has leave, by order of Major General S. Hurlburt, commanding at Memphis, to pass and ship from Memphis to his residence in Crittenden county, Arkansas, without goods and supplies, except when allowed by the proper authorities.

CHAS. M. WELLAND,
Provost Marshal.

[Pass.]

PASS DEP'T, PROVOST MARSHAL'S OFFICE, DIS'T OF MEMPHIS,
Memphis, Tennessee, June 2, 1863.

Mr. W. E. Scanlan, subject of Great Britain, has permission to pass the guards and pickets, by order of Major General Hurlburt, from Memphis to Crittenden county, Arkansas, until otherwise ordered.

A. J. ENLAN, *Pass Officer*.

Issued by A. W. Mendenhall, clerk.

This pass is not transferable.

MEMPHIS, TENNESSEE,
March 7, 1864.

Captain Scanlan, a British subject, is entitled, as a neutral, to the protection and consideration due to all who are not citizens of the United States. Personally he is a gentleman, and has been, as far as I am informed, consistent. I recommend him and family to the protection of the military authorities.

L. THOMAS, *Adjutant General*.

• *Lord Lyons to Mr. Seward.*

WASHINGTON, *November 8, 1864.*

SIR: I am instructed by her Majesty's principal secretary of state for foreign affairs to call your attention to the accompanying despatches, with their enclosures, addressed by the lieutenant governor of New Brunswick to her Majesty's secretary of state for the colonies, relative to some shot fired from a battery in course of construction on a small island near Eastport, between the coast of Maine and Campobello, having fallen upon the British territory of Campobello.

In bringing to your knowledge the circumstances set forth in the enclosed papers I am instructed to state that her Majesty's government suppose the firing to have been unintentional.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Hon. A. H. Gordon to the Duke of Newcastle.

FREDERICTON, NEW BRUNSWICK,
October 26, 1863.

MY LORD DUKE: During the course of the past week I paid a visit to the island of Campobello.

2. Immediately on my arrival my attention was arrested by a new battery in the course of construction on a small island between the coast of Maine and Campobello, in the immediate vicinity of the latter. When I previously visited Campobello, in the month of May, this battery had not been commenced. It is now, however, rapidly approaching completion.

3. I enclose a rough sketch of the plan of this battery. It is armed with five guns, three of which are 52-pounders, and the remaining two 28-pounders, said to be rifled; a barrack for fifty men is also in course of erection in rear of the battery.

4. A precisely similar battery is in the course of erection near the town of Eastport, at a point called Todd's Head.

5. Without attaching any undue importance to these erections, the construction of which is probably mainly due to electioneering influences, I think it my duty to report the fact of their existence to your grace; and I may remark, with respect to the battery on St. Croix or Treat's island, that its position is one which renders it less a protection to Eastport than a menace to Campobello. Other sites might have been chosen which would have commanded the entrance to Eastport, but from that which has been adopted it will be almost impossible, in time of peace, to fire even for practice, as any shot from three if not four of the guns must necessarily, however aimed, fall in the town of Welshpool, in Campobello, or in its immediate vicinity.

The enclosed map will show the position of the two batteries. That on Treat's island is only half a mile from the shore of Campobello.

I have, &c.,

ARTHUR H. GORDON.

His Grace the DUKE OF NEWCASTLE, K. G., &c., &c., &c.

Lieutenant Governor the Hon. A. H. Gordon, to Mr. Cardwell.

FREDERICTON, NEW BRUNSWICK,
September 10, 1864.

SIR: In my despatch to his grace the Duke of Newcastle, of October 26, 1863, I reported the erection of certain batteries by the United States authorities in the immediate neighborhood of the island of Campobello, in this province, and I remarked that "the position of the battery on Treat's

island was one which rendered it less a protection to Eastport than a menace to Campobello. Other sites might have been chosen which would have commanded the entrance to Eastport, but from that which has been adopted it will be almost impossible, in time of peace, to fire even for practice, as any shot from three if not four of the guns must necessarily fall in the town of Welshpool, in Campobello, or its immediate vicinity."

2. The correspondence which I now enclose will show that my anticipations in this respect have proved to be correct.

3. You will no doubt observe that no irritation is displayed by Captain Robinson, in his letter, and that the best possible spirit has been manifested on both sides.

4. I, of course, do not attach any great practical importance to this affair, but it is, perhaps, as well to call attention to the fact of the existence of a battery, the guns of which cannot be fired without throwing their shot into her Majesty's dominions. The "Head" referred to is equally on the island of Campobello, and a shot glancing from it might easily do serious mischief.

I have, &c.,

ARTHUR H. GORDON.

Right Hon. EDWARD CARDWELL, &c., &c., &c.

Captain Robinson to the Hon. A. H. Gordon.

CAMPOBELLO, NEW BRUNSWICK,

August 18, 1864.

SIR: I herewith have the honor to enclose for your excellency's information copies of a correspondence between a volunteer officer of the United States in charge of the new batteries erected near Eastport and others in the State of Maine, and myself.

It appears on Friday, the 12th instant, a party went to Treat's island battery and fired three shots against the "Friar's Head." For the first one the gun was depressed, so as to make the shot strike the water, the party firing evidently knowing so little of artillery practice that they were unaware that by doing so it must ricochet once or twice in the line of fires and the pointed longitudinal shot used is worse for doing so than the spherical. The other two shots being directly pointed at the Head, struck and did no harm.

They have got their guns beautifully mounted, and shells, shot, and ammunition of all sorts, with a corporal and twelve men in charge at Treat's island, who are what are called nine-months men, and the same at the other battery off Dog island.

I do not see how they can fire a shot from either of these batteries without going into British territory, which your excellency saw when here last year; it is now, I think, put a stop to, but at the same time it is difficult to convince men who have not been brought up to military service of the danger of firing shot into neutral territory, whether any harm is done or not.

We hear to-day that a confederate cruiser is destroying United States vessels off Mount Desert; there is a gunboat at Eastport, now called the Pontusac.

There are also a large number of men who, having completed their term of servitude in the army, have returned to Quebec and Eastport within these few days, and are not the most orderly people in the world.

I have, &c.,

T. ROBINSON.

His Excellency the Hon. A. H. GORDON.

Captain Robinson to Captain Hutchinson.

CAMPOBELLO, NEW BRUNSWICK,

August 16, 1864

SIR: I yesterday went over to Treat's island, for the purpose of seeing you and calling your attention to the practicing the guns of the battery upon that island upon "Friar's Head," (so called.) in Campobello, and also to the fact of a shot having ricocheted over the "Head" during that practice, on Thursday, the 12th instant, passing over a house, and striking the ground near a barn occupied by a man named Taylor.

I had waited until then, hoping to have heard from you some explanation of the circumstances, having not the slightest doubt that the latter circumstance was purely accidental.

But in your position of commandant of a fort you must, on consideration, be aware that pouring shot into a friendly and neighboring territory, without permission, is entirely against the laws of nations, and even owning the soil. I much question whether it would have been in my power to have granted permission, supposing it to have been asked, as the sovereignty of the soil lies in the nation, not in the individual. It is far from my wish to create any ill feeling on this occasion, or in any unnecessary way to magnify the importance of the thing, being, as I thoroughly believe, purely a piece of inadvertence; but it will be necessary for you to be so good as to tell me so in writing, and also that the same may not happen again, to enable me to answer any inquiries that may be put to me by the English authorities.

I have, &c.,

J. ROBINSON,
T. P. and Captain R. N.

Captain HUTCHINSON,
United States Navy, &c., &c., &c.

Captain Hutchinson to Captain Robinson.

AUGUST 16, 1864.

CAPTAIN: I have the honor to acknowledge the receipt of your letter of this date. In reply, I would say it was not my intention to practice the battery on the island until I had received permission from you; but on that day, having some military company who, wishing to see the effect of two or three shot against the Head, and not having the least idea that the shot would miss the Head, I took the liberty to fire three shots; and to guard against doing any injury, I was careful to have the gun depressed so as to have the shot fall short, rather than run the risk of carrying over the Head; but, contrary to my expectations, the first shot, as it afterwards proved, ricocheted after striking the water, and passed over the Head, striking as you stated in your letter. At the time we all thought the ball lodged against the ledge, and not until the next day did I know of the facts. I went over immediately on learning the circumstances of the case, and saw Mr. Parker, who showed me where the shot struck. I followed the course and found the shot in an adjoining pasture; the other two shots I found on the beach, under the Head. I was treated very kindly by Mr. Parker and others, whom I met while on the island, and to whom I apologized, assuring them it would not be repeated, at the same time intending to call on you and do the same. Circumstances since the affair have been such I have been unable to do so. Hoping the affair will create no ill feelings, I will

do myself the honor to call upon you personally at the earliest opportunity, and give, perhaps, a more satisfactory explanation.

I remain, &c.,

THOS. P. HUTCHINSON,
Captain Commanding Fort Sullivan, Eastport, Maine.

T. ROBINSON,
T. P. and Captain R. N., Campobello, N. B.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 11, 1864.

MY LORD: I have the honor to communicate for your lordship's information, and that of her Majesty's authorities in Canada, a copy of a despatch of the 8th instant from D. Thurston, esquire, the vice-consul general of the United States at Montreal, and of the paper which accompanied it, in regard to the sale of the schooner Georgian, or Georgiana, to parties suspected of being agents of the insurgent enemies of the United States, which was the subject of my note to your lordship of this morning.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Thurston to Mr. Seward.

No. 91.]

UNITED STATES CONSULATE GENERAL,
Montreal, November 8, 1864.

SIR: I have the honor to enclose a letter from the consular agent at Toronto, in relation to the sale of the schooner Georgian to a supposed rebel agent by parties residing at Toronto. This is a new vessel, built some year and a half since on the Georgian bay by G. H. Wyatt and others, and has, I believe, made one trip across the Atlantic. She is a splendid vessel, built with great care, a fast sailer, and would, if employed in the business mentioned in Mr. Kimball's despatch, be capable of doing immense injury to the shipping on the lakes. Mr. Wyatt and his partners sold the steamer Bowmanville some two years ago. She was ostensibly to be employed in legitimate trade, but was undoubtedly designed for blockade running. The corroboration of the purposes for which the Georgian has been purchased by four persons, unknown to each other, would seem to establish the fact that she has been bought for the design of being converted into a ram by rebel agents in Canada, and that measures should be at once taken to prevent the plan being executed. I have notified the Canadian government.

With great respect, I am, sir, your obedient servant,

D. THURSTON,
United States Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Kimball to Mr. Potter.

UNITED STATES CONSULATE,
Toronto, C. W., November 5, 1864.

SIR: I have the honor to report the following information which I communicated to the provost marshal of Buffalo, N. Y., under date of November 3. It is given to me by four different parties, unknown to each other:

First. Messrs. A. M. Smith & Co. and George H. Wyatt informed me, in answer to my questions, that they have sold the propeller Georgian, which they owned, to one Bates, from Michigan, who intends to use her in the lumber trade. They delivered her at Port Colborne, C. W., on the first or second of this month. They claim that she is particularly adapted to the lumber trade, as she carries heavy loads with light draught, and the present owners *intend to strengthen her beams for towing*. I consider they partially admitted that the pay came through the Ontario Bank, (\$16,500,) where I know Colonel Thompson, the confederate agent, keeps his account.

The second person says he knows this Bates; knew him in Louisville, Ky. He was at one time a captain of the steamer Magnolia on the Mississippi river.

A third person, whom I well know, but who has previously sympathized with the confederates, came to me of his own accord to *reveal* what he claims as a *great plot*, in order to arrest it, because, he assumes, its success would have a tendency to make trouble between the United States and Canada. He gives as a synopsis the following, which he says he received from Captain Bates himself:

The Georgian is purchased by the confederates. She is to be strengthened in the bow for a ram somewhere on Lake Huron, after which she will take on men, cannon, small-arms, and ammunition, and run into the Michigan off Johnson's island to sink her; then make a *dash* to release the prisoners, who will at once be furnished with arms if they meet with success; after which the Georgian will go on a cruise of destruction, including Buffalo harbor and other places.

My informant claims to know the details of the whole plot, men and places, and would reveal the whole of it to the authorities in the United States, if I, as an officer of the United States government, would pay his expenses, and he would also expect the United States to remunerate him. I told him I could not see any difference between his revealing to me or to the authorities in Buffalo, and therefore could not comply with his requests, but if he would give me his information I would transmit it to the department, and if it was of *real* service to them I had no doubt they would do him justice. He would not consent to this.

A fourth person says he has been solicited to join an expedition by the confederates. They tell him they have a steamer, but would not say what one it was, plenty of arms and ammunition, and they were going to make an attempt to release the prisoners on Johnson's island. For the purpose of getting more information he agreed to meet them at Sarnia this week; would be here on Monday next, and would see me and give me any further information he might obtain.

Taking these circumstances altogether, I have no doubt something of the kind is intended, and therefore immediately communicated the intelligence as I received it to the authorities in Buffalo, with the request that they should notify other authorities as they deem proper.

I am, sir, very respectfully, your obedient servant,

R. J. KIMBALL,
United States Consular Agent.

Hon. JOHN F. POTTER,
Consular General, B. N. A. P., Montreal, C. E.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 11, 1864.

MY LORD: I have the honor to enclose a copy of a telegram of yesterday from Major General John J. Peck, in regard to the movements of the Georgiana. I will thank your lordship to notify his excellency Viscount Monck of its purport.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Peck to Mr. Seward.

[Telegram.]

SYRACUSE, NEW YORK,

November 10, 1864.

To Secretary SEWARD.

Just from Buffalo. The Georgiana is near Port Colborne, twenty miles distant. She was lately purchased at Toronto, Canada West, for commercial purposes, and seventeen thousand dollars in gold paid. The price is far beyond her value, in the opinion of the best judges. This, in connexion with the fact that the business season is at an end, stamps the transaction with suspicion, and warrants the belief that she is intended for raiding operations.

JOHN J. PECK,

Major General.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 12, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 2d instant, transmitting further evidence of the nationality of the prisoners in the case of the Night Hawk; and in reply, to inform your lordship that I have transmitted a copy thereof to the Secretary of the Navy recalling his attention to the case with a view to the adoption of such proceedings as the result may warrant, returning the original affidavit.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 12, 1864.*

SIR: With reference to your note of the 29th ultimo, asking for the extradition of Samuel Eugene Lackey and twelve other persons, fugitives from justice,

in Canada, I have the honor to enclose copy which I have received in reply from his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

QUEBEC, *November 4, 1864.*

MY LORD: I have the honor to acknowledge the receipt of your despatch of 29th October, covering a note from the Secretary of State of the United States to you, applying for the extradition of Samuel Eugene Lackey and twelve other persons, charged with the commission of murder and robbery in the United States.

I have the honor, in reply, to state for your lordship's information that all persons mentioned in Mr. Seward's note are now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the treaty have been made in the case of all or any of them, the necessary writs will be issued for their delivery to the authorities of the United States.

I have, &c.,

MONCK.

Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 12, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, enclosing to me copies of communications from the United States vice-consul general at Montreal, relative to the sale of the Georgian, or Georgiana.

I have this day transmitted copies of your note, and of its enclosures, to his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 12, 1864.*

SIR: With reference to your note of the 1st instant, relative to the extradition of William H. Hutchinson, I have the honor to transmit to you herewith a copy of a despatch which I have received from the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, November 7, 1864.

MY LORD: I have the honor to acknowledge the receipt of your despatch of the 1st instant, enclosing a note from the Secretary of State of the United States, in which he asked for the extradition of one William H. Hutchinson.

In reply, I have the honor to state that I have reason to believe that this person is now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the treaty have been made in his case, the necessary warrant will issue for his delivery to the officers of the United States.

I have, &c., &c., &c.,

S. T. MONCK.

LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

BRITISH LEGATION, November 13, 1864.

MY DEAR SIR: Viscount Monck informs me by telegraph as follows with respect to the Georgiana:

"I have just had the following telegram from the revenue collector at Sarnia, from which port the Georgiana cleared for Port Colborne. Propeller Georgiana arrived during night; searched her; found nothing suspicious; will give her clearance when ready to start."

Believe me, my dear sir, yours, faithfully,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 14, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you are instructed by her Majesty's principal secretary of state for foreign affairs to call the attention of this government to its accompanying despatches and their enclosures, addressed by the lieutenant governor of New Brunswick to her Majesty's secretary of state for the colonies, relative to some shot fired from a battery in course of construction on an island near Eastport, Maine, which had fallen upon the British territory at Campobello. In reply, I have the honor to inform your lordship that a copy of the papers referred to has been submitted to the Secretary of War, with a view to an immediate investigation of the matter.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 14, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 12th instant, transmitting a copy of a despatch addressed to you by the governor general of Canada, relative to the extradition of William H. Hutchinson, one of the St. Albans marauders recently captured in Montreal. In reply, I have the honor to state that the information contained therein has been communicated to the proper authorities.

I have the honor to be, my lord, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 15, 1864.

MY DEAR SIR: With reference to my private letter to you of the 13th instant, respecting the release of the Georgiana, I think it useful for you to possess copies of the inquiries made about her by the collector of customs at Port Colborne, and of a telegraphic circular sent by the Canadian finance department to the various collectors of customs at the different ports on the lakes, with respect to ships of a suspicious character.

Believe me to be, my dear sir, your very faithful, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Telegraphic circular.]

Collector of Customs at ——— :

Give particular attention to vessels clearing from your port; if any circumstances indicate intention to violate neutrality laws, refuse clearance and detain vessel, immediately reporting to this department and to the attorney general.

FINANCE DEPARTMENT,

Quebec, November 8, 1864.

By telegraph from collector at Port Colborne to honorable A. T. Galt.

NOVEMBER 8, 1864.

Propeller Georgiana entered inwards from Port Stanley on 29th of October, discharged cargo and reported inwards for Buffalo on 1st of November; returned here on 3d; captain came to the office and stated he had been to Buffalo for repairs; had a clearance for this port without cargo; was going to Sarnia, but wanted wood; wished to know if it was necessary to have a clearance from here to Sarnia, having a clearance to a British port; did not grant another; weather stormy; remained until Saturday, when weather moderated; left at six thirty

p. m.; on inquiring of harbor-master, he informed me she took sixty or seventy cords wood, as stated, for ballast; he stated they informed him on board she was going to Chicago; nothing connected with her suspicious unless taking the quantity of wood and going to one port, when reporting here she was going to another, might be so construed; did not come to the office after taking wood on board; Mr. Gordon, from whom the wood was purchased, has stated she only took thirty cords.

N. PRING, *Collector*.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 15, 1864.*

SIR: With reference to your note of the 3d ultimo relative to the information which you had received that Captain Hewitt, of the royal navy, was in command of a vessel engaged in running the blockade of the ports of the so-styled Confederate States, I have the honor to enclose a copy of a letter from the admiralty on this subject, which has been forwarded to me by her Majesty's principal secretary of state for foreign affairs, stating that their lordships are not aware that Captain Hewitt, R. N., is engaged in blockade running, and that they would not sanction his being so employed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Romaine to Lord Lyons.

ADMIRALTY, *October 25, 1864.*

SIR: I have laid before my lords commissioners of the admiralty your letter of the 24th instant, with its enclosure, relative to a statement made by Mr. Seward, the United States Secretary of State, that he had been informed that Captain Hewitt, of the royal navy, is in command of a vessel engaged in running the blockade of the ports of the so-styled Confederate States.

My lords desire me to state for the information of Earl Russell that if Captain Hewitt is so employed, it is without the knowledge of the board of admiralty, and will not be sanctioned by them.

I am, &c.,

W. G. ROMAINE.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 16, 1864.*

SIR: Mr. Burnley had the honor of addressing you on the 16th of September on the subject of the nefarious practices resorted to by unscrupulous persons in seducing youths from their homes, and inducing them to enlist in the United States army; and you had the goodness to state, in your answer of the 19th of the same month, that the United States government would use all diligence in preventing such practices, and when discovered in severely punishing such transactions, and that it believes they are practically arrested.

I am nevertheless induced to make a few further remarks on this subject, under the instructions which I have received from her Majesty's government.

The governor general of Canada is using his best endeavors to aid and assist as far as possible towards the attainment of the object desired. The attention of the local police authorities of Canada have been especially directed to the necessity of increased vigilance with regard to the practices alluded to, and in some cases, when it was judged advisable, special detective officers have been stationed at suitable places to assist the ordinary police force.

Her Majesty's government, however, consider that no efforts will be effectual for the suppression of these practices as long as the government of the United States continues to pay agents for the procurement of recruits for their armies. If no pecuniary advantages could accrue to any person from bringing a recruit to enlist, there would be no inducements offered by the government of the United States to persons to commit the crime of kidnapping, and if this source of the evil, which is constant in its operation, were removed, the occasional increase of crimes of this nature from the payments on the part of private individuals for substitutes at the time of a compulsory draft might be effectually met by additional vigilance at those periods on the part of the police.

Her Majesty's government therefore suggest, with a view to the better assistance of Viscount Monck in his endeavors to punish the guilty parties, whether the United States government would not take into consideration the advisability of abrogating the regulations under which payments are made, whether under the denomination of "bringing money" or "bounty money."

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 16, 1864.

MY DEAR LORD LYONS: Your letters of the respective dates of the 12th and 13th instant, apprising me of the prompt proceedings of his excellency Viscount Monck in regard to the Georgiana, were duly and thankfully received.

Believe me to be, my dear Lord Lyons, always and faithfully yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 16, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 12th instant, enclosing a copy of a despatch from his excellency the governor general of Canada, concerning the proposed extradition of Samuel Eugene Lackey and twelve other persons, charged with the commission of the crimes of murder and robbery in the United States. Thanking your lordship for the information, I have the honor to inform you that I have communicated it to the proper authorities.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 16, 1864.

MY LORD: Referring to your communication of the 11th of July last, and my replies thereto of the 21st of the same month and the 6th of August following, relative to two apprentices belonging to the British bark Cuzco, alleged to have deserted from that ship and to have been taken on board the United States vessel St. Mary's, I have the honor to enclose, in reply, a copy of a letter and its accompaniments of the 10th instant, from the Secretary of the Navy, containing further information on the subject.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, November 10, 1864.

SIR: Referring to your letter of the 21st of July last, and my reply of the 30th of that month, I have the honor to transmit herewith a copy of a despatch dated the 26th of September, received from Acting Rear-Admiral Charles H. Bell, relative to the two boys who escaped or deserted from the British ship Cuzco and enlisted on board the United States ship St. Mary's.

Very respectfully, &c., &c., &c.,

GIDEON WELLES,

Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Admiral Bell to Mr. Welles.

UNITED STATES FLAG-SHIP LANCASTER,

Callao, September 26, 1864.

SIR: I have the honor to enclose to you the copy of a letter from Acting Master Charles A. Crocker, executive officer of the United States ship St. Mary's, to Captain Edward Middleton, of the same ship, respecting the detention of two apprentices belonging to the British ship Cuzco, and made the subject of a letter dated July 30, 1864.

It appears that these boys did not enter on board the St. Mary's until after the sailing of the Cuzco from Valparaiso, and every facility was given to the commander of the Cuzco by the officers to recover his men, which would have succeeded had they been on board the St. Mary's when the search was made.

Arthur Cox has since been condemned by medical survey and sent (August 31) to the naval hospital at New York. John Williamson was transferred, with a number of others, to this ship, and is now on board. He will be given up to any one authorized to receive him.

I have the honor to be, very respectfully, yours,

CHARLES H. BELL,

Acting Rear-Admiral, Com'dg Pacific Squadron.

HON. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

Mr. Crocker to Captain Middleton.

UNITED STATES SHIP ST. MARY'S,
Bay of Panama, September 7, 1864.

SIR: In obedience to your order of the 5th instant, requesting me to make a detailed statement of the facts relating to the claims of the master of the English ship Cuzco upon this vessel for two boys alleged to be deserters from his ship and supposed to be secreted on board the St. Mary's, I beg leave to report as follows:

On or about the 20th day of February, 1864, while lying in the harbor of Valparaiso, Chili, the master of the English ship Cuzco came on board and stated that two apprentice boys had deserted from his ship, and he had reason to believe were stowed away on board this vessel, and requested that search should be made for them. In your absence I called all hands to quarters, and made an examination of the holds, store-rooms, &c., &c., but without finding the boys. I told the master that the boys had, no doubt, if they were on board, seen his approach, and the better plan would be for him to come on board the next day while we were at quarters, as a better opportunity would then be afforded to detect them; he did so, and returned the next morning just as we were in the act of going to quarters. I reported the circumstance to you, and you ordered me to search for them, and, if found, to deliver them to him.

A most thorough search was then instituted in every part of the vessel capable of holding a human being, which search was superintended by the sailingmaster and gunner of this ship, but which, after keeping all hands at quarters for nearly an hour, resulted unsuccessfully.

On the 25th February, subsequently to the sailing of the Cuzco, John Williamson and Arthur Cox made their appearance on board and shipped, whom, I afterwards learned, were the boys who deserted from the Cuzco.

I am, sir, very respectfully, your obedient servant,

CHARLES A. CROCKER,

Acting Master and Executive Officer.

Captain EDWARD MIDDLETON,
Com'dg United States Ship St. Mary's.

Approved:

EDWARD MIDDLETON,
Captain, U. S. N.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 16, 1864.

MY LORD: Referring to your communication of the 8th instant, in regard to the form of an affidavit required of Captain W. E. Scanlan, as a condition for permission to ship the produce of his plantation, I have the honor, in reply, to enclose a copy of a letter of the 14th instant just received at this department from the Secretary of the Treasury, and the paper which accompanied it, from which your lordship will perceive that the objectionable feature of the affidavit will be removed in this and all similar cases.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Hon. LORD LYONS, &c., &c., &c.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT,

November 14, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, transmitting enclosures from Lord Lyons in relation to the case of Captain Scanlan, a British subject, who desires to transport certain cotton-produced by him to market without making oath that he is a loyal citizen of the United States, &c.

Enclosed I have the honor to transmit a copy of a letter on the subject, this day addressed to the supervising special agent of the Treasury Department at Memphis, which will, it is believed, remove the objections referred to.

I have also given directions that the rule therein laid down shall have uniform application in all the insurrectionary States.

With great respect,

W. P. FESSENDEN,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Fessenden to Mr. Orme.

NOVEMBER 14, 1864

SIR: I have received your letter of the 27th ultimo, enclosing the application of W. E. Scanlan, a British subject, who asks permission to transport to market certain cotton produced by the labor of freedmen employed by him, without making oath that he is a loyal citizen of the United States.

Such an oath should not be required from the *actual* subjects of any foreign power, and when you are satisfied that similar applicants are, in good faith, subjects of foreign powers, and have never exercised any of the rights of citizenship in this country, you are authorized to waive that clause in the affidavit, and only require oath that the applicant has not done any act of hostility toward the United States.

You will regard these instructions as applicable to all cases of a like character which may arise in your agency.

Respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

WM. W. ORME, Esq.,
Sup. Special Agent Dep't, 2d Agency, Memphis, Tenn.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 18, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 15th instant, in answer to my note of the 3d ultimo, relative to information received at the department respecting the alleged proceedings of Captain Hewitt, of the royal navy.

I have the honor to be, with high consideration, my Lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 18, 1864.

SIR: I have the honor to acknowledge receipt of your note of the 16th instant, relative to the two apprentices of the British bark Cuzco, and would beg leave to rectify a mistake in the names of the boys as given by Rear-Admiral Bell in his communication to the Secretary of the Navy. Their real names, as given by Mr. Nicol, a copy of whose letter was forwarded to you in Mr. Burnley's note of the 25th August, are Alfred Dewick and John Williams.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.
For LORD LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, November 19, 1864.

SIR: With reference to Viscount Monck's despatch of the 26th ultimo, and to your reply of the 3d instant, with respect to the order issued by General Dix relative to the recent outrage at St. Albans, I have now the honor to enclose copy of a despatch which I have received from his excellency, replying, on his side, to the observations contained in that note.

In the sentiments expressed by his excellency, the governor general, I fully concur. It suffices to examine the dates when the various requisitions for extradition were received at this legation, and despatched to Viscount Monck, to prove that, on my side, also, nothing was left undone which could promote the wishes and anxious desires of the American government, whether in the affair of Lake Erie, or in that of St. Albans.

Your note of the 13th ultimo, asking for the extradition of Bell and others, concerned in the Lake Erie occurrences, was received on the 14th, and despatched to Viscount Monck on the 16th. His excellency's reply of the 22d, received on the 26th, was transmitted the next day to you.

With regard to the affair at St. Albans, your first note, of the 25th ultimo, relative to the extradition of Wallace and others, was received and despatched on the same day to Viscount Monck. His excellency's reply, of the 31st October, was received on the 3d instant, and transmitted to you on the 4th instant. Your further note, of the 29th ultimo, relative to the extradition of Lackey and others, was received on the day on which it was written, and on that same day despatched to Viscount Monck. His excellency's reply, of the 4th instant, received at this legation on the 11th instant, was despatched to you the same day.

Finally, your note of the 1st instant, requesting the extradition of Hutchinson, was again received and despatched to its destination on the same day, and Viscount Monck's reply of the 7th instant, received on the 12th instant, was forwarded to you on the day on which it was received.

You will thus perceive that both Viscount Monck and myself have done all that lay in our power to expedite the ends of justice, and that it cannot in truth be said that requisitions for these offenders have remained unanswered.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Viscount Monck to Lord Lyons.

QUEBEC, *November 12, 1864.*

MY LORD: I have the honor to acknowledge the receipt of your despatch of 7th November, and the accompanying note from Mr. Seward, dated 3d November, relative to the despatch which I deemed it my duty to address to you on the 26th October, calling your attention to the extract from the New York Evening Post, which purported to give the words of an order issued by Major General Dix, in reference to the recent outrage at St. Albans, Vermont.

I shall transmit Mr. Seward's note to the secretary of state for the colonies, for the consideration of her Majesty's government.

There is one statement, however, in Mr. Seward's note to which I must allude, in justice to myself and the government of Canada. The Secretary of State for the United States says, "While this government has been considering Earl Monck's request, our requisition for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered."

I am at a loss to account for this statement. With regard to the first of these outrages, it occurred on the 19th September. On the 22d October a despatch was received by me from Mr. Burnley, dated 16th October, enclosing a note from the Secretary of State of the United States, demanding the extradition of Bell and others, (the persons supposed to have been concerned in the Lake Erie outrage.) On the same day (22d October) I addressed a despatch to Mr. Burnley, in which I acknowledged the receipt of his communication, and begged him to inform Mr. Seward that "as soon as I should have been advised that these persons, or any of them, had been arrested in Canada, and that the proof required by the treaty had been made, the necessary warrants should be issued for their delivery to the authorities of the United States."

With reference to the outrage committed at St. Albans, this affair occurred on the 19th October. On the 31st I received from Mr. Burnley a despatch, dated 25th October, demanding the extradition of C. M. Wallace and twelve other persons, participators in the St. Albans affairs.

On the same day I answered Mr. Burnley's despatch, informing him that when the proof required should have been made, the warrants for extradition should be issued.

On the 4th November I received a further despatch, dated 29th October, referring to the same persons, and stating that they were in custody in Canada, and asking for their extradition.

This was answered on the same day, informing Mr. Burnley that the men referred to were in custody, and that the warrants for their extradition should issue as soon as the proofs required by the treaty had been completed.

On the 7th of November I received from Lord Lyons a further despatch, dated November 1, enclosing a demand for the extradition of one Hutchinson, a man whose name was not included in the former list.

This despatch was answered on the same day, and in the same terms as the former communications. I have been thus minute in the statement of what has occurred in these matters, because I should have felt much annoyed if it could be supposed that your communications to me, made at the instance of a minister of a friendly power, had been for any cause allowed to remain unanswered.

I have, &c., &c.,

MONCK.

Hon. Lord LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 19, 1864.

MY DEAR LORD LYONS: I have the pleasure of acknowledging the receipt of your letter of the 15th instant, transmitting to me a copy of the inquiries made about the Georgiana by the collectors of customs at Port Colborne, and of the telegraphic circular sent by the Canadian finance department to the various collectors of customs at the different port on the lakes.

Believe me to be, my lord, very respectfully, yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 21, 1864.

MY LORD: Referring to Mr. Burnley's note of the 6th ultimo, in which he remonstrates against the prosecution of appeals in the prize cases against the British vessels Science, Dashing Wave, Sir William Peel, and Volante, at New Orleans, I have the honor to enclose, for the information of your lordship, a copy of a letter of the 2d instant from the United States attorney of Louisiana, to whom the subject was referred.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Waples to Mr. Seward.

UNITED STATES ATTORNEY'S OFFICE,

New Orleans, November 2, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, enclosing a copy of a communication from J. Hume Burnley, esq., her Britannic Majesty's chargé d'affaires at Washington, remonstrating against the prosecution of appeals in the prize cases against the British vessels Science, Dashing Wave, Sir William Peel, and Volante, and their cargoes, &c. The last mentioned was appealed by the claimants. The other three were appealed by the libellants, and the records have been already forwarded to be filed in the clerk's office of the Supreme Court. You say, "I will thank you to communicate to this department the views of the prize court, if they can be obtained." The judge has not written and filed any reasons for judgment; and as he is absent from this city in the north, I am unable to state what are his views regarding the appeals from his judgments rendered in the several cases. In my letter to you of March 25, 1864, relative to the case of the Sir William Peel, in reply to yours of the 7th of that month, I set forth the grounds, and submitted the authorities upon which the ship was sought to be condemned; and I also showed that the other vessels above named were situated very similarly to the Sir William Peel. A reference to the records, now in the hands of the Solicitor of the Treasury, (to whom I am instructed to forward all records of appeal, even in

prize cases,) will show that the chargé d'affaires labors under the disadvantage of having heard but one side of the case.

Upon the return of the judge I shall be happy to furnish you with his views on the subject of the appeals, if they can be obtained.

Your obedient servant,

RUFUS WAPLES,
United States Attorney.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 21, 1864.

MY LORD: Referring to my note of the 29th ultimo, applying for the extradition of Samuel Eugene Lackey and others, and to that of the 1st instant, applying for the extradition of William Hutchinson, I have now the honor to inform your lordship that inaccuracies occurred in the former note respecting the names of some of the persons indicated therein, but I have now received a corrected list of the names of the parties and other information, from which it appears that Samuel Eugene Lackey, Squire Turner Travis, Charles Moore Swager, George Scott, Bennett H. Young, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, Alexander Pope Bruce, and William H. Hutchinson are charged with the commission of the crimes of murder, assault with intent to commit murder, and robbery, at St. Albans, in the State of Vermont, within the jurisdiction of the United States; that official complaints have been filed in the proper courts in said State charging them with those offences; that regular warrants for their apprehension have thereupon been issued, duly authenticated copies of which complaints and warrants are attached herunto. I have, therefore, the honor to request, through your lordship, that her Majesty's government will, in virtue of the provisions of the tenth article of the treaty of Washington, be pleased to issue the necessary warrants for the delivery of the above-named fugitives, who are now understood to be held in jail at Montreal, in Canada, to any person or persons duly authorized to receive the said fugitives and bring them back to the United States for trial.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

P. S.—I will thank your lordship, at your earliest convenience, to transmit a copy of this note and accompanying papers to the Canadian government.

STATE OF VERMONT,
Franklin County, ss:

To Leonard Gilman, one of the justices of the peace within and for the county of Franklin, comes Chellis F. Safford, town grand juror of the town of St. Albans, in said county, in his proper person, and, on his oath of office, complaint makes, that Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and

Dudley Moore, of St. Albans, in the county of Franklin, not having the peace of God before their eyes, but being moved and seduced by the instigation of the devil, on the 19th day of October, in the year of our Lord 1864, at St. Albans aforesaid, in and upon one Elinus J. Morrison, in the peace of God and of the State of Vermont then and there being, did then and there, with force and arms, feloniously, and of their malice aforethought, make an assault; and that the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and Dudley Moore, with certain pistols, each of the value of twenty dollars, each loaded and charged with gunpowder and one leaden bullet, one of which said pistols, so loaded and charged aforesaid, they each of them, then and there, had and held in their right hands, to, against, and upon the said Elinus J. Morrison, then and there, feloniously and of their malice aforethought, did shoot and discharge; and that the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and Dudley Moore, with the leaden bullets aforesaid, out of the pistols aforesaid, then and there, by the force of the gunpowder, shot and sent forth as aforesaid, the aforesaid Elinus J. Morrison, in and upon the abdomen of him the said Elinus J. Morrison, then and there, feloniously, wilfully, and of their malice aforethought, did strike, penetrate, and wound, giving to the said Elinus J. Morrison, then and there, with the leaden bullets aforesaid, so as aforesaid shot, discharged, and sent forth, out of the pistols aforesaid, by the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and Dudley Moore, in and upon the abdomen of him the said Elinus J. Morrison, one mortal wound, of which said mortal wound the said Elinus J. Morrison, from the said 19th day of October, in the year of our Lord 1864, until the 21st day of the same October, in the year last aforesaid, in St. Albans aforesaid, did languish, and, languishing, did live, and on which said 21st day of October, in the year last aforesaid, the said Elinus J. Morrison, at St. Albans aforesaid, of the mortal wound aforesaid died; and so the grand juror aforesaid, on his oath aforesaid, says, that the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and Dudley Moore, him the said Elinus J. Morrison, then and there, in manner and form aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, contrary to the form, force, and effect of the statute of Vermont in such case made and provided, and against the peace and dignity of the said State of Vermont.

And the grand juror aforesaid, in his proper person, and on his oath, further complaint makes, that at St. Albans, in the county of Franklin and State of Vermont aforesaid, Bennett H. Young, of St. Albans aforesaid, and Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, James Simpson Gregg, William H. Hutchinson, and Dudley Moore, of St. Albans aforesaid, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 19th day of October, in the year of our Lord 1864, with force and arms, at St. Albans aforesaid, in and upon one Elinus J.

Morrison, in the peace of God and of the State of Vermont then and there being, wilfully and feloniously, and of their malice aforethought, did make an assault; and that the said Bennett H. Young a certain pistol, of the value of twenty dollars, then and there loaded, and charged with gunpowder and one leaden bullet, which pistol, by the said Bennett H. Young, in his right hand, then and there, had and held to, against, and upon the said Elinus J. Morrison, then and there, feloniously, wilfully, and of his malice aforethought, did shoot and discharge; and that the said Bennett H. Young, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by the force of the gunpowder, shot and sent forth, as aforesaid, him the said Elinus J. Morrison, in and upon the abdomen of him, the said Elinus J. Morrison, then and there, feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound, giving to the said Elinus J. Morrison, then and there, with the leaden bullet aforesaid, so as aforesaid shot and discharged, and sent forth out of the pistol aforesaid, by the said Bennett H. Young, in and upon the abdomen of him the said Elinus J. Morrison, one mortal wound, of the breadth of half an inch, of which said mortal wound the said Elinus J. Morrison, from the said 19th day of October, in the year of our Lord 1864, until the 21st day of the same October, in the year last aforesaid, did languish, and, languishing, did live; on which said 21st day of October, in the year last aforesaid, the same Elinus J. Morrison, at St. Albans aforesaid, of the mortal wound aforesaid, died; and that the aforesaid Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and William H. Hutchinson, and Dudley Moore, then and there, feloniously, wilfully, and of their malice aforethought, were present, aiding, helping, and abetting, and comforting, assisting, and maintaining the said Bennett H. Young, the felony and murder aforesaid, in manner and form aforesaid, to do and commit; and so the grand juror aforesaid, upon his oath aforesaid, says, that the said Bennett H. Young, and the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, William H. Hutchinson, and Dudley Moore, him the said Elinus J. Morrison, then and there, in the manner and form aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, contrary to the forms, force, and effect of the statute of the State of Vermont in such cases made and provided, and against the peace and dignity of said State of Vermont.

CHELLIS F. SAFFORD,
Town Grand Juror.

STATE OF VERMONT,
Franklin County, ss:

At St. Albans, on this 21st day of October, in the year of our Lord 1864, the foregoing complaint exhibited to me and filed in my office.

LÉONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss:

To any sheriff or constable in the State, greeting:

By the authority of the State of Vermont, you are hereby commanded to apprehend the bodies of the said Samuel Eugene Lackey, Thomas Bronsdon Col-

lins, Squier Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph M. Grorty, Samuel Sipson Gregg, William H. Hutchinson, and Dudley Moore, and them have forthwith before the subscribing authority at the sheriff's office in St. Albans, in said Franklin county, that they may answer to the foregoing complaint, and be further dealt with according to law.

Given under my hand, at St. Albans aforesaid, this 21st day of October, in the year of our Lord 1864.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, this 21st day of October, in the year of our Lord one thousand eight hundred and sixty-four.—I hereby certify the above to be true copies of the complaint made to me, and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin, in the State of Vermont, which court is a common law court of record, do hereby certify that Leonard Gilman, esquire, was, on the 21st day of October, in the year of our Lord one thousand eight hundred and sixty-four, and still is, a justice of the peace in and for the county of Franklin aforesaid, duly elected and qualified to act as such magistrate; that the signature to the above certificate purporting to be the signature of said Gilman is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof, I have hereto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially at
[L. s.] St. Albans, in the said county of Franklin, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,
Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin and State of Vermont, hereby certify that Joseph H. Brainerd, whose signature is appended and subscribed to the above certificate, is the clerk of the said county court of the county of aforesaid; that I am well acquainted with and know the signature of the said Franklin Brainerd, and the seal of the said county clerk; that the signature subscribed to the above certificate is the genuine signature of the said Joseph H. Brainerd, and the seal affixed to the said certificate is the seal of the said county court of the county of Franklin aforesaid; that the said court is a common law court of record; that the said Brainerd, as clerk of the said county court, has the custody of the record of all commissions issued to justices of the peace acting within and for the county of Franklin aforesaid.

In testimony whereof, I have hereunto set my hand at St. Albans, in the county of Franklin aforesaid, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

ASA OWEN ALDIS,
Judge of the Supreme Court of the State of Vermont, and Chief Judge of the County Court of the county of Franklin, in the State of Vermont.

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department*:

I, John Gregory Smith, governor of said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State and of the United States; that the signatures of the respective officers attached to said certificates of authentication are genuine, and that said officers respectively hold and exercise the offices which they in and by said certificates purport to hold and exercise; and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said documents and certificates.

In witness whereof, I have caused the seal of said State to be hereunto attached, and have affixed my signature hereto, at Montpelier, this 31st day of October, in the year of our Lord one thousand eight hundred and sixty-four.

J. GREGORY SMITH.

By his excellency the governor.

Attest:

G. W. BAILEY, *Secretary of State*.

To Leonard Gilman, esq., one of the justices of the peace within and for the county of Franklin, in the State of Vermont, comes Chellis F. Safford, grand juror within and for the town of St. Albans, in the county aforesaid, and upon his oath of office complaint makes that Samuel Eugene Lackey, Thomas Bronsdon Collins, William H. Hutchinson, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, of St. Albans, aforesaid, heretofore, to wit, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, in a bank building then and there situated and known and called by the name of the Franklin County Bank, in and upon one Marcus Wells Beardsley, then and there being cashier of the said Franklin County Bank, then and there being in the peace of God and of the said State, feloniously did make an assault, and him, the said Marcus Wells Beardsley, in great bodily fear and danger of his life in the bank building aforesaid did feloniously put, and one thousand bills, commonly called bank bills issued by the said Franklin County Bank, said bank being an incorporated bank in said State of Vermont and the property of said bank, and of the denomination and value of ten dollars each; ten thousand bills commonly called bank bills, issued by said bank, and the property of said bank, and each of the value and denomination of five dollars; one thousand bills commonly called bank bills, issued by said bank, and the property of said bank, and of the value and denomination of one dollar each; one thousand bills commonly called bank bills, issued by the St. Albans Bank, said bank being an incorporated bank in said State of Vermont, and the property of Franklin County Bank, and of the value and denomination of two dollars each, and one hundred bills or promissory notes commonly called treasury notes or greenbacks, issued by and under the authority of the United States aforesaid, and each for the sum of five dollars current money of the United States aforesaid, from the person and possession, and against the will of the said Marcus Wells Beardsley, in the said Franklin County Bank, as such cashier as aforesaid, then and there feloniously and violently did rob, take, steal, and carry away, against the peace and dignity of the State of Vermont, and contrary to the form, force, and effect of the statute of the said State in such case made and provided.

CHELLIS F. SAFFORD,

Town Grand Juror.

Witness:

W. W. BEARDSLEY, and others.

STATE OF VERMONT,

Franklin County, ss :

St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.—The above complaint exhibited and filed in my office.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss :

To any sheriff or constable in the State, greeting :

By the authority of the State of Vermont you are hereby commanded to apprehend the bodies of the within named Samuel Eugene Lackey, Thomas Ronsdon Collins, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, William H. Hutchinson, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, if to be found within your precinct, or either of them, by whatever name they may be known or called, and them have forthwith before me at the office of the sheriff in St. Albans aforesaid, to make answer to the foregoing complaint, and be further dealt with according to law. Fail not, but due return make.

Dated at St. Albans aforesaid, this nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss :

St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.—I hereby certify that the above complaint and warrant are true copies of the complaint exhibited to me and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss :

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin in the State of Vermont, which court is a common law court of record, do hereby certify, that Leonard Gilman, esquire, was, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four, and still is, a justice of the peace in and for the said county of Franklin, duly elected and qualified to act as such magistrate; that the signature to the above certificate purporting to be the signature of said Gilman is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof, I have hereunto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially [L.S.] at St. Albans, in said county of Franklin, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,

Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin, in the State of Vermont, hereby certify that Joseph H. Brainerd, whose signature is appended to the above certificate, is the clerk of the county court of the county of Franklin, in the State of Vermont; that I am well acquainted with and know the signature of the said Brainerd and the seal of the said court; that the signature subscribed to the above certificate is the genuine signature of the said Brainerd, and the seal affixed to the said certificate is the seal of the said county court; that the said court is a common law court of record; that the said Brainerd, as the clerk of the county court, has the custody of the record of all commissions issued to justices of the peace within and for the county of Franklin, and is the proper officer by law to certify as to the election, qualification, and authority of justices of the peace acting within and for the said county of Franklin.

In testimony whereof, I hereunto set my hand, at St. Albans, in the county of Franklin aforesaid, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

ASA OWEN ALDIS,

*Judge of Supreme Court of the State of Vermont, and Chief Judge
of County Court of the county of Franklin, in the State of Vermont.*

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department :*

I, John Gregory Smith, governor of the said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of the said State and of the United States; that the signatures of the respective officers attached to said certificate of authentication are genuine, and that said officers respectively hold and exercise the offices which they in and by said certificates purport to hold and exercise, and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said document and certificates.

In testimony whereof, I have caused the seal of said State to be hereto attached, and have affixed my signature hereto, at Montpelier, this thirty-
[i. s.] first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

J. GREGORY SMITH.

By his excellency the governor.

Attest :

G. W. BAILEY,

Secretary of State.

STATE OF VERMONT,

Franklin County, ss :

To Leonard Gilman, esq., one of the justices of the peace within and for the county of Franklin, comes Chellis F. Safford, grand juror of the town of St. Albans, in said Franklin county, in his proper person, and on his oath of office complaint makes, that at St. Albans aforesaid, on the 19th day of October, in the year of our Lord 1864, Samuel Eugene Lackey, Thomas Bronsdon Collins, Squier Turner Travis, William H. Hutchinson, Alexander Pope Bruce, Marcus Spurr, Charles Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGroarty, Samuel Simpson Gregg, and Dudley Moore, of St. Albans, in the county of Franklin and State of Ver-

mont, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, with force and arms, feloniously, wilfully, and of their malice aforethought, with large pistols, each of the value of \$20, then and there loaded and charged with gunpowder and leaden bullets, which said pistols the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squier Turner Travis, William H. Hutchinson, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, in their right hands then and there had and held, in and upon one Collins H. Huntington, of St. Albans, in the county of Franklin, in the peace of God and of the State of Vermont then and there being, did make an assault with intent him the said Collins H. Huntington then and there feloniously, wilfully, and of their malice aforethought to kill and murder, and other wrongs to the said Collins H. Huntington then and there did, against the peace and dignity of the State of Vermont, and contrary to the form, force, and effect of the statute of said State in such case made and provided. And the grand juror aforesaid, on his oath aforesaid, further complaint makes, that the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squier Turner Travis, William H. Hutchinson, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, at St. Albans, in the county of Franklin, aforesaid, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 19th day of October, in the year of our Lord 1864, with force and arms, at St. Albans aforesaid, did make an assault on and upon Collins H. Huntington, of St. Albans aforesaid, then and there being in the peace of God and the State of Vermont aforesaid, with intent him, the said Collins H. Huntington, then and there to kill and murder, and that the said Bennett H. Young a certain pistol of the value of \$20, then and there charged with gunpowder and one leaden bullet, which said pistol he, the said Bennett H. Young, then and there in his right hand had and held, then and there feloniously, wilfully, and of his malice aforethought, did discharge and shoot off, to, against, and upon the said Collins H. Huntington, and that the said Bennett H. Young, with the leaden bullet aforesaid, then and there by the force of the gunpowder aforesaid, by the said Bennett H. Young discharged and shot off as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound him, the said Collins H. Huntington, in and upon the left side of him the said Collins H. Huntington, so that his life was then and there greatly despaired of, with intent him the said Collins H. Huntington, then and there being in the peace of God and of the State of Vermont aforesaid, then and there to kill and murder, against the peace and dignity of said State of Vermont, and contrary to the form, force, and effect of the statute of said State in such case made and provided.

CHELLIS F. SAFFORD,

Grand Juror.

The foregoing complaint exhibited to me this 20th day of October, in the year of our Lord 1864.

LEONARD GILMAN,

Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss:

To any sheriff or constable in the State, greeting:

By the authority of the State of Vermont, you are hereby commanded to arrest the above-named Samuel Eugene Lackey, Thomas Bronsdon Collins, Squier Tanner Travis, Marcus Spurr, Charles Moore Swager, Bennett H. Young,

George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, of St. Albans, in said Franklin county, and them have forthwith before me at the sheriff's office, in said St. Albans, in said Franklin county, then and there to answer to the foregoing complaint, and be further dealt with according to law. Hereof fail not, but due service and return make according to law.

Given under my hand at St. Albans, in said Franklin county, this 20th day of October, in the year of our Lord 1864.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, October 20, in the year of our Lord 1864.—I hereby certify the above to be true copies of the complaint made to me, and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin, in the State of Vermont, which court is a common law court of record, do hereby certify that Leonard Gilman, esq., was, on the 20th day of October, in the year of our Lord 1864, and still is, a justice of the peace in and for the county of Franklin aforesaid, duly elected and qualified to act as such magistrate; that the signature to the foregoing certificate, purporting to be the signature of said Gilman, is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof, I have hereunto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially, at St. Albans, in said county of Franklin, this 21st day of October, in the year of our Lord 1864.

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,
Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin, and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin, in the State of Vermont, hereby certify that Joseph H. Brainerd, whose signature is appended to the above certificate, is the clerk of the said county court, of the county of Franklin aforesaid; that I am well acquainted with and know the signature of the said Brainerd, and the seal of the said county court; that the signature attached to the above certificate and thereto subscribed is the genuine signature of the said Joseph H. Brainerd, and the seal affixed to said certificate is the seal of the said county court, of the county of Franklin aforesaid; that the said court is a common law court of record; that the said Brainerd, as clerk of the said county court, has the custody of the record of all commissions issued to justices of the peace within and for said county of Franklin, and is the proper officer, by law, to certify as to the election, qualification, and authority of justices of the peace acting within and for the county of Franklin aforesaid.

In testimony whereof, I have hereunto set my hand, at St. Albans, in the county of Franklin aforesaid, this 21st day of October, in the year of our Lord 1864.

ASA OWEN ALDIS,
*Judge of the Supreme Court of the State of Vermont, and Chief Judge
of the County Court of the County of Franklin, in the State of Vermont.*

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department*:

I, John Gregory Smith, governor of said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State and of the United States; that the signatures of the respective officers attached to said certificates of authentication are genuine, and that said officers respectively hold and exercise the offices which they in and by said certificate purport to hold and exercise, and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said document and certificate.

In witness whereof, I have caused the seal of the said State to be [SEAL.] hereto attached, and have affixed my signature hereto, at Montpelier, this 31st day of October, in the year of our Lord one thousand eight hundred and sixty-four.

J. GREGORY SMITH.

By his excellency the governor.

Attest:

G. W. BAILEY,
Secretary of State.

To Leonard Gilman, esq., one of the justices of the peace within and for the county of Franklin, in the State of Vermont, came Chellis F. Safford, grand juror within and for the town of St. Albans, in the county of Franklin, in the State of Vermont, and gives said justice to understand and upon his oath of office complaint makes that Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, Dudley Moore, William H. Hutchinson, Samuel Eugene Lackey, and Thomas Bronsdon Collins, of St. Albans aforesaid, with force and arms, at St. Albans aforesaid, to wit, on the 19th day of October, in the year of our Lord 1864, in a bank building then and there situate, and being and known and called by the name of the St. Albans Bank, in and upon one Cyrus Newton Bishop, he, the said Bishop, being there and then the teller of said bank—then and there being in the peace of God and the State of Vermont aforesaid—feloniously did make and assault, and him, the said Cyrus Newton Bishop, in bodily fear and danger of his life, in the bank building aforesaid, there and then feloniously did put, and one thousand bills, commonly called bank bills, issued by the St. Albans Bank; said bank being an incorporated bank in the State of Vermont, and the properties of said bank, and of the denomination and value of ten dollars each; one thousand bills, commonly called bank bills, issued by said bank, and of the property of said bank, and each of the denomination and value of twenty dollars; two thousand bills, commonly called bank bills, issued by said bank, and property of said bank, and of the denomination and value of five dollars each; two thousand bills, commonly called bank bills, issued by the said bank, and property of said bank, and of the denomination and value of one dollar each; two thousand bills, commonly called bank bills, issued by said bank, and the property of the said bank, and of the value and denomination of two dollars each; four hundred bills, commonly called bank bills, issued by and the property of said bank, of the denomination and value of fifty dollars each; and five hundred pieces of silver money, commonly called half-dollars, and of the denomination and value of fifty cents each, current money of the United States, and the property of said bank, from the person and possession and against the will of the said Cyrus Newton Bishop, in said bank building, as such teller as aforesaid, then and there feloniously and violently did rob,

steal, take, and carry away, contrary to form, force, and effect of statute of said State in such case made and provided, and against the peace and dignity of said State.

CHELLIS F. SAFFORD,
Grand Juror.

Witness :

CYRUS N. BISHOP, and others.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, October the 20th, in the year of our Lord 1864.—The above complaint exhibited to me.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

To any sheriff or constable in the State, greeting :

By the authority of the State of Vermont, you are hereby commanded to apprehend the bodies of the said Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Travis, Alexander Pope Bruce, Marcus Spurr, William H. Hutchinson, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, or either of them, and by whatever name they, or either of them, may be called or known, and them have before me, at the office of the sheriff in St. Albans aforesaid, there and then to answer unto the foregoing complaint, and to be further dealt with according to law. Fail not, but due service and return make.

Dated St. Albans, in the county of Franklin, this 19th day of October, in the year of our Lord 1864.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, October 20, in the year of our Lord 1864.—I hereby certify the above to be true copies of the complaint made to me, and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin, in the State of Vermont, which court is a common law court of record, do hereby certify that Leonard Gilman, esquire, was, on the 20th day of October, in the year of our Lord 1864, and still is, a justice of the peace in and for the said county of Franklin, duly elected and qualified to act as such magistrate; that the signature to the foregoing certificate, purporting to be the signature of the said Gilman, is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof, I have hereunto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially, at [L. s.] St. Albans, in said county of Franklin, this 21st day of October, in the year of our Lord 1864.

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,

Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin and State of Vermont, hereby certify that Joseph H. Brainerd, whose signature is appended and subscribed to the above certificate, is the clerk of the said county court of the county of Franklin aforesaid; that I am well acquainted with and know the signature of the said Brainerd, and the seal of the said county court; that the signature subscribed to the above certificate is the genuine signature of the said Joseph H. Brainerd, and the seal affixed to the said certificate is the seal of the said county court of the county of Franklin aforesaid; that the said court is a common law court of record; that the said Brainerd, as clerk of the said county court, has the custody of the record of all commissions issued to justices of the peace within and for the county of Franklin, and is the proper officer by law to certify as to the election, qualification, and authority of justices of the peace acting within and for the county of Franklin aforesaid.

In testimony whereof, I have hereto set my hand at St. Albans, in the county of Franklin aforesaid, this 21st day of October, in the year of our Lord 1864.

ASA OWEN ALDIS.

Judge of the Supreme Court of the State of Vermont, and Chief Judge of the County Court of the County of Franklin, in the State of Vermont.

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department :*

I, John Gregory Smith, governor of said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State and of the United States; that the signatures of the respective officers attached to said certificates of authentication are genuine; and that said officers respectively hold and exercise the offices which they, in and by said certificates, purport to hold and exercise; and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said document and certificates.

In witness whereof I have caused the seal of said State to be hereto attached, and have affixed my signature hereto, at Montpelier, this 31st day of [L. s.] October, in the year of our Lord 1864.

J. GREGORY SMITH.

By his excellency the governor.

Attest:

G. W. BAILEY,

Secretary of State.

To Leonard Gilman, esquire, one of the justices of the peace within and for the county of Franklin, in the State of Vermont, comes Chellis F. Safford, grand juror for and in the town of St. Albans, in the county aforesaid, and on his oath of office complaint makes that heretofore, to wit, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, in St. Albans, in the county of Franklin aforesaid, Samuel Eugene Lackey, Thomas Bronsdon Collins, William H. Hutchinson, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowell Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, all of St. Albans aforesaid, with force and arms, in a barn then and there owned and occupied by William Fuller and Erasmus Darwin Fuller, both of St. Albans, aforesaid, copartners under the name and firm of William & E. D. Fuller, the said barn being then and

there, at St. Albans aforesaid, used and occupied by the said firm as and for a livery stable, in and upon the said Erasmus Darwin Fuller, then and there being in the peace of God and State of Vermont, feloniously did make an assault, and him, the said Erasmus Darwin Fuller, in great bodily fear and danger of his life, in the barn aforesaid, then and the refeloniously did put; and five mares and two geldings, of the value of one thousand dollars, and two saddles, three bridles, five halters, one pair of martingales, one pair of hand reins, and one blanket, of the value of fifty dollars, and all of the proper goods and chattels of the said firm, from the possession and against the will of the said Erasmus Darwin Fuller, then and there in the barn and livery stable aforesaid being, then and there feloniously and violently did steal, take, and carry away, contrary to the form, force, and effect of the statute of the State of Vermont in such case made and provided, and against the peace and dignity of the said State.

CHELLIS F. SAFFORD,
Town Grand Juror.

Witness :

ERASMUS DARWIN FULLER,
JACOB CONKLIN, and others.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, October the twentieth, in the year of our Lord one thousand eight hundred and sixty-four.—The above complaint exhibited and filed in my office.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

To any sheriff or constable in the State, greeting :

By the authority of the State of Vermont, you are hereby commanded to apprehend the bodies of the within named William H. Hutchinson, Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDonald Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, or either of them, by whatever name they or either of them may be called, if to be found within your precinct, and them have forthwith before me at the sheriff's office, in St. Albans, in the said county, to make answer unto the foregoing complaint, and be further dealt with according to law.

Given under my hand at St. Albans this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

St. Albans, October the twentieth day, in the year of our Lord one thousand eight hundred and sixty-four.—I hereby certify that the above complaint and warrant are true copies of the complaint exhibited to me, and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss :

I, Joseph H. Brainard, clerk of the court of the county of Franklin, in the State of Vermont, which court is a common law court of record, do hereby cer-

tify that Leonard Gilman, esquire, was, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four, and still is, a justice of the peace in and for said county of Franklin aforesaid, duly elected and qualified to act as such magistrate; that the signature to the foregoing certificate, purporting to be the signature of said Gilman, is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof I have hereunto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially at [L. S.] St. Albans, in said county of Franklin, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

JOSEPH H. BRAINARD, *Clerk.*

STATE OF VERMONT,

Franklin County, ss:

I, Asa Owen Aldis, of St. Albans, in the county of Franklin and State of Vermont, and one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin, in the State of Vermont, hereby certify that Joseph H. Brainard, whose signature is appended to the above certificate, is the clerk of the county court of the county of Franklin aforesaid; that I am well acquainted with and know the signature of said Brainard, and the seal of the said county court; that the signature subscribed to the above certificate is the genuine signature of the said Joseph H. Brainard, and the seal affixed to the said certificate is the seal of the said county court of the county of Franklin; that the said court is a common law court of record; that the said Brainard, as the clerk of the said county court, has the custody of the record of all commissions issued to justices of the peace within and for the county of Franklin, and is the proper officer by law to certify as to the election, qualification, and authority of justices of the peace acting within and for the said county of Franklin.

In testimony whereof I hereunto set my hand at St. Albans, in the county of Franklin aforesaid, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

ASA OWEN ALDIS,

Judge of the Supreme Court of the State of Vermont, and Chief Judge of the County Court of the county of Franklin, in the State of Vermont.

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department:*

I, John Gregory Smith, governor of said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State and of the United States; that the signatures of the respective officers attached to said certificate of authentication are genuine; and that said officers respectively hold and exercise the offices which they, in and by said certificates, purport to hold and exercise; and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said document and certificates.

In witness whereof I have caused the seal of said State to be hereto attached, and have affixed my signature hereto, at Montpelier, this thirty-first day [L. S.] of October, in the year of our Lord one thousand eight hundred and sixty-four.

J. GREGORY SMITH.

By his excellency the governor.

Attest:

G. W. BAILEY,
Secretary of State.

To Leonard Gilman, esq., one of the justices of the peace within and for the county of Franklin, in the State of Vermont, comes Chellis F. Safford, grand juror for and in the town of St. Albans, in the county aforesaid, and on his oath of office complaint makes that heretofore, to wit, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, at said St. Albans, in the county aforesaid, Samuel Eugene Lackey, Thomas Bronsdon Collins, William H. Hutchinson, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowall Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, of St. Albans aforesaid, with force and arms, in a barn then and there owned and occupied by Erasmus Darwin Fuller, of said St. Albans, and used by him, the said Erasmus Darwin Fuller, as and for a livery stable, in and upon the said Erasmus Darwin Fuller, then and there being in the said barn and livery stable, in the peace of God and of the State of Vermont, feloniously did make an assault, and him, the said Erasmus Darwin Fuller, then and there in the barn and livery stable aforesaid in great bodily fear and danger of his life feloniously did put, and five mares and two geldings of the value of one thousand dollars, and two saddles, three bridles, five halters, one pair martingales, one pair hand reins, and one blanket, of the value of fifty dollars, and all of the proper goods and chattels of the said Erasmus Darwin Fuller, and in the said barn and livery stable then and there being, from the possession and against the will of him, the said Erasmus Darwin Fuller, then and there in the said barn and livery stable being, then and there feloniously and violently did steal, take, and carry away, contrary to form, force, and effect of the statute of the State of Vermont in such case made and provided, and against the peace and dignity of the State.

CHELLIS F. SAFFORD,
Town Grand Juror.

Witness:

ERASMUS D. FULLER,
JACOB CONKLIN.

STATE OF VERMONT,
Franklin County, ss:

St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.—The above complaint exhibited to me, and filed in my office.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss:

To any sheriff or constable in the State, greeting:

By the authority of the State of Vermont you are hereby commanded to apprehend the bodies of the within named Samuel Eugene Lackey, Thomas Bronsdon Collins, Squire Turner Teavis, Alexander Pope Bruce, Marcus Spurr, Charles Moore Swager, Bennett H. Young, George Scott, Caleb McDowell Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, and Dudley Moore, or either of them, by whatsoever name they or either of them may be called, and them have forthwith before me at the sheriff's office in St. Albans, in the said county, to make answer unto the foregoing complaint, and be further dealt with according to law. Fail not, but due service and return make.

Given under my hand at St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss :

St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.—I hereby certify the above to be true copies of the complaint made to me, and my warrant issued thereon.

LEONARD GILMAN,

Justice of the Peace.

STATE OF VERMONT,

Franklin County, ss :

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin in the State of Vermont, which court is a common law court of record, do hereby certify that Leonard Gilman, esq., was, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four, and still is, a justice of the peace in and for the said county of Franklin, duly elected and qualified to act as such magistrate; that the signature to the above certificate, purporting to be the signature of said Gilman, is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof I have hereunto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially at St. Albans, in the said county of Franklin, this twenty-first day of October.

[L. S.]

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,

Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin, and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin, in the State of Vermont, hereby certify that Joseph Brainerd, whose signature is appended to the above certificate, is the clerk of the county court of the county of Franklin aforesaid; that I am well acquainted with and know the signature of the said Brainerd, and the seal of the said county court; that the signature subscribed to the above certificate is the genuine signature of the said Joseph H. Brainerd, and the seal affixed to the said certificate is the seal of the said county court of the county of Franklin; that the said court is a common law court of record; that the said Brainerd, as clerk of the said county court, has the custody of the record of all commissions issued to justices of the peace within and for the said county of Franklin, and the proper officer by law to certify as to the election, qualification, and authority of justices of the peace acting within and for the said county of Franklin.

In testimony whereof I have hereunto set my hand at St. Albans, in the county of Franklin aforesaid, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

ASA OWEN ALDIS,

Judge of the Supreme Court of the State of Vermont, and Chief Judge of the County Court of the county of Franklin, in the State of Vermont.

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department :*

I, John Gregory Smith, governor of the said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State of Vermont and of the United States; that the signature of the respective

officers attached to said certificates of authentication are genuine, and that said officers respectively hold and exercise the offices which they in and by said certificates purport to hold and exercise; and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith ought to be given to said document and certificates.

In witness whereof I have caused the seal of the said State to be hereto attached, and affixed my signature hereto, at Montpelier, this thirty-first [L. S.] day of October, in the year of our Lord one thousand eight hundred and sixty-four.

J. GREGORY SMITH.

By his excellency the governor.

Attest:

G. W. BAILEY, *Secretary of State.*

STATE OF VERMONT,

Franklin County, ss:

To Leonard Gilman, one of the justices of the peace within and for the county of Franklin, comes Chellis F. Safford, town grand juror of the town of St. Albans, in his proper person, and on his oath of office complaint makes that Thomas Bronsdon Collins, Squire Turner Travis, Marcus Spurr, Bennett H. Young, Dudley Moore, Samuel Simpson Gregg, Joseph McGroarty, James Alexander Doty, Caleb McDowall Wallace, William H. Hutchinson, George Scott, Charles Moore Swager, Alexander Pope Bruce, Samuel Eugene Lackey, of St. Albans, in the county of Franklin, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, with force and arms, at St. Albans aforesaid, in the county aforesaid, in the St. Albans bank, in and upon one Samuel Breck, in the peace of God and the State of Vermont then and there being, feloniously did make an assault with certain pistols of the value of twenty dollars each, which they there and then had and held in their right hands, said pistols being loaded with powder and leaden balls, and him, the said Samuel Breck, in bodily fear and danger of his life, in the St. Albans bank aforesaid, then and there feloniously did put; and one United States interest-bearing treasury note of the denomination of ten dollars, and of the value of ten dollars current money of the United States, and one United States interest-bearing treasury note of the value of twenty dollars current money of the United States and of the denomination of twenty dollars, and twenty bank notes of the Franklin County Bank at St. Albans, in the State of Vermont, such bank being an incorporated bank in the State of Vermont, of the denomination of one dollar and of the value of one dollar each, and twenty bank notes of the aforesaid Franklin County Bank of the denomination of two dollars and of the value of two dollars each, and twenty bank notes of the aforesaid Franklin County Bank of the denomination of five dollars and each of the value of five dollars, and twenty one-dollar notes issued by the St. Albans Bank at St. Albans, in the State of Vermont, such bank being an incorporated bank in the State of Vermont, of the denomination of one dollar and of the value of one dollar each, and nine bank notes of the St. Albans Bank aforesaid of the value of ten dollars each and of the denomination of ten dollars, and eighteen bank notes of the St. Albans Bank aforesaid of the denomination of five dollars and of the value of five dollars each, and one bank note of the St. Albans Bank aforesaid of the value of three dollars and of the denomination of three dollars, of the goods, chattels, and moneys of Samuel Breck and Jonathan Wetherbee, junior, then and now a mercantile firm doing business under the name of and style of Breck & Wetherbee, from the person and against the will of the said Samuel Breck, in the St. Albans Bank aforesaid, then and there violently and feloniously did rob, take, steal, and carry away, contrary to the form, force, and effect of the statute of Vermont in such

case made and provided, and against the peace and dignity of the State of Vermont.

CHELLIS F. SAFFORD, *Town Grand Juror.*

The witnesses to the foregoing complaint are Cyrus N. Bishop, Samuel Breck, and others.

CHELLIS F. SAFFORD,
Town Grand Juror.

STATE OF VERMONT,
Franklin County, ss:

The within complaint was exhibited to me, and signed by me and filed by me in my office this 20th day of October, A. D. 1864.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss:

To any sheriff or constable in the State, greeting:

By the authority of the State of Vermont, you are hereby commanded to apprehend the bodies of the said Thomas Bronsdon Collins, Squire Turner Teavis, Marcus Spurr, Bennett A. Young, Dudley Moore, Samuel Simpson Gregg, Joseph McGrorty, James Alexander Doty, Caleb McDowell Wallace, William H. Hutchinson, George Scott, Charles Moore Swager, Alexander Pope Bruce, Samuel Eugene Lackey, and them forthwith have before the subscribing authority at the office of Edson and Rand in St. Albans, Vermont, that they may answer to the foregoing complaint, and be further dealt with according to law.

Given under my hand at St. Albans, this 20th day of October, A. D. 1864.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss:

St. Albans, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four.—The above complaint exhibited to me, and I hereby certify that the above are true copies of the complaint exhibited to me, and my warrant issued thereon.

LEONARD GILMAN,
Justice of the Peace.

STATE OF VERMONT,
Franklin County, ss:

I, Joseph H. Brainerd, clerk of the county court of the county of Franklin, in the State of Vermont, which court is a common law court of record, do hereby certify that Leonard Gilman, esquire, was, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-four, and still is, a justice of the peace in and for said county of Franklin, duly elected and qualified to act as such magistrate; that the signature to the above certificate purporting to be the signature of said Gilman is the genuine signature of said Gilman, and that full faith and credit ought to be given to the official acts of said Gilman.

In testimony whereof, I have hereto affixed the seal of the county court of the county of Franklin aforesaid, and subscribed my name officially at St. Albans, in said county of Franklin, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

JOSEPH H. BRAINERD, *Clerk.*

STATE OF VERMONT,

Franklin County, ss :

I, Asa Owen Aldis, of St. Albans, in the county of Franklin and State of Vermont, one of the judges of the supreme court of the State of Vermont, and chief judge of the county court of the county of Franklin, in the State of Vermont, hereby certify that Joseph H. Brainerd, whose signature is appended to the above certificate, is the clerk of the said county court of the county of Franklin aforesaid; that I am well acquainted with and know the signature of the said Brainerd, and the seal of the said county court; that the signature subscribed to the above certificate is the genuine signature of the said Joseph H. Brainerd, and the seal affixed to the said certificate is the seal of the said county court of the county of Franklin aforesaid; that the said court is a common law court of record; that the said Brainerd, as the clerk of the county court, has the custody of the record of all commissions issued to justices of the peace within and for the county of Franklin, and is the proper officer by law to certify as to the election, qualification, and authority of justices of the peace acting within and for the county of Franklin aforesaid.

In testimony whereof, I hereunto set my hand at St. Albans, in the county of Franklin aforesaid, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

ASA OWEN ALDIS,

Judge of the Supreme Court of the State of Vermont, and Chief Judge of the County Court of the county of Franklin, in the State of Vermont.

UNITED STATES OF AMERICA.

STATE OF VERMONT, *Executive Department :*

I, John Gregory Smith, governor of said State of Vermont, do hereby certify that the foregoing document is authenticated according to the laws of said State and of the United States; that the signatures of the respective officers attached to said certificates of authentication are genuine, and that said officers respectively hold and exercise the offices which they in and by said certificates purport to hold and exercise, and that the seal of the county court of the aforesaid county of Franklin thereon is genuine, and that full faith and credit ought to be given to said document and certificates.

In witness whereof, I have caused the seal of said State to be hereto attached, and have affixed my signature hereto, at Montpelier, this

[L. S.]

thirty-first day of October, in the year of our Lord one thousand eight hundred and sixty-four.

By his excellency the governor.

Attest:

J. GREGORY SMITH.

G. W. BAILEY,
*Secretary of State.**Mr. Seward to Lord Lyons.*

DEPARTMENT OF STATE,

Washington, November 22, 1864.

SIR: I have the honor to enclose an extract from a communication of the 17th instant, addressed to the department by his excellency the governor of Vermont, relative to the hostile schemes of insurgent agents in Canada against

the United States. I must request your lordship to ask the earnest attention of her Britannic Majesty's government to the subject.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Governor Smith to Mr. Seward.

[Extract.]

SIR: * * * * * * *

Mr. Edmunds informs me that Messrs. Clay, Saunders, and Westcott (late senator from Florida) still continue to threaten retaliation, and openly say that they are organized, both in Canada East and West, and prepared for action. My advices from perfectly reliable sources are that in their secret conclaves their plans are being discussed and perfected, and that they threaten that they will destroy the towns of Burlington and St. Albans within thirty days. They are cognizant of our movements here for the defence of the frontier, being informed by their spies how many muskets have been distributed, and to what towns. There is no movement made of which they are not informed, as they have spies in every town. The action of our legislature is reported to them, and they are familiar with the discussion of every measure which may affect them.

* * * * * * *

I have the honor to be, with high regard, your obedient servant,

J. GREGORY SMITH,

Governor of Vermont.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burnley to Mr. Seward.

WASHINGTON, November 22, 1864.

SIR: I had the honor this morning to receive your note of yesterday's date enclosing to me copies of fresh warrants and other papers in the matter of the extradition of Samuel Eugene Lackey and others.

I have this day forwarded these documents to his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, November 23, 1864.

SIR: I had the honor, this day, to receive your note of yesterday's date, enclosing to me a copy of an extract of a communication from the governor of Vermont, relative to alleged schemes of so-called confederate agents, in Canada, against the United States.

I have this day forwarded copies of your note and its enclosure to his excellency the governor general of Canada, and I will lose no time in bringing the same to the knowledge of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 23, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 18th instant, calling attention to an error occurring in the report of Rear-Admiral Bell relative to two apprentices alleged to have been shipped on board the United States ship *St. Mary's*, at Valparaiso, and in reply to inform your lordship that I have transmitted a copy thereof to the Secretary of the Navy.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, November 26, 1864.

SIR: On receipt of your note of the 1st instant, which only reached me on the 16th instant, relative to the case of the *Night Hawk*, I immediately communicated a copy of it to her Majesty's consul at New York, in order that the two statements, the one from this legation, as reported by Mr. Archibald, and your counter-statement, might be confronted, the better to arrive at a clear understanding of the whole of this painful transaction.

You will perceive by the enclosed copy of a despatch of the 23d instant, from Mr. Archibald, that he has been at great pains to sift the whole affair by examining Captain Smiley again, for the purpose of ascertaining whether, by any chance, there was any exaggeration in the first report submitted to you.

I regret to say that on an examination of the papers now submitted to you, I cannot look upon your reply as conveying, by any means, a satisfactory explanation of the occurrences, and must come to the conclusion that there must have been some wilful concealment of facts on the part of the boarding officer, thus obliging the Secretary of the Navy, on his side, to take an erroneous view of those facts.

Ensign Seaman's conduct was, as Mr. Burnley had the honor to state in his note of the 20th ultimo, strongly condemned by the commanding officer of the *Santiago de Cuba*; but of this no notice seems to have been taken by the Secretary of the Navy Department; not a single examination of the ship's papers was made, but the boarding officer immediately set fire to the ship, and grossly ill treated the engineer.

As to whether the seizure of the vessel, when within range and protection of a rebel battery, rendered the vessel liable to destruction and the men to be held as prisoners of war, it will be for her Majesty's government to decide when the

case is laid before them; but until that decision reaches me, it is my duty to resist such an assumption, for I consider that the actual facts of the case furnish no foundation for it.

The vessel was, it is true, within range of the enemy's battery, owing to the accident of the grounding; but there was no concert between them, no seeking of protection from the fort, no expectation of it, and, in fact, but for the extraordinary conduct of the boarding officer in firing the ship, the fort might have known nothing at all about the prize. When she was discovered and fire opened the capture of the vessel had been completed; she had been set fire to and abandoned by her captors. I must, therefore, resist the pretension that a neutral crew, non-combatants and unresisting, are to be treated as prisoners of war.

Until, therefore, I am proved to be wrong, and the whole narrative of facts proved to be a romance, I must assume that the wounding of the men, the firing of the ship, and the detention of the crew, are unlawful acts committed on a British ship and British seamen.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Archibald to Lord Lyons.

NEW YORK, November 23, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's despatch of the 17th instant, transmitting to me a copy of a note dated the 1st of November, but received by your lordship only on the 16th instant, from the Secretary of State of the United States, respecting the cause of the detention of the master and crew of the *Night Hawk*.

This note contains the substance of an explanation in regard to the capture of the *Night Hawk* and detention of the crew of that vessel, furnished by the honorable the Secretary of the Navy. It is, I presume, founded on a report made by the officer who was in charge of the boarding party which captured the *Night Hawk*. The statements contained in it are, in some important particulars, so much at variance with those made by the master of the *Night Hawk*, and communicated by me to your lordship in my despatch of the 17th ultimo, that I deemed it right to take the earliest opportunity which the great pressure of business admitted to visit and examine the officers, as well as the master of the ship, in reference to the whole of the circumstances connected with the capture of the vessel. I have accordingly embodied their statements of facts in affidavits, made before me by the master, chief officer, and chief engineer of the *Night Hawk*, which affidavits I transmit, herewith enclosed, for your lordship's information. From these depositions it appears that the *Night Hawk* ran aground before the commander and crew were aware that they were being chased, the first intimation of their being pursued being the discharge of small-arms from the *Nippon's* boats; that this firing was entirely unprovoked, no resistance being offered, nor any attempt of the crew being made to escape until after the first volley was fired. In the explanation forwarded by the Navy Department it is stated truly that Fort Fisher opened fire "shortly" after the steamer was boarded, but it is left to be inferred that the boarding party were impeded in their efforts to get the ship off by reason of the fire from the fort. In regard to this, Captain Smiley and his officers swear positively that not a shot was fired from the shore until after two boats had left the steamer, and were well on their way to the *Nippon*. It is manifest, from the facts sworn to,

that it was owing solely to the setting fire to the steamer that she attracted the attention of the fort, and that from this circumstance resulted the firing from the shore.

In the explanation it is stated that the boarding party abandoned the *Night Hawk*, "bringing with them such of the officers and crew as had not succeeded in making their escape." The master and officers swear positively to the fact of fourteen men, including three who were wounded, being left on the deck of the steamer; of the master's remonstrance with the officer for his inhumanity, and of the report of the officer himself to his commander of the fact of a "lot of others" being left on board. These fourteen did not include the six men who had escaped from the steamer after the firing of small-arms from the boarding party.

It is sworn in the affidavits that the engineer accompanying the boarding officer asked permission to extinguish the fire and get the ship off, which was refused. The master assures me that in twenty minutes' time, with the rising tide and the action of the engines, the ship could have been got off. It is now known that the ship did eventually float off, and that the fire, after burning for nearly a day, was extinguished. It is evident, however, that but for the erroneous conduct of the boarding officer, the ship would have been got off and become a valuable prize, and the lives of the men left on board would not have been so recklessly perilled as they were.

The question, however, now for consideration is the legality of the detention of the officers and crew of the *Night Hawk*, seemingly as prisoners of war. This detention is attempted to be justified on the ground that a part of her cargo consisted of contraband of war, and that at the time of her capture and destruction she was within the range and protection of the rebel batteries.

The proposition that because a neutral ship carries contraband of war, even in the attempt to violate a blockade, she is liable to destruction without adjudication, is a novel one. The fact that she was within the range of the rebel batteries until these batteries actually opened fire, did not, under the circumstances, render it necessary, and did not justify the officer in destroying the ship.

The statement that the ship was laden at Liverpool by Henry La Force is erroneous. The ship was laden at Bermuda. Mr. La Force merely acted as broker at Liverpool, and was not interested as owner in the ship or cargo. The statement that he is a well-known agent of the insurgents may or may not be mere assertion; but surely this statement, and other circumstances, (which are not stated,) are a very insufficient foundation for the declaration that "little room for doubt is left that both the vessel and her cargo were, in point of fact, belligerent and not neutral property, liable to capture, or, if attempting to escape, thereby showing a consciousness of guilt to such destruction as might result from that attempt." That a neutral vessel violating a blockade should attempt to escape is quite natural; but when boarded and captured, her destruction would certainly not be justified by any such previous attempt to escape. That men, quiet and unresisting, should, when a volley of small-arms was fired at them, escape for their lives, is not less natural; but that, from this obvious and natural proceeding, such a consciousness of guilt should be inferred as rendered the ship liable to destruction, seems a strange deduction.

Had the *Night Hawk* been got off and brought into this port for condemnation, it can hardly be doubted that the officers and crew, being neutrals, would have been discharged, as usual in other cases, after the taking of the testimony before the prize commissioners. If through the proceedings adopted by the boarding officer, and certainly without any resistance or interference on the part of the master and crew of the *Night Hawk*, that vessel has not become the subject of adjudication, it seems peculiarly hard on the latter that they should be treated as belligerents and held as prisoners of war. These men, twenty-

three in number, have now been imprisoned for seven weeks. I trust that, on a reconsideration of the circumstances, the government of the United States may be disposed to discontinue their further detention.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS.

Affidavit of Commander Smiley.

Uriah Francis Smiley, at present confined in the county jail, New York, late commander of the British steamer *Night Hawk*, of Liverpool, maketh oath and saith that he is a native of the county of Down, Ireland, and a subject of her Britannic Majesty, and has never taken the oath of allegiance to any foreign state; that he has seen and read an enclosure, dated the 1st instant, in a despatch from Lord Lyons to the British consul, containing the substance of a report of the capture of the said steamer, and this deponent saith that the facts in relation to the said transaction are as follows :

The *Night Hawk* ran in towards New inlet on the night of the 29th of September, without any hindrance from any vessel of blockading squadron. That at about 11 o'clock p. m. the steamer grounded for about ten minutes, but being backed off proceeded on her way, and that about three-quarters of an hour afterwards, owing to the mistake of the pilot, she again ran aground and remained fast, but would have floated off in a short time, as the tide was rising. That shortly before the steamer ran aground some guns were fired from a vessel, but at such a great distance and in a direction so different from that of the *Night Hawk* that deponent believed they were directed at some other vessel. That he had no idea that his vessel was actually pursued until a volley of small-arms was fired from the crew of a boat approaching the *Night Hawk*, which was the first intimation they had of her being pursued. That at this time the *Night Hawk* was fast aground. That the first discharge of small-arms wounded the surgeon, Mr. Taylor, who was standing beside deponent on the bridge, a ball having passed through his thigh. That two or three more volleys were fired before the crew of the boat boarded the steamer, wounding Patrick Hartigan, a seaman, and John McKee, a fireman. And this deponent solemnly swears, that no one on board the *Night Hawk* made any resistance or show of resistance, nor did any one escape or attempt to escape before the first volley of small-arms was fired, but that directly after the first discharge, the pilot, signal man, and four others, lowered a small boat, jumped into it and escaped to the shore, and that none of these were wounded. And deponent further saith, that the officer in charge of the boarding party, who the deponent has since learned was Ensign Seaman, from the United States ship *Nippon*, having inquired what ship it was, and being told by deponent that it was the *Night Hawk*, from Bermuda, without asking for the ship's papers or making any further inquiry, went into the cabin and set the ship on fire, at the same time sending an officer into the fore part of the steamer to fire her there, which was also done. That within three minutes after the steamer was boarded she was set on fire. That at the time this was done, deponent told the boarding officer that there was a canister containing about forty pounds of powder in the mate's cabin. That a Mr. Churchill, an engineer of the United States ship *Nippon*, who formed one of the boarding party, asked permission of the ensign to put the fire out and get the ship off, inasmuch as, he said, no one from the shore could interfere with them for an hour to come, and that as the tide was rising the steamer would float off soon. That the said boarding officer refused to grant such permission, saying that he did not care a damn—he would blow them all to hell. That the boarding officer then ordered deponent and the crew of the *Night Hawk* into the boat of the

Nippon and the only available boat of the Night Hawk. That at this time the chief engineer of the Night Hawk civilly asked the boarding officer to allow him to go down to his cabin for some of his things. That the only reply which the officer made was calling the engineer a damned rebel, and a violent blow with a pistol in the face of the engineer which laid his cheek open, inflicting a very severe wound. That there were taken in the two boats, including this deponent, twenty-three in all of the officers and crew of the Night Hawk. That there were at that time left on board fourteen men in all, including the three wounded men who were lying on the deck. That on pushing off from the steamer's side, deponent remonstrated with the boarding officer against leaving the rest of the crew and the wounded men on board the ship. That at this time some of the men on deck were seen going towards the stern, as if to put the fire out, when the boarding officer pointed his pistol at them, and with coarse oaths threatened to shoot them. Mr. Churchill, his engineer, begged him not to do so. That the two boats then moved off toward the Nippon; and that, on deponent again referring to the inhumanity of leaving the men in the ship, as they might be burnt or blown up, and that the ensign ought to send a boat to their relief, that officer replied, that if they could not bale out the boat that was lying astern and get off in it, they might go to hell and be damned. That at this time the flames were coming up through the cabin scuttle, and deponent solemnly swears that not a single gun was fired from Fort Fisher or any battery on shore until after the two boats had left the Night Hawk and were well on their way to the Nippon. That Fort Fisher then fired some shot and shell over the Night Hawk, the after part of which was at this time in flames. And deponent further saith, that when the boats came alongside the Nippon, the boarding officer called out to the commander that he had the captain and twenty-two other prisoners from the Night Hawk, and that there was a lot left on board whom he could not bring off, but that there was a boat alongside which they could bale out and get off in. That on boarding the Nippon, deponent reported to Captain Campbell, her commander, the leaving of the wounded men and the rest of the crew on board the steamer, and complained of the conduct of the boarding officer. Captain Campbell said he regretted having sent him, adding, that he was a man of ungovernable temper. That deponent was then transferred to the United States ship Santiago de Cuba, and on going on board reported to Captain Glisson, her commander, the conduct of the boarding officer in firing on the crew of the Night Hawk, and in his setting fire to the ship and leaving the wounded men and rest of the crew on board. Captain Glisson said, in reply, that Ensign Seaman was not a proper person to have been sent to board the prize; that the setting fire to her was unjustifiable, and that he would report him to the admiral, or words to that effect. And deponent lastly saith, that the Night Hawk is a British ship, registered at Liverpool, and is the sole property of Edward Lawrence, of Liverpool, a British subject. That the ship sailed from Liverpool in ballast and took in her cargo at Bermuda, which consisted almost entirely of provisions, but including twenty-six bags of saltpetre and sixty pigs of lead. That Henry L. Force, referred to in the enclosure above mentioned, was not owner of either vessel or cargo, or any part of them, but is a ship-broker and shipping agent, and as broker attended to the clearing of the ship at Liverpool for Bermuda.

URIAH F. SMILEY.

Sworn at the county jail, New York, this 22d day of November, A. D. 1864.

[L. s.]

E. M. ARCHIBALD,
Her British Majesty's Consul, New York.

Affidavit of Chief Officer Brown.

James Brown, late chief officer of the steamer Night Hawk, at present confined in the county jail, maketh oath and saith, that he is of the age of thirty years; that he is a British-born subject, a native of Scotland, and has never taken an oath of allegiance to any foreign state; that he has read the foregoing affidavit of Uriah Francis Smiley, and that the statements therein made are just and true, saving that deponent was not present at the time that Captain Smiley was taken on board the Santiago de Cuba, and did not hear the conversation which is stated by Captain Smiley to have taken place between him and Captain Glisson.

JAMES BROWN.

Sworn by the said James Brown at the county jail, New York, this 22d day of November, A. D. 1864, before me.

[L. s.]

E. M. ARCHIBALD,
H. B. M. Consul, New York.

Affidavit of Engineer McIntyre.

William McIntyre, late chief engineer of the steamer Night Hawk, at present confined in the county jail, maketh oath and saith, that he is of the age of forty years, a native of Glasgow, and a British subject, and has never taken oath of allegiance to any foreign state. That he has heard read the foregoing affidavit of Uriah Francis Smiley; and deponent saith that he was taken from the Night Hawk in the ship's boat, and was not in the Nippon's boat in which Captain Smiley and his first officer were taken from the Night Hawk, and did not, therefore, hear the conversation between Captain Smiley and Ensign Seaman, or see the latter present a pistol at the portion of the crew who remained on board the Night Hawk. Neither was deponent present at the conversation which is stated to have taken place between Captain Smiley and Captain Glisson, but deponent saith that in all other respects the statements in the said affidavit of Uriah Francis Smiley are correct and true.

WILLIAM MCINTYRE.

Sworn by the said William McIntyre at the county jail, New York, this 22d day of November, A. D. 1864, before me.

[L. s.]

E. M. ARCHIBALD,
H. B. M. Consul, New York.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 26, 1864.

MY LORD: With reference to your note of the 21st of July last, relative to the case of the brigantine Scylla, which vessel was seized by the United States military authorities at Brazos Santiago, Texas, I have the honor to enclose in reply a copy of a letter of the 10th instant from the War Department, which is accompanied by a copy of a report upon the case made by Major General Canby.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, November 10, 1864.

SIR: In reply to your letter of the 12th of August last, transmitting a copy of a communication from the British minister relative to the brigantine *Scylla*, seized by the military authorities of the United States at Brazos Santiago, Texas, I am instructed, by the Secretary of War, to enclose a copy of the report made by Major General Canby, to whom the subject was referred for investigation; and from which it appears that the vessel with her neutral cargo has been turned over to the United States marshal for the district of East Louisiana, and reported to the district attorney for libel.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Canby to Adjutant General Thomas.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, Louisiana, October 20, 1864.

SIR: I have the honor to return the papers in relation to the brigantine *Scylla*, referred through your office by the State Department for investigation and report. The evidence and the admission of Mr. Adams show that he has no claim to the character of a neutral. He is still a citizen of the United States, and, under the law of nations, a deserter from the duties and obligations of that citizenship, and his property is subject to capture wherever it may be found. In his case, as there are no neutral rights or questions of prize money involved, the title is vested by the capture, and his only relief is in executive remission, or by an appeal to the Court of Claims, under the 3d section of the act of Congress approved March 12, 1863.

How far the vessel may be tainted by the unlawful intent and destination of the voyage, can only be determined by courts exercising admiralty jurisdiction; and there is no doubt an error was committed by the military authorities on the Rio Grande in not sending the vessel and the neutral cargo on board of her, for adjudication by the United States courts.

The only other question involved in the reference of these papers is the ruse by which the vessel was brought under the control of the land forces of the United States. This is properly a subject for judicial decision. Under the laws of war it was, in my judgment, perfectly legitimate; and there are decisions in the English courts in which similar stratagems are declared to be "not only justifiable but commendable."

The brigantine and her neutral cargo will be turned over to the United States marshal for the district of East Louisiana, and reported to the district attorney for libel. The property (or the proceeds, if it has been sold) of Mr. Adams will be turned over to the supervisory special agent for this district, under the act of March 12, 1863.

Very respectfully, sir, your obedient servant,

ED. R. S. CANBY,
Major General Commanding.

ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 26, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 19th instant, relative to an order alleged to have been issued by General Dix in regard to the recent outrages at St. Albans, Vermont; and in reply, to inform your lordship that the matter will receive due consideration.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 29, 1864.

MY LORD: I have the honor to invite your attention to the enclosed copy of a communication of the 25th instant, from the War Department, giving a copy of a report of the 22d instant from Major General Dix in regard to the existence of a military organization of insurgent fugitives from the United States in Canada.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,

Washington City, November 25, 1864.

SIR: The Secretary of War directs me to transmit for your information the enclosed copy of a letter from Major General Dix, relative to the disturbed condition of the northern frontier.

I have the honor to be, sir, your obedient servant,

C. A. DANA,

Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Dix to Mr. Stanton.

HEADQUARTERS DEPARTMENT OF THE EAST,

New York City, November 22, 1864.

SIR: I have the following reliable information: There are about forty rebels in Marysburg, Prince Edward's county, Canada, on the north side of Lake Ontario, and northwest of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the neighbor-

hood, seem to have plenty of money, and say they belong to John Morgan's corps. These organizations for hostile purposes, on Canadian soil, are so plainly in violation of all the obligations of neutrality, that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier, on account of the outrages on the Detroit river and at St. Albans; and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major General, New York.

Hon. E. M. STANTON,
Secretary of War.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 29, 1864.

MY LORD: Credible information having been received at this department that Bennet G. Burley, charged with crimes of piracy and robbery, and assault with intent to commit murder, on board the United States merchant steamer Philo Parsons, upon Lake Erie, and within the jurisdiction of the United States, is a fugitive from the justice of the United States in Canada, and that he is now held in custody at Toronto, in that province, awaiting the requisition of this government for his extradition, in virtue of the provisions of the tenth article of the treaty of Washington, I have now the honor to request, through your lordship, that her Majesty's government may be pleased to issue the necessary warrant for the delivery of the aforementioned Bennet G. Burley to Joseph Dimmick and James Henry, or to any other person or persons who may be duly authorized by the marshal of the United States for the eastern district of Michigan to receive the said fugitive, and to bring him back to the United States for trial.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *November 30, 1864.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, and of its enclosures, relative to the alleged existence of a military organization in Canada of fugitives from the United States.

I have this day transmitted copies of the note, and of its enclosures, to his excellency the governor general of Canada.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 1, 1864.

MY LORD : I have the honor to acknowledge the receipt of your communication of the 26th ultimo, in regard to the case of the Night Hawk, and to inform your lordship that it will be taken into immediate consideration.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *December 2, 1864.*

SIR : With reference to my note of the 22d of November, in which I had the honor to inform you that I had forwarded that day to his excellency, the governor general of Canada, copies of fresh warrants and other papers in the matter of the extradition of Samuel Eugene Lackey and others, which you transmitted to me on the 21st of November, I have the honor to transmit to you, herewith, a copy of the governor general's reply, which I received yesterday.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

For LORD LYONS,
J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Monck to Lord Lyons .

QUEBEC, *November 28, 1864.*

MY LORD : I have the honor to acknowledge the receipt yesterday (Sunday) of your despatch of the 22d instant, covering a note from the Secretary of State of the United States, in which Mr. Seward states that inaccuracies had occurred, especially the names of some of the prisoners, in his former note, demanding the extradition of Samuel Eugene Lackey and others, accused of murder, and assault with intent to commit murder, in the State of Vermont; and that he now forwards a correct list of the names, and duly authenticated copies of the complaints made against these persons, and regular warrants issued for their apprehension, by the proper courts of the State of Vermont.

In reply I have the honor to state, that persons answering to the names contained in Mr. Seward's note are now in custody, on remand at Montreal, and as soon as I shall have been advised that the proofs required by the extradition treaty have been made in their case, the necessary warrants will be issued for their delivery to the officers of the United States.

I have, &c., &c.,

MONCK.

LORD LYONS, G. C. B., &c., &c., &c.