

COLL

NORTH AMERICA.

No. 3. (1863.)

CORRESPONDENCE

RESPECTING

THE "ALABAMA."

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

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Correspondence respecting the "Alabama."

No. 1.

Mr. Adams to Earl Russell.—(Received June 24.)

My Lord,

Legation of the United States, London, June 23, 1862.

SOME time since it may be recollected by your Lordship that I felt it my duty to make a representation touching the equipment from the port of Liverpool of the gun-boat the "Oreto" with the intent to make war upon the United States. Notwithstanding the statements returned from the authorities of that place, with which your Lordship favoured me in reply, touching a different destination of that vessel, I have the strongest reason for believing that that vessel went directly to Nassau, and that she has been there engaged in completing her armament, provisioning, and crew for the object first indicated by me.

I am now under the painful necessity of apprising your Lordship, that a new and still more powerful war steamer is nearly ready for departure from the port of Liverpool on the same errand. This vessel has been built and launched from the dockyard of persons one of whom is now sitting as a Member of the House of Commons, and is fitting out for the especial and manifest object of carrying on hostilities by sea. It is about to be commanded by one of the insurgent agents, the same who sailed in the "Oreto." The parties engaged in the enterprize are persons well known at Liverpool to be agents and officers of the insurgents in the United States, the nature and extent of whose labours are well explained in the copy of an intercepted letter of one of them which I received from my Government some days ago, and which I had the honour to place in your Lordship's hands on Thursday last.

I now ask permission to transmit, for your consideration, a letter addressed to me by the Consul of the United States at Liverpool, in confirmation of the statements here submitted, and to solicit such action as may tend either to stop the projected expedition, or to establish the fact that its purpose is not inimical to the people of the United States.

Renewing, &c.

(Signed)

CHARLES FRANCIS ADAMS:

Inclosure in No. 1.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate, Liverpool, June 21, 1862.

THE gun-boat now being built by the Messrs. Laird and Co., at Birkenhead, opposite Liverpool, and which I mentioned to you in a previous despatch, is intended for the so-called Confederate Government in the Southern States. The evidence I have is entirely conclusive to my mind. I do not think there is the least room for doubt about it. Beauforth and Caddy, two of the officers from the privateer "Sumter," stated that this vessel was being built for the Confederate States. The foreman in Messrs Laird's yard says she is the sister to the gun-boat "Oreto," and has been built for the same parties and for the same purpose; when pressed for a further explanation, he stated that she was to be a privateer for the "Southern Government in the United States." The captain and officers of the steamer "Julie Usher" now at Liverpool, and which is loaded to run the blockade, state that this gun-boat is for the Confederates, and is to be commanded by Captain Bullock.

The strictest watch is kept over this vessel; no person except those immediately

engaged upon her is admitted into the yard. On the occasion of the trial trip made last Thursday week no one was admitted without a pass, and these passes were issued to but few persons, and those who are known here as active Secessionists engaged in sending aid and relief to the rebels.

I understand that her armament is to consist of eleven guns, and that she is to enter at once, as soon as she leaves this port, upon her business as a privateer.

The vessel is very nearly completed; she has had her first trial trip. This trial was successful, and entirely satisfactory to the persons who are superintending her construction. She will be finished in nine or ten days. A part of her powder canisters, which are to number 200, and which are of a new patent, made of copper with screw tops, are on board the vessel; the others are to be delivered in a few days. No pains or expense have been spared in her construction. Her engines are on the oscillating principle and are 350 horse-power. She measures 1,050 tons burthen, and will draw fourteen feet of water when loaded. Her screw or fan works in a solid brass frame casting, weighing near two tons, and is so constructed as to be lifted from the water by steam-power. The platforms and gun carriages are now being constructed.

When completed and armed she will be a most formidable and dangerous craft, and if not prevented from going to sea will do much mischief to our commerce. The persons engaged in her construction say that no better vessel of her class was ever built.

I have, &c.

(Signed) THOMAS H. DUDLEY.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, June 25, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 23rd instant, calling attention to a steam-vessel which you state is now fitting out at Liverpool, with the intention of carrying on hostilities against the Government of the United States; and I have to acquaint you that I have lost no time in referring the matter to the proper Department of Her Majesty's Government.

I am, &c.

(Signed) RUSSELL.

No. 3.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 4, 1862.

WITH reference to my letter of the 25th ultimo, I have the honour to inclose a copy of a Report from the Commissioners of Customs, respecting the vessel which you have been informed is being built at Liverpool for the Government of the so-styled Confederate States, and in accordance therewith I would beg leave to suggest that you should instruct the United States' Consul at Liverpool to submit to the Collector of Customs at that port such evidence as he may possess tending to show that his suspicions as to the destination of the vessel in question are well founded.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 3.

The Commissioners of Customs to the Lords Commissioners of the Treasury.

Custom-House, July 1, 1862.

YOUR Lordships having referred to us the annexed letter from Mr. Hammond, Under-Secretary of State for Foreign Affairs, transmitting, by desire of Earl Russell, copy of a letter from the United States' Minister at this Court, calling attention to a steamer reported to be fitting out at Liverpool as a Southern privateer, and inclosing copy of a letter from the United States' Consul at that port, reporting the result of his investigation into the matter, and requesting that immediate inquiries may be made respecting this vessel, and such steps taken in the matter as may be right and proper:

We report—

That immediately on receipt of your Lordship's reference we forwarded the papers to our Collector at Liverpool for his special inquiry and report, and we learn from his reply that the fitting out of the vessel has not escaped the notice of the officers of this revenue, but that as yet nothing has transpired concerning her which has appeared to demand a special Report.

We are informed that the officers have at all times free access to the building-yards of the Messrs. Laird at Birkenhead, where the vessel is lying, and that there has been no attempt on the part of her builders to disguise, what is most apparent, that she is intended for a ship of war; and one of the Surveyors in the service of this revenue, who had been directed by the Collector personally to inspect the vessel, has stated that the description of her in the communication of the United States' Consul is correct, with the exception that her engines are not constructed on the oscillating principle.

Her dimensions are as follows:—Length, 211 feet 6 inches; breadth, 31 feet 8 inches; depth, 17 feet 8 inches; and her gross tonnage by the present rule of measurement is 682·31 tons.

The Surveyor has further stated that she has several powder-canisters on board, but as yet neither guns nor carriages, and that the current report in regard to the vessel is that she has been built for a foreign Government, which is not denied by the Messrs. Laird, with whom the Surveyor has conferred; but they do not appear disposed to reply to any questions respecting the destination of the vessel after she leaves Liverpool, and the officers have no other reliable source of information on that point. And having referred the matter to our Solicitor, he has reported his opinion that at present there is not sufficient ground to warrant the detention of the vessel, or any interference on the part of this Department, in which Report we beg to express our concurrence.

And with reference to the statement of the United States' Consul, that the evidence he has in regard to this vessel being intended for the so-called Confederate Government in the Southern States is entirely conclusive to his mind, we would observe that, inasmuch as the officers of Customs at Liverpool would not be justified in taking any steps against the vessel unless sufficient evidence to warrant her detention should be laid before them, the proper course would be for the Consul to submit such evidence as he possesses to the Collector at that port, who would thereupon take such measures as the provisions of the Foreign Enlistment Act would require. Without the production of full and sufficient evidence to justify their proceedings, the seizing officers might entail on themselves and on the Government very serious consequences.

We beg to add that the officers at Liverpool will keep a strict watch on the vessel, and that any further information that may be obtained concerning her will be forthwith reported.

(Signed) THOS. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

No. 4.

Mr. Adams to Earl Russell.—(Received July 8.)

My Lord,

Legation of the United States, London, July 7, 1862.

I HAVE the honour to acknowledge the receipt of your note of the 4th instant, covering a copy of the Report from the Commissioners of Customs respecting a vessel presumed by me to be in course of preparation at Liverpool to carry on hostile operations against the United States.

In accordance with your Lordship's suggestion I shall at once instruct the Consul of the United States to submit to the Collector of Customs at that port such evidence as he possesses to show that the suspicions he entertains of the character of that vessel are well founded.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Mr. Adams to Earl Russell.—(Received July 22.)

My Lord,

Legation of United States, London, July 22, 1862.

I HAVE the honour to transmit copies of six depositions taken at Liverpool, tending to establish the character and destination of the vessel to which I called your Lordship's attention in my note of the 23rd of June last.

The originals of these papers have already been submitted to the Collector of the Customs at that port, in accordance with the suggestions made in your Lordship's note to me of the 4th of July, as the basis of an application to him to act under the powers conferred by the Enlistment Act. But I feel it to be my duty further to communicate the facts as there alleged to Her Majesty's Government, and to request that such further proceedings may be had as may carry into full effect the determination which I doubt not it ever entertains to prevent, by all lawful means, the fitting out of hostile expeditions against the Government of a country with which it is at peace.

I avail, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 5.

Depositions.

I, THOMAS H. DUDLEY, of No. 3, Wellesley Terrace, Princes Park, in the borough of Liverpool, in the county of Lancaster, Esquire, make oath, and say as follows:—

1. I am the Consul of the United States of North America, for the port of Liverpool and its dependencies.

2. In the month of July, in the year one thousand eight hundred and sixty-one, information was sent by the United States' Government to the United States' Consulate at Liverpool, that a Mr. J. D. Bullock, of Savannah, in the State of Georgia, who was formerly the master of an American steamer called the "Cahawba," was reported to have left the United States for England, taking with him a credit for a large sum of money to be employed in fitting out privateers, and also several Commissions issued by the Southern Confederate States for such privateers; and in the month of August, one thousand eight hundred and sixty-one, information was sent by the United States' Government to the United States' Consulate at Liverpool, that the said Captain Bullock was then residing near Liverpool, and acting as the agent of the said Confederate States in Liverpool and London.

3. In accordance with instructions received from the Government of the United States, steps have been taken to obtain information as to the proceedings and movements of the said J. D. Bullock, and I have ascertained the following circumstances, all of which I verily believe to be true, namely:—That the said J. D. Bullock is in constant communication with parties in Liverpool who are known to be connected with, and acting for, the parties who have assumed the Government of the Confederate States; that the said J. D. Bullock, after remaining for some time in England, left the country, and, after an absence of several weeks, returned to Liverpool in the month of March last from Charleston, in the State of South Carolina, one of the seceded States, in a screw-steamer then called the "Annie Childs," which had broken the blockade of the port of Charleston, then and now maintained by the United States' navy, and which vessel, the "Annie Childs," carried the flag of the Confederate States as she came up the Mersey; that shortly after the arrival of the said J. D. Bullock at Liverpool in the "Annie Childs," as above mentioned, he again sailed from Liverpool in a new gun-boat called the "Oreto," built at Liverpool by Messrs. W. C. Miller and Sons, shipbuilders, and completed in the early part of the present year, and which gun-boat, the "Oreto," though she cleared from Liverpool for _____, in reality never went to _____, but proceeded to Nassau, New Providence, to take on board guns and arms, with a view to her being used as a privateer or vessel of war under a Commission from the so-called Confederate Government against the Government of the United States, and which said vessel, the "Oreto," is stated to have been lately seized at Nassau by the commander of Her Majesty's ship "Greyhound;" that the said J. D. Bullock has since returned again to Liverpool, and that before he left Liverpool, and since he returned, he has taken an active part in superintending the building, equipment, and fitting-out of another steam gun-boat, known as

“No. 290,” which has lately been launched by Messrs. Laird and Co., of Birkenhead, and which is now lying, as I am informed and believe, ready for sea in the Birkenhead Docks with a large quantity of provisions and stores and thirty men on board; that the said J. D. Bullock is going out in the said gun-boat “No. 290,” which is nominally commanded by one Matthew J. Butcher, who, I am informed, is well acquainted with the navigation of the American coast, having formerly been engaged in the coasting-trade between New York, Charleston, and Nassau.

4. From the circumstances which have come to my knowledge, I verily believe that the said gun-boat “No. 290,” is being equipped and fitted out as a privateer or vessel of war, to serve under a Commission to be issued by the Government of the so-called Confederate States, and that the said vessel will be employed in the service of the said Confederate States to cruize and commit hostilities against the Government and people of the United States of North America.

(Signed) T. H. DUDLEY.

Sworn before me, at the Custom-house, Liverpool, the 21st July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

I, Matthew Maguire, of Liverpool, Agent, make oath and say as follows:—

1. I know Captain J. D. Bullock, who is commonly reputed to be the Agent of the Confederate States of America at Liverpool.

2. I have seen the said J. D. Bullock several times at the yard of Messrs. Laird and Co. at Birkenhead, where a gun-boat known as No. 290 has lately been built, whilst the building of the said vessel has been going on.

3. On the 2nd day of July now instant, I saw the said J. D. Bullock on board the said vessel at Messrs. Laird and Co.’s yard. He appeared to be giving orders to the workmen who were employed about such vessel.

(Signed) MATTHEW MAGUIRE.

Sworn before me, at the Custom-house, Liverpool, the 21st July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

I, Allan Stanley Clare, of Liverpool, in the County of Lancaster, Articled Clerk, make oath and say as follows:—

On the 21st of July now instant, I examined the book at the Birkenhead Dock-master’s office at Birkenhead, containing a list of all vessels which enter the Birkenhead docks, and I found in such book an entry of a vessel described as “Number Two Hundred and Ninety,” and from the entries in said book in reference to such vessel, it appears that she is a screw-steamer, and that her registered tonnage is 500 tons, and that Matthew J. Butcher is her master.

(Signed) A. S. CLARE.

Sworn before me, at the Custom-house, Liverpool, the 21st July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

I, John de Costa, of No. 8, Waterloo Road, Liverpool, Shipping Master, make oath and say as follows:—

1. I know and have for several months known by sight Captain Bullock, who is very generally known in Liverpool as an Agent or Commissioner of the Confederate States in America.

2. In the month of March last I saw the screw-steamer “Annie Childs,” which had run the blockade from Charleston, enter the River Mersey. She came up the Mersey with the Confederate flag flying at her peak, and I saw the “Oreto,” a new gun-boat which had been recently built by Messrs. W. C. Miller and Sons, and which was then lying at anchor in the river, off Egremont, dip her colours three times in acknowledgment of the “Annie Childs,” which vessel returned the compliment, and a boat was immediately afterwards dispatched from the “Annie Childs” to the “Oreto,” with several persons on board besides the men who were at the oars.

3. On the 22nd day of March last I was on the North Landing Stage between 7 and 8 o’clock in the morning. I saw the said Captain Bullock go on board a tender which afterwards took him off to the said gun-boat “Oreto,” which was then lying in the Sloyne. Just before he got on board the tender he shook hands with a gentleman who was with him, and said to him, “This day six weeks you will get a letter from me from Charleston,” or words to that effect.

4. On the same day between 11 and 12 o'clock, as well as I can remember, I saw the "Oreto" go to sea. She came well in on the Liverpool side of the river, and from the Prince's pier-head, where I was standing, I distinctly saw the said Captain Bullock on board her with a person who had been previously pointed out to me by a fireman who came to Liverpool in the "Annie Childs," as a Charleston pilot who had come over in the "Annie Childs," with Captain Bullock, to take the gun-boat out.

(Signed) JOHN DE COSTA.

Sworn before me, at the Custom-house, Liverpool, the 21st July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

We, Henry Wilding, of Liverpool, in the county of Lancaster, Gentleman, and Matthew Maguire, of Liverpool aforesaid, Agent, make oath, and say as follows:—

1. I, the said Matthew Maguire, for myself say that, on the 15th day of July now instant, I took — Brogan, who I know to be an apprentice working in the ship-building yard of Messrs. Laird and Co., at Birkenhead, to the above-named deponent, Henry Wilding, at his residence at New Brighton.

2. And I, the said Henry Wilding, for myself say as follows:—I am the Vice-Consul of the United States of North America at Liverpool.

3. On the 15th day of July now instant, I saw the said — Brogan, and examined him in reference to a gun-boat which I had heard was being built by the said Messrs. Laird and Co., for the so-called Confederate Government, and the said — Brogan then informed me that the said vessel was built to carry four guns on each side, and four swivel guns; that Captain Bullock had at one time, when the vessel was in progress, come to the yard almost every day to select the timber to be used for the vessel. That the said Captain Bullock was to be the captain of the said vessel, and that the said Captain Bullock had asked the said — Brogan to go as carpenter's mate in the said vessel for three years, which the said — Brogan had declined to do, because Mr. Laird, who was present at the time, would not guarantee his wages. That the said vessel was to carry 120 men, and that 30 able seamen were already engaged for her. That the petty officers for the said vessel were to be engaged for three years, and the seamen for five months. That the said vessel was then at the end of the new warehouses in the Birkenhead docks, and that it was understood she was to take her guns on board at Messrs. Laird and Co.'s shed further up the dock; and that it was generally understood by the men in Messrs. Laird and Co.'s yard that the said vessel was being built for the Confederate Government.

4. The vessel above-mentioned is the same which is now known as "No. 290," and I verily believe that the said vessel is in fact intended to be used as a privateer, or vessel of war, under a commission from the so-called Confederate Government, against the United States' Government.

(Signed) HENRY WILDING.
MATTHEW MAGUIRE.

Sworn before me, at the Custom-house, Liverpool, the 21st July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

I, William Passmore, of Birkenhead, in the county of Chester, mariner, make oath and say as follows:—

1. I am a seaman, and have served as such on board Her Majesty's ship "Terrible," during the Crimean war.

2. Having been informed that hands were wanted for a fighting vessel built by Messrs. Laird and Co., of Birkenhead, I applied on Saturday, which was I believe the 21st day of June last, to Captain Butcher, who, I was informed, was engaging men for the said vessel, for a berth on board her.

3. Captain Butcher asked me if I knew where the vessel was going. In reply to which I told him I did not rightly understand about it. He then told me the vessel was going out to the Government of the Confederate States of America. I asked him if there would be any fighting; to which he replied, yes; they were going to fight for the Southern Government. I told him I had been used to fighting vessels, and showed him my papers. I asked him to make me signal man on board the vessel, and, in reply, he said that no articles would be signed until the vessel got outside, but he would make me signal man if they required one when they got outside.

4. The said Captain Butcher then engaged me as an able seaman on board the said vessel at the wages of 4*l.* 10*s.* per month; and it was arranged that I should join the ship in Messrs. Laird and Co.'s yard on the following Monday. To enable me to get on board, Captain Butcher gave me as a pass-word, the number "290."

5. On the following Monday, which was I believe the 23rd day of June last, I joined the said vessel in Messrs. Laird and Co.'s yard at Birkenhead, and remained by her until Saturday last.

6. The said vessel is a screw steamer of about 1,100 tons burthen, as far as I can judge, and is built and fitted up as a fighting ship in all respects. She has a magazine, and shot and canister racks on deck, and is pierced for guns, the sockets for the bolts for which are laid down. The said vessel has a large quantity of stores and provisions on board, and she is now lying at the Victoria Wharf, in the [Great Float at Birkenhead, where she has taken in about 300 tons of coal.

7. There are now about thirty hands on board her, who have been engaged to go out in her. Most of them are men who have previously served on board fighting ships, and one of them is a man who served on board the Confederate steamer "Hunter." It is well known by the hands on board that the vessel is going out as a privateer for the Confederate Government, to act against the United States, under a commission from Mr. Jefferson Davis. Three of the crew on board are, I believe, engineers, and there are also some firemen on board.

8. Captain Butcher and another gentleman have been on board the ship almost every day. It is reported on board the ship that Captain Butcher is to be the sailing-master, and that the other gentleman, whose name I believe is Bullock, is to be the fighting captain.

9. To the best of my information and belief, the above-mentioned vessel, which I have heard is to be called the "Florida," is being equipped and fitted out in order that she may be employed in the service of the Confederate Government in America, to cruize and commit hostilities against the Government and people of the United States of America.

(Signed) WILLIAM PASSMORE.

Sworn before me, at the Custom-house, Liverpool, this 21st day of July, 1862.

(Signed) J. PRICE EDWARDS, *Collector*.

No. 6.

Mr. Adams to Earl Russell.—(Received July 26.)

My Lord,

Legation of the United States, London, July 24, 1862.

IN order that I may complete the evidence in the case of the vessel now fitting out at Liverpool, I have the honour to submit to your Lordship's consideration the copies of two more depositions taken respecting that subject.

In the view which I have taken of this extraordinary proceeding as a violation of the Enlistment Act, I am happy to find myself sustained by the opinion of an eminent lawyer of Great Britain, a copy of which I do myself the honour likewise to transmit.

Renewing, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 6.

Depositions.

I, EDWARD ROBERTS, of No. 6, Vere-street, Foxteth Park, in the county of Lancaster, ship-carpenter, make oath and say as follows:—

1. I am a ship-carpenter, and have been at sea for about four years in that capacity.

2. About the beginning of June last I had been out of employ for about two months, and hearing that there was a vessel in Messrs. Laird and Co.'s yard fitting out to run the blockade, I applied to Mr. Barnett, shipping-master, to get me shipped on board the said vessel.

3. On Thursday, the 19th day of June last, I went to the said Mr. Barnett's office, No. 11, Hanover-street, Liverpool, in the county of Lancaster, and was engaged for the said vessel as carpenter's mate. By the direction of the said Mr. Barnett I met Captain Butcher the same day on the George's landing-stage, and followed him to Messrs. Laird and Co.'s ship-building yard, and on board a vessel lying there. The said Captain Butcher spoke to the boatswain about me, and I received my orders from the said boatswain. At dinner-time the same day, as I left the yard, the gateman asked me if I was "going to work on that gun-boat;" to which I replied, "Yes."

4. The said vessel is now lying in the Birkenhead float, and is known by the name

“No. 290.” The said vessel has coal and stores on board. The said vessel is pierced for guns, I think four on a side, and a swivel gun. The said vessel is fitted with shot and canister-racks, and has a magazine. There are about fifty men, all told, now on board the said vessel. It is generally understood on board of the said vessel that she is going to Nassau for the Southern Government.

5. I know Captain Bullock by sight, and have seen him on board of the said vessel five or six times; I have seen him go round the said vessel with Captain Butcher. I understood, both at Messrs. Laird and Co.’s yard and also on board the said vessel, that the said Captain Bullock was the owner of the said vessel.

6. I have been working on board the said vessel from the 19th day of June last up to the present time, with wages at the rate of 6*l.* per month, payable weekly. I have signed no articles or agreement. The talk on board is that an agreement will be signed before sailing.

(Signed) EDWARD ROBERTS.

Sworn at Liverpool, in the county of Lancaster, this 22nd day of July, 1862.

Before me,

(Signed) W.M. BROWN, *Justice of the Peace for Lancashire and Liverpool.*

I, ROBERT JOHN TAYLOR, of Mobile, but at present remaining temporarily at Liverpool, mariner, make oath and say as follows:—

1. I am a native of London, and 41 years of age. From fourteen years upwards I have followed the sea. During the last fifteen years I have been living in the Confederate States of America, principally at Savannah and Mobile, and since the Secession movement I have been engaged in running the blockade. I have run the blockade six times, and been captured once.

2. The vessels in which I have been engaged in running the blockade have sailed from Mobile, and have gone to Havana and New Orleans. I am well acquainted with the whole of the coast of the Confederate States, as I have been principally engaged since 1847 in trading to and from the Gulf ports.

3. I came to England after my release from Fort Warren on the 29th of May last. I came here with the intention of going to the Southern States, as I could not get there from Boston.

4. Mr. Rickarby, of Liverpool, a brother of the owner, at Mobile, of the vessel in which I was captured when attempting to run the blockade, gave me instructions to go to Captain Butcher at Laird’s yard, Birkenhead. I had previously called on Mr. Rickarby, and told him that I wanted to go South, as the Northerners had robbed me of my clothes when I was captured, and I wanted to have satisfaction.

5. I first saw Captain Butcher at one of Mr. Laird’s offices last Thursday fortnight (namely, the 3rd of July last). I told him that I had been sent by Mr. Rickarby, and asked him if he were the Captain of the vessel which was lying in the dock. I told him that I was one of the men that had been captured in one of Mr. Rickarby’s vessels, and that I wanted to get South in order to have retaliation of the Northerners for robbing me of my clothes. He said that if I went with him in his vessel I should very shortly have that opportunity.

6. Captain Butcher asked me at the interview if I was well acquainted with the Gulf ports, and I told him I was. I asked him what port he was going to, and he replied that he could not tell me then, but that there would be an agreement made before we left for sea. I inquired as to the rate of wages, and I was to get 4*l.* 10*s.* per month, payable weekly.

7. I then inquired if I might consider myself engaged, and he replied, Yes, and that I might go on board the next day, which I accordingly did; and I have been working on board up to last Saturday night.

8. I was at the siege of Acre in 1840, in Her Majesty’s frigate “Pique,” Captain Edward Boxer, and served on board for nine months. Captain Butcher’s ship is pierced for eight broadside guns and four swivels or long-toms. Her magazine is complete, and she is fitted up in all respects as a man-of-war, without her ammunition. She is now chock-full of coals, and has, in addition to those in the hold, some thirty tons on deck.

9. One day, whilst engaged in heaving up some of the machinery, we were singing a song, as seamen generally do, when the boatswain told us to stop that, as the ship was not a merchant-ship, but a man-of-war.

(Signed) ROBERT JOHN TAYLOR.

Sworn at Liverpool, in the county of Lancaster, this 22nd day of July, 1862.

Before me,

(Signed) W. J. LAMPORT, *Justice of the Peace for Liverpool.*

Inclosure 2 in No. 6.

Case submitted to Mr. Collier, Q.C.

YOU will receive herewith copies of the following affidavits in reference to a gun-boat known as "No. 290," which was built by Messrs. Laird and Co. at Birkenhead, as it is believed for the Confederate States of America, and which is now lying ready for sea in all respects in the Birkenhead docks:—No. 1. Affirmation of T. H. Dudley; No. 2. Affidavit of J. de Costa; No. 3. Affidavit of Mr. Maguire; No. 4. Affidavit of H. Wilding and M. Maguire; No. 5. Affidavit of A. S. Clare; No. 6. Affidavit of William Passmore; No. 7. Affidavit of Edward Roberts; No. 8. Affidavit of Robert John Taylor. An application has been made on the Affidavits Nos. 1 to 6 inclusive, to the Collector of Customs at Liverpool, to detain the vessel under the provisions of the Act 59 Geo. III, cap. 69; but, under the advice of the Solicitors to the Customs, the Board have declined to sanction the detention of the vessel.

You are requested to advise the Consul for the United States at Liverpool whether the affidavits now submitted to you disclose facts which would justify the Collector of Customs in detaining the vessel under the Act in question.

July 23, 1862.

Opinion.

I have perused the above affidavits, and I am of opinion that the Collector of Customs would be justified in detaining the vessel. Indeed, I should think it his duty to detain her; and that if, after the application which has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility, a responsibility of which the Board of Customs, under whose directions he appears to be acting, must take their share.

It appears difficult to make out a stronger case of infringement of the Foreign Enlistment Act, which, if not enforced on this occasion, is little better than a dead letter.

It well deserves consideration whether, if the vessel be allowed to escape, the Federal Government would not have serious grounds of remonstrance.

Temple, July 23, 1862.

(Signed) R. P. COLLIER.

No. 7.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 28, 1862.

I HAVE the honour to acknowledge the receipt of your letters of the 22nd and 24th instant, relative to the vessel alleged to be fitting out at Liverpool for the service of the so-styled Confederate States; and I am to state to you, in reply, that these papers have been referred to the Law Officers of the Crown.

I am, &c.

(Signed) RUSSELL.

No. 8.

Mr. Adams to Earl Russell.—(Received September 5.)

My Lord,

Legation of the United States, London, September 4, 1862.

I HAVE the honour to transmit the copy of a letter received from the Consul of the United States at Liverpool, together with a deposition in addition to the others already submitted with my notes of the 22nd and 24th of July, going to show the further prosecution of the illegal and hostile measures against the United States in connection with the outfit of the gun-boat "No. 290" from the port of Liverpool. It now appears that supplies are in process of transmission from here to a vessel fitted out from England, and now sailing on the high seas, with the piratical intent to burn and destroy the property of the people of a country with which Her Majesty is in alliance and friendship. I pray your Lordship's pardon if I call your attention to the fact that I have not yet received

any reply in writing to the several notes and representations I have had the honour to submit to Her Majesty's Government touching this flagrant case.

Renewing, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 8.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate, Liverpool, September 3, 1862.

I HAVE just obtained the affidavit of the boatswain's mate who shipped in and went out on the "No. 290," now called the "Alabama." I inclose it to you, with bill for his services, signed by Captain Butcher. He returned on the "Bahama." He states that the "Alabama" is to cruize on the line of packets from Liverpool to New York; that Semmes told them so. This may have been said for the purpose of misleading us. The barque that took out the guns and coal is to carry out another cargo of coal to her; is to take it on either at Cardiff or Troon, near Greenock, in Scotland: the barque to meet the "Alabama" near the same island where the armament was put on board, or at least in that neighbourhood. There will be no difficulty to get other testimony, if it is required.

I am, &c.
(Signed) THOS. H. DUDLEY.

P.S.—There were two American vessels in sight when they parted with the "Alabama," which Captain Semmes said he would take. They no doubt were taken and destroyed, the firstfruits from this vessel.

T. H. D.

Inclosure 2 in No. 8.

Deposition.

HENRY REDDEN says:—I reside in 16, Hook Street, Vauxhall Road, and am a seaman.

In April last I shipped as boatswain's mate of a vessel lying in Laird's Dock at Birkenhead, known as "290," and worked on board until she sailed.

We sailed from Liverpool about 28th July; Captain Butcher was master; Mr. Law, a Southerner, was mate; Mr. Lawrence Young was purser. A Captain Bullock went out with us, but left with the pilot at Giant's Cove, near Londonderry. There were five ladies and a number of gentlemen went with us as far as the Bell Buoy. We went first to Malfre Bay, near Point Lynas, when we anchored and remained about thirty hours. The "Hercules" tug brought down about forty men to us there; nothing else was then taken on board. Her crew then numbered ninety men, of whom thirty-six were sailors. She had no guns on board then, nor powder, nor ammunition. We left Malfre Bay on the Thursday night at 12 o'clock, and steered for the North Channel. We discharged Captain Bullock and the pilot on Saturday afternoon. We first steered down the South Channel as far as Bardsea, when we 'bout ship and steered north. From Derry we cruized about until we arrived at Angra eleven days after leaving Holyhead. About four days after we arrived an English barque, ——, Captain Quinn, arrived from London with six guns, two of them 98-pounders (one rifled and the other smooth-bore) pivot guns, and four 38-pounder breech guns, smooth-bore broadside guns, 200 or 300 barrels of powder, several cases of shot, a quantity of slops, 200 tons of coal. She came alongside and made fast. We were anchored in Angra Bay about a mile and a half or two miles from shore. After being there about a week, and while we were taking the guns and ammunition on board, the authorities ordered us away. We went outside and returned at night. The barque was kept lashed alongside and we took the remainder of the guns, &c., on board as we could. While we were discharging the barque the steamer "Bahama," Captain Tessier, arrived from Liverpool. Captain Bullock, Captain Semmes, and forty-men came in her. She also brought two 38-pounder guns, smooth-bore, and two safes full of money in gold. She had a safe on board before, taken on board at Birkenhead. The "Bahama" was flying the British flag. The "Bahama" towed the barque to another place in the island and we followed. The next morning we were ordered away from there, and went out to sea until

night, when we returned to Angra Bay. The "Bahama," after towing the barque away the evening of her arrival, came back to the "Alabama," or "290," in Angra Bay, made fast alongside of her, and discharged the guns on board of her and the money.

The men struck for wages, and would not then go on board. There were four engineers, a boatswain, and captain's clerk named Smith, also came in the "Bahama," and they were taken on board the same evening. All three vessels continued to fly the British flag the whole time. The guns were mounted as soon as they were taken on board. They were busy at work getting them and the "Alabama," or "290," ready for fighting while the "Bahama" and the barque were alongside. On the Sunday afternoon following (last Sunday week) Captain Semmes called all hands aft, and the Confederate flag was hoisted, the band playing "Dixie's Land." Captain Semmes addressed the men, and said he was deranged in his mind to see his country going to ruin, and had to steal out of Liverpool like a thief. That instead of them watching him he was now going after them. He wanted all of us to join him,—that he was going to sink, burn, and destroy all his enemy's property, and that any that went with him was entitled to two-twentieths prize money; it did not matter whether the prize was sunk or burned or sold, the prize money was to be paid. That there were only four or five Northern ships that he was afraid of. He said he did not want any to go that was not willing to fight, and there was a steamer alongside to take them back if they were not willing.

The vessel was all this time steaming to sea, with the "Bahama" at a short distance. Forty-eight men, most of them firemen, refused to go, and an hour afterwards were put on board the "Bahama." I refused to go, and came back with the rest in the "Bahama." Captain Butcher, Captain Bullock, and all the English engineers came with us and landed here on Monday morning. When we left the "Alabama" she was all ready for fighting, and steering to sea. I heard Captain Semmes say he was going to cruize in the track of the ships going from New York to Liverpool, and Liverpool to New York. The "Alabama" never steamed while I was in her more than eleven knots, and cannot make any more. We signed articles while in Malfre Bay for Nassau or an intermediate port. Captain Butcher got us to sign. The provisions were put on board at Laird's yard before sailing; they were for six months. When we left her she had about ninety men and eight guns mounted, three on each side and two pivots.

(Signed) HENRY REDDEN.

Declared and subscribed at Liverpool aforesaid, the 3rd day of September, 1862.

Before me,

(Signed) WILLIAM G. BATESON, *Notary Public, and a Commissioner to administer Oaths in Chancery.*

Inclosure 2 in No. 8.

Account.

August 31.—Henry Redden, at 6*l.* per month.

	£	s.	d.
One month and five days, at 4 <i>s.</i>	7	0	0
Advance 6 <i>l.</i> ; tobacco, 1 <i>s.</i> 8 <i>d.</i>	6	1	8
Amount due	0	18	4

(Signed)

MATTHEW JAMES BUTCHER,

Master of Steam-ship "290."

No. 9.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 22, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant inclosing a copy of a letter from the United States' Consul at Liverpool, together with the deposition of Henry Redden respecting the supply of cannon and munitions of war to the gun-boat "No. 290." You also call attention to the fact that you have not yet received any reply to the representations you have addressed to Her Majesty's Government upon the subject.

I had the honour in acknowledging the receipt of your letter of the 23rd of June to state to you that the matter had been referred to the proper Department of Her Majesty's

Government for investigation. Your subsequent letters were also at once forwarded to that Department, but, as you were informed in my letter of the 28th of July, it was requisite before any active steps could be taken in the matter to consult the Law Officers of the Crown. This could not be done until sufficient evidence had been collected, and from the nature of the case some time was necessarily spent in procuring it. The Report of the Law Officers was not received until the 29th of July, and on the same day a telegraphic message was forwarded to Her Majesty's Government, stating that the vessel had sailed that morning. Instructions were then despatched to Ireland to detain the vessel should she put into Queenstown, and similar instructions have been sent to the Governor of the Bahamas in case of her visiting Nassau. It appears, however, that the vessel did not go to Queenstown as had been expected, and nothing has been since heard of her movements.

The officers of Customs will now be directed to report upon the further evidence forwarded by you, and I shall not fail to inform you of the result of the inquiry.

I am, &c.

(Signed) RUSSELL.

No. 10.

Mr. Adams to Earl Russell.—(Received October 1.)

My Lord,

Legation of the United States, London, September 30, 1862.

I HAVE the honour to submit to your consideration the copy of another deposition, taken at Liverpool before the Collector of the port, which, in connection with the papers heretofore presented, go to establish beyond reasonable doubt the fact that the insurgents in the United States and their coadjutors at that place have been engaged in fitting out vessels at that port to make war on the United States, in utter contempt of the law and of Her Majesty's injunctions in her Proclamation. I expect to be in possession of some stronger evidence of the same nature in relation to past transactions, which I hope to be able likewise to submit in a few days.

The injuries to which the people of the United States are subjected by the unfortunate delays experienced in the case of my remonstrance against the fitting out of the gun-boat "290," now called the Confederate steamer "Alabama," are just beginning to be reported. I last night received intelligence from Gibraltar that this vessel has destroyed ten whaling-ships in the course of a short time at the Azores.

I have strong reason to believe that still other enterprises of the same kind are in progress in the ports of Great Britain at this time: indeed, they have attained so much notoriety as to be openly announced in the newspapers of Liverpool and London. In view of the very strong legal opinion which I had the honour to present to your Lordship's consideration, it is impossible that all these things should not excite great attention in the United States. I very much fear they will impress the people and the Government with a belief, however unfounded, that their just claims on the neutrality of Great Britain have not been sufficiently estimated. The extent to which Her Majesty's flag, and some of her ports, have been used to the end of carrying on hostile operations, is so universally understood that I deem it unnecessary further to dwell upon it. But in the spirit of friendliness with which I have ever been animated towards Her Majesty's Government, I feel it my duty to omit no opportunity of urging the manifestation of its well-known energy in upholding those laws of neutrality upon which alone the reciprocal confidence of nations can find a permanent base.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 10.

Deposition.

GEORGE KING, of 91, Clarence Street, Edge Hill, Liverpool, states that about the 12th August last he was engaged by Mr. Barnett of Liverpool to go on a secret expedition at 4l. 10s. a month. Was not told where he was going to, but understood he was going to the screw-steamer "290" to run the blockade. Was ordered to be at the landing-stage at 12 the next night, to go in a steamer. Asked where they were going to, and was told they were going to have some fun; that was all he was told. Went to the stage on

the next night as ordered, and about midnight went off in a tug-boat to screw-steamer "Bahama," lying off the Rock. Sailed about 6 the next morning. When we got to Terceira we found the "290" there with a barque alongside. Don't know the barque's name, but saw "Bristol" on her stern. As soon as we got there Captain Semmes told us the "290" was a Confederate gun-boat, and was going on a three years' cruise; that every vessel she took or destroyed would be valued, and one half go to the Confederate Government and the other half to the crew of the gun-boat. Only about fifteen or sixteen signed then. Captain Bullock was present when this was done. This was on board the "Bahama." Subsequently other men signed. I and about eight others refused to go when we found what the "290" was going for. The first night, in the dark, the three cases were discharged from the "Bahama" into the gun-boat. She had no guns fitted then. The Bristol barque was lashed alongside, and I saw them take guns, shot and shell out of her into the gun-boat. Saw one of the boxes taken out of the "Bahama" opened, and it contained the machinery for the swivel guns. I saw the same machinery fitted for the swivel guns on the gun-boat. I saw the guns taken from the barque fitted on the gun-boat. I did not see the other boxes from the "Bahama" opened, but know they contained guns, and saw them fitted on board the "290." Saw Captain Bullock superintending the fitting and arming the gun-boat "290." Captain Butcher was also there, and managed the vessel while she was being armed. She kept sailing about during the day with the barque alongside, and at night anchored in some of the bays. They worked day and most of the night. The three vessels flew the British flag all the time the "290" was arming, and until the Sunday we left her outside Terceira Bay. About 1 o'clock on that day, I think about 24th August, the "290" fired a gun, hauled down the British flag, and hoisted the Confederate flag at the peak, the St. George's Cross at the fore, and a pennant at the main. She was then just outside the bay, steering to sea. Captain Bullock and Captain Butcher were still on board of her. We kept company with her until about 12 that night, when Captains Bullock and Butcher left her and came on board the "Bahama," and came back with us to Liverpool. When I was engaged by Mr. Barnett he gave me a note payable six days after the "Bahama" sailed, at an office in Water Street. My brother received the money for the note. I never signed any articles or agreement of any kind.

(Signed) GEORGE KING.

Signed and declared before me, at the Custom-house, Liverpool, this 27th day of September, 1862.

(Signed) J. PRICE EDWARDS, *Collector.*

No. 11.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, October 4, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 30th ultimo, inclosing a copy of another deposition taken before the Collector of the Port of Liverpool with reference to the proceedings of the gun-boat "290," and further expressing a belief that enterprizes of a similar kind are in course of progress in the ports of the United Kingdom; and I have to state to you that, much as Her Majesty's Government desire to prevent such occurrences, they are unable to go beyond the law, municipal and international.

I am, &c.

(Signed) RUSSELL

No. 12.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, October 9, 1862.

WITH reference to my letter to you of the 22nd ultimo, I honour to inclose a copy of a letter which I have received from the Board of Treasury forwarding the copy of a Report from Her Majesty's Commissioners of Customs relative to the supply of cannon and munitions of war to the gun-boat "No. 290."

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 12.

The Commissioners of Custom to the Lords Commissioners of the Treasury.

Custom-House, September 25, 1862.

YOUR Lordships having, by Mr. Arbuthnot's letter of the 16th instant, transmitted to us, with reference to Mr. Hamilton's letter of the 2nd ultimo, the inclosed communication from the Foreign Office, with copies of a further letter and its inclosures from the United States' Minister at this Court respecting the supply of cannon and munitions of war to the gun-boat "No. 290," recently built at Liverpool, and now in the service of the so-called Confederate States of America, and your Lordships having desired that we would take such steps as might seem to be required in view of the facts therein represented, and report the result to your Lordships. We have now to report—

That assuming the statements set forth in the affidavit of Redden (who sailed from Liverpool in the vessel), which accompanied Mr. Adams' letter to Earl Russell, to be correct, the furnishing of arms, &c., to the gun-boat does not appear to have taken place in any part of the United Kingdom, or of Her Majesty's dominions, but in or near to Angra Bay, in the Azores, part of the Portuguese dominions. No offence, therefore, cognizable by the laws of this country appears to have been committed by the parties engaged in the transactions alluded to in the affidavit.

With respect to the allegation of Redden that the arms, &c., were shipped on board the "290" in Angra Bay, partly from a barque (name not given) which arrived there from London, commanded by a Captain Quinn, and partly from the steamer "Bahama," from Liverpool, we beg to state that no vessel having a master named Quinn can be traced as having sailed from this port for foreign parts during the last six months. The "Knight Errant," Captain Quine, a vessel of 1,342 tons burthen, cleared for Calcutta on the 12th April last with a general cargo, such as is usually reported to the East Indies, but so far as can be ascertained from the entries she had neither gunpowder nor cannon on board.

The "Bahama" steamer cleared from Liverpool on the 12th ultimo for Nassau. We find that Messrs. Fawcett, Preston, and Co., engineers and iron-founders of Liverpool, shipped on board that vessel nineteen cases, containing guns, gun-carriages, shot, rammers, weighing, in all, 158 cwt. 1 qr. 27 lbs. ; there was no other cargo on board excepting 552 tons of coals for the use of the ship ; and the above-mentioned goods having been regularly cleared for Nassau in compliance with the Customs law, our officers could have no power to interfere with their shipment.

With reference to the further statement in the letter of Mr. Dudley, the Consul of the United States at Liverpool, that the barque that took out the guns and coal is to carry out another cargo of coal to the gun-boat "290," either from Cardiff or Troon, near Greenock, we have only to remark that there would be great difficulty in ascertaining the intention of any parties making such a shipment, and we do not apprehend that our officers would have any power of interfering with it were the coals cleared outwards for some foreign port in compliance with the law.

(Signed)

F. GOULBURN.
W. R. GREY.

No. 13.

Mr. Adams to Earl Russell.—(Received October 11.)

My Lord,

Legation of the United States, London, October 9, 1862.

I NOW have the honour to transmit to your Lordship a copy of an intercepted letter which I have received from my Government, being the further evidence to which I made allusion in my note to your Lordship of the 30th September, as substantiating the allegations made of the infringement of the Enlistment Law by the insurgents of the United States in the ports of Great Britain.

I am well aware of the fact to which your Lordship calls my attention in the note of the 4th instant, the reception of which I have the honour to acknowledge, that Her Majesty's Government are unable to go beyond the law, municipal and international, in preventing enterprises of the kind referred to. But in the representations which I have had the honour lately to make, I beg to remind your Lordship that I base them upon evidence which applies directly to infringements of the municipal law itself, and not to

anything beyond it. The consequence of an omission to enforce its penalties is therefore necessarily that heretofore pointed out by eminent Counsel, to wit, that "the law is little better than a dead letter;" a result against which "the Government of the United States has serious ground of remonstrance."

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 13.

Mr. Mallory to Commander North, C.S.N.

Sir, *Navy Department, Richmond, July 12, 1862.*

YOUR letter of the 29th of March last, reached me this morning.

The Department notified you on the 11th of January last that you would receive orders to command the second vessel then being built in England, but for reasons satisfactory to the Department you were subsequently assigned to the command of the first vessel, the "Florida" ("Oreto") now at Nassau, and any just ground for the "surprise and astonishment" in this respect at the Department's action is not perceived.

A Commission as commander for the war was sent you on the 5th of May, and your failure to follow the "Oreto," which left England about the 21st of March, and to take command of her as was contemplated, and as you were apprised by Captain Bullock on the 26th of March, is not understood, and has been productive of some embarrassment.

Captain Bullock was nominated by the Executive for his position in the navy under existing law, and was duly confirmed by the Senate, and your protest to this Department against the action of these co-ordinate branches of your Government is out of place.

Upon the receipt of this letter you will turn over to Lieutenant G. F. Sinclair the instructions which you may have received, together with any public funds in your hands, and return to the Confederate States in such manner as your judgment may direct.

Should you not be provided with funds for this purpose, Commander Bullock will upon your application supply them.

I am, &c.
(Signed) S. H. MALLORY, *Secretary of the Navy.*

No. 14.

Earl Russell to Mr. Adams.

Sir, *Foreign Office, October 16, 1862.*

I HAVE the honour to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of an intercepted letter which you had received from the United States' Government, being the further evidence with regard to the gun-boat "No. 290" to which you alluded in your previous communication to me of the 30th ultimo; and with reference to your observations with regard to the infringement of the Enlistment Law, I have to remark that it is true the Foreign Enlistment Act, or any other Act for the same purpose, can be evaded by very subtle contrivances, but Her Majesty's Government cannot on that account go beyond the letter of the existing law.

I am, &c.
(Signed) RUSSELL.

No. 15.

Mr. Adams to Earl Russell.—(Received November 22.)

My Lord, *Legation of the United States, London, November 20, 1862.*

IT is with very great regret that I find myself once more under the necessity of calling your Lordship's attention to the painful situation in which the Government of the United States is placed by the successive reports received of the depredations committed on the high seas upon merchant-vessels by the gun-boat known in this country as "No. 290," touching the construction and outfit of which in the port of Liverpool, for the above purpose, I had the honour of heretofore presenting evidence of the most positive character.

It is my duty now to submit to your consideration copies of a large number of papers received from Washington, as well as from the Consul at Liverpool, all of which concur in establishing the truth of the allegations made by me of the intentions of that vessel prior to her departure from the ports of this kingdom. I then averred that the purpose was to make war upon the people of the United States, a nation with which Great Britain has now been for half a century, and still is, on a footing of the most friendly alliance by the force of Treaties which have received the solemn sanction of all the authorities regarded among men as necessary to guarantee the mutual obligations of nations. That I made no mistake in that averment is now fully proved by the hostile proceedings of that vessel since the day she sailed from the place in this kingdom where she was prepared for that end.

It now appears from a survey of all the evidence,—first, that this vessel was built in a dockyard belonging to a commercial house in Liverpool, of which the chief member, down to October of last year, is a member of the House of Commons; secondly, that from the manner of her construction, and her peculiar adaptation to war purposes, there could have been no doubt by those engaged in the work, and familiar with such details, that she was intended for other purposes than those of legitimate trade; and, thirdly, that during the whole process and outfit in the port of Liverpool, the direction of the details, and the engagement of persons to be employed in her, were more or less in hands known to be connected with the insurgents in the United States. It further appears that since her departure from Liverpool, which she was suffered to leave without any of the customary evidence at the Custom-house to designate her ownership, she has been supplied with her armament, with coals, and stores, and men, by vessels known to be fitted out and despatched for the purpose from the same port; and that although commanded by Americans in her navigation of the ocean, she is manned almost entirely by English seamen, engaged and forwarded from that port by persons in league with her Commander. Furthermore, it is shown that this Commander, claiming to be an officer acting under legitimate authority, yet is in the constant practice of raising the flag of Great Britain, in order the better to execute his system of ravage and depredation on the high seas. And lastly, it is made clear that he pays no regard whatever to the recognized law of capture of merchant-vessels on the high seas, which requires the action of some judicial tribunal to confirm the rightfulness of the proceeding; but, on the contrary, that he resorts to the piratical system of taking, plundering, and burning private property without regard to consequences or responsibility to any legitimate authority whatever.

Such being the admitted state of the facts, the case evidently opens a series of novel questions of the gravest character to the consideration of all civilized countries. It is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports to the injury of another nation with which it is at peace, with any known theory of moral or political obligation. It is equally clear that the reciprocation of such practices could only lead, in the end, to the utter subversion of all security to private property upon the ocean. In the case of countries geographically approximated to one another, the preservation of peace between them for any length of time would be rendered by it almost impossible. It would be, in short, permitting any or all irresponsible parties to prepare and fit out, in any country, just what armed enterprises against the property of their neighbours they might think fit to devise, without the possibility of recovering a control over their acts the moment after they might succeed in escaping from the particular local jurisdiction into the high seas.

It is by no means my desire to imply an intention on the part of Her Majesty's Government to countenance any such idea. I am fully aware of the fact that, at a very early date, more than one month before the escape of the vessel, on my presenting evidence of the nature and purposes of the nameless vessel, together with the decided opinion of eminent Counsel that a gross violation of the law of the land, as well as a breach of the law of nations, was in process of perpetration, an investigation was entered into by the Law Officers of the Crown, which resulted in an acknowledgment of the justice of the remonstrance. In consequence of this I am led to infer, from the language of your Lordship's note of the 22nd of September explaining the facts of the case, that an order to detain the vessel at Liverpool was about to issue on the 29th of July last, when a telegraphic message was forwarded to you from that port to the effect that the vessel had escaped that very morning. Your Lordship further adds that instructions were then immediately sent to Ireland to stop her should she put in to Queenstown, and similar instructions were forwarded to the port of Nassau. But it has turned out that nothing has been heard of her at either place.

It thus appears that Her Majesty's Government had become so far convinced of the true nature of the enterprize in agitation at Liverpool from the evidence which I had had

the honour to submit to your Lordship's consideration, and from other inquiry, as to have determined on detaining the vessel. So far as this action went, it seems to have admitted the existence of a case of violation of the laws of neutrality in one of Her Majesty's ports of which the Government of the United States had a right to complain. The question will then remain, how far the failure of the proceedings thus admitted to have been instituted by Her Majesty's Government to prevent the departure of this vessel affects the right of reclamation of the Government of the United States for the grievous damage done to the property of their citizens in permitting the escape of this lawless pirate from its jurisdiction.

And here it may not be without its use to call to your Lordship's recollection for a moment the fact that this question, like almost all others connected with the duty of neutrals in time of war on the high seas, has been much agitated in the discussions heretofore held between the authorities of the two countries. During the latter part of the last century it fell to the lot of Her Majesty's Government to make the strongest remonstrances against the fitting out in the ports of the United States of vessels with an intent to prey upon British commerce; not, however, in the barbarous and illegal manner shown to have been practised by "No. 290," but subject to the forms of ultimate adjudication equally recognized by all civilized nations: and they went the further length of urging the acknowledgment of the principle of compensation in damages for the consequences of not preventing the departure of such vessels. That principle was formally recognized as valid by both parties, in the VIIIth Article of the Treaty of the 19th November, 1794; and accordingly, all cases of damage previously done by capture of British vessels or merchandize, by vessels originally fitted out in the ports of the United States, were therein agreed to be referred to a Commission provided for by that Treaty, to award the necessary sums for full compensation.

I am well aware that the provisions of that Treaty are no longer in force, and that even if they were, they bound only the United States to make good the damage done in the precise contingency then occurring. But I cannot for a moment permit myself to suppose that Her Majesty's Government, by the very act of pressing for the recognition of the principle in a Treaty when it applied for its own benefit, did not mean to be understood as equally ready to sustain it at any and all times when it might be justly applied to the omission to prevent similar action of British subjects within its own jurisdiction towards the people of the United States.

But I would beg further to call your Lordship's attention to the circumstance that there is the strongest reason to believe that the claim for compensation in cases of this kind was not pressed by Her Majesty's Government merely in connection with the obtaining a formal recognition of the principle in an express contract. This seems to have been but a later step, and one growing out of a previous advance of a similar demand based only on general principles of equity that should prevail at all times between nations. Here again it appears that the Government of the United States, having admitted a failure down to a certain date in taking efficient steps to prevent the outfit in their ports of cruizers against the vessels of Great Britain, with whom they were at peace, recognized the validity of the claim advanced by Mr. Hammond, Her Majesty's Minister Plenipotentiary at Philadelphia, for captures of British vessels subsequently made by those cruizers even on the high seas. This principle will be found acknowledged in its full length in the reply of Mr. Jefferson, then Secretary of State of the United States, dated 5th of September, 1793, to a letter from Mr. Hammond of the 30th of August preceding, a copy of which is unfortunately not in my possession; but which, from the tenor of the answer, I must presume to have itself distinctly presented the admitted ground of the claim.

Armed by the authority of such a precedent, having done all in my power to apprise Her Majesty's Government of the illegal enterprise in ample season for effecting its prevention; and being now enabled to show the injurious consequences to innocent parties relying upon the security of their commerce from any danger through British sources, ensuing from the omission of Her Majesty's Government, however little designed, to apply the proper prevention in due season,—I have the honour to inform your Lordship of the directions which I have received from my Government to solicit redress for the national and private injuries already thus sustained, as well as a more effective prevention of any repetition of such lawless and injurious proceedings in Her Majesty's ports hereafter.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 15.

Mr. Osborn, Jun., to Mr. Dabney.

Dear Sir,

Flores, September 13, 1862.

I WILL inform you that the Confederate steamer "Alabama" captured and destroyed my ship "Ocmulgee" of Edgartown, with 260 barrels of sperm, two months out; also the "Ocean Rover," the "Alert," schooner "Weather Gauge," and a schooner belonging to Captain Doane. I think that the best thing that could be done for the United States' Government would be to despatch a vessel to Gibraltar and inform the captain of the "Tuscarora," as he is now watching the "Sumter," as I have papers to the 20th of August stating that he was still watching the "Sumter." The pirate says he will have your barque if he stops for two months, as he said that you would not give him any coal when he was at Fayal. He says, he will have the whole fleet of whalers, and intends to stop here about a month, and you see, Sir, that there will be plenty of time to despatch a vessel to Gibraltar and inform the captain of the "Tuscarora," and he will come down here and take him. What I have written is the wish of all the shipmasters.

Yours, &c.

(Signed)

ABM. OSBORN, Jun.

D. R. ALLEN, *Master of barque "Eagle," of New Bedford.*WM. SMITH, *Master of ship "Black Eagle."*

Inclosure 2 in No. 15.

Mr. Mackay, Jun., to Mr. Dabney.

Dear Sir,

Flores, September 16, 1862.

THIS moment the brig "Hortense" arrived from Fayal, and gives me only time to write a few lines. On Sunday evening last I informed you, by the brig "Water Witch," of the capture of several American vessels by the Confederate steamer "Alabama," Captain Semmes, viz., ship "Ocmulgee," Captain Osborn; "Ocean Rover," Captain Clark; barque "Alert" of New London, Captain Church; schooner "Weather Gauge," Captain Small, of Provincetown; schooner "Starlight," Captain Doane. The masters and crews are all on shore here. There are also five American whalers lying at anchor afraid to proceed on their voyage; viz., barque "Eagle," Captain Allen; barque "Oceola;" barque "Gratitude;" ship "George Howland," and two others. Captain Doane and Captain Small go by this opportunity, and will give you more information. I again beg you will send a vessel for the masters and crews who are now on shore here. Provisions are getting short, and consequently high, and the inhabitants wish to get quit of them. There are some men going by this opportunity. By the next vessel I will send their names.

(Signed) JAMES MACKAY, Jun.

P.S. [By Mr. Dabney, apparently.]—Since receiving the above, the following vessels have been heard of as burnt by the "Alabama," or some other Confederate steamer near Flores: schooner "Altamaha" of Sippican; schooner "Admiral Blake," of Sippican; barque "Benjamin Tucker," of New Bedford; barque "Oceola," Captain Hogan; and the "Courser," supposed to be of New Bedford. All engaged in the whaling business.
Fayal, September 19, 1862.

Inclosure 3 in No. 15.

*Depositions.**Consulate of the United States for the Azores.*

SAMUEL H. DOANE, late master of schooner "Starlight," of Deer Island, deposes on oath as follows:—On the 7th of September, 1862, I was on board the "Starlight," Sta. Cruz Flores bearing north-west five miles, when a steamer bearing a British man-of-war flag approached from the south-west, and when within one mile and a-half fired a lee gun. As I saw a ship in-shore, I thought the gun was fired at her. The steamer then hauled down the English flag, fired a weather gun, shotted, at me, the ball passing between my mast, and then hoisted the Confederate flag. I then hoisted the American ensign and kept on towards Sta. Cruz, when he fired again at me, and the ball passed within two feet of the

main topmast. Seeing escape hopeless I hove to. He then sent a boat aboard, and the officer ordered me to take my papers and go aboard the steamer in his boat, which I did; the officer with men remaining on board the schooner. My schooner was laden with passengers for Boston, men and women, mostly Portuguese. When I got aboard the steamer I was taken to the cabin, when the Lieutenant said to me, presenting me to the commander, "This is Captain Semmes." The commander was a medium size man, slim, with grey hair, moustache and imperial, dressed all in grey. The officers were in blue with navy buttons.

The Captain, after examining my papers, ordered me to return to the schooner and bring all Americans on board. When we came aboard, we were put on one side of the deck and asked where we belonged. Finding we were all Northerners, he put us all in irons without asking us to enlist. We were not otherwise abused. We were allowed nearly all our clothes, but they took my instruments, charts, and money. We were kept in irons for about eighteen hours. The passengers were left on board the schooner. We were taken about 6 p. m. the 7th instant, and on the 8th at 11 a. m. were set adrift in our own boat, when about three miles from Flores, and pulled to shore. The passengers were previously landed by the steamer's boats.

Before I left the schooner I returned the passage money to as many of the passengers as I could, distributing all I had except 100 dollars. This being reported to Captain Semmes, he said in my hearing that he would have them all searched in the morning, and would take all he could find; but the next morning there being other vessels in sight, he concluded to set them ashore in haste, to be at liberty to chase the other sails.

The steamer is wooden, and not iron plated, long, narrow and straight, low in the water, bark rigged; some might think her barkantine rigged when her mainsail is not set, as the main mast has a long drop; but I am positive that the mainsail is square. Her armament consists of six 32-pounders, and two large 8-inch pivot guns amidships, the forward rifled. I saw the rifling. Hemp sails, wire rigging. She may be known by the long drop to her fore and mainsails, and her top gallant sails being broad, and with very short hoist. The master-at-arms said there were 78 aboard, all told. I counted 52 seamen and 12 firemen. All the men forward are English and Irish, no Americans. The officers are Southerners, and with the exception of the Captain and first Lieutenant, seem ignorant of their sea duties. The discipline on board was not very good, though the men seemed to be good seamen. They were over an hour setting the two top-gallant sails. The men appeared to be dissatisfied. The master at arms and several seamen told me that there was another steamer named the "Barcelona" in company, commanded they said, by Coxetter. They said she was near Fayal, and they expected to meet her soon. Some of the men said they were going South to look after whalers, as they were well posted about the cruising grounds. The English engineer told me that they expected more men in a few days. The officers said they were bound to have Mr. Dabney's barque "Azor," if they stopped around for a month.

(Signed) SAMUEL H. DOANE.

Fayal, September 19, 1862.

Consulate of the United States for the Azores.

George W. Luce, late first mate of the whaling ship "Ocmulgee," of Edgartown, deposes as follows:—On the 5th of September, 1862, I was on board the "Ocmulgee;" at noon, after a chase for whales, we had one large whale alongside, were about forty-five miles due west of Vico; a steamer, bearing the British man-of-war colours, approached under sail from the south-east, and fired a lee gun when about three miles from us; then came near, hove-to, and sent a boat aboard of us. The officer in charge, the second lieutenant, said that he was sorry to inform us that we were a prize to the Confederate steamer "Alabama." He told our captain to take his papers and go aboard the steamer, which he did. He told us to cast the whale adrift, but as we could not do it immediately, he ordered me to follow the steamer as we were. In about an hour our captain returned, accompanied by the steamer's first lieutenant, who told us to go aboard the steamer, and that the captain and I could take a trunk of clothes a-piece, but that the rest of the ship's company could have only a bag each, as they did not want to be lumbered up. We went aboard in our boats, which they took in tow, after using them to bring some stores, cordage, &c., from the ship to the steamer. Both vessels lay together, head yards aback, all night, they intending to take more provisions from our ship; but at daylight they raised four vessels, and determined to start in pursuit at once; therefore, shooting the two dogs which had been the only living things left aboard our ship, they set her on fire and left her. They then made sail and chased a ship which proved to be French, and another which proved to be English, while the other two were so far to windward that they could not reach them

without getting up steam, which they did not wish to do. All the time we were aboard they had their propeller hoisted up, and they worked under sail, though they kept their fires banked. All our officers were put in irons; the crew were not. We were kept on deck under a sail, and treated without other abuse than being ironed. Our food was rather poor, but it was said to be like the men's rations. We were kept aboard about fifty-two hours, and when about six miles from Flores they let us go ashore in three of our own boats. Just after we left the steamer we saw her take the schooner "Starlight," just before dark on the 7th of September. The discipline aboard the steamer was very poor. The master-at-arms told me there was another steamer in company, and not far off, both built in Liverpool, and alike. I heard some of our men say that they were told aboard the steamer that she, the "Alabama," was the "290." The master-at-arms, and third lieutenant, and 2 midshipman, said they were bound to have Mr. Dabney's barque "Azor," because he would not sell them coal.

(Signed) GEORGE W. LUCE.

Fayal, September 19, 1862.

I, Benjamin Dexter, second mate aboard the "Ocmulgee," having heard the above statement read, corroborate it in all particulars, and furthermore testify that the master-at-arms of the "Alabama" told me she was the "290."

(Signed) BENJAMIN DEXTER.

Fayal, September 19, 1862.

I, Elijah Johnson, boat-steerer aboard the "Ocmulgee," having heard the above statement read, confirm it in every particular, and furthermore state that I was told by some of the "Alabama's" crew that they had received their guns from a barque close by Terceira, which barque was going to bring her six more guns, as well as ammunition, and coal, and men. The crew of the "Alabama" was English and Irish; the officers Southerners; the second lieutenant, a slim, very young man, they said was Jeff. Davis' son.

(Signed) ELIJAH ^{his} ✕ JOHNSON,
mark.

Inclosure 4 in No. 15.

Memorandum.

Consulate of the United States for the Azores.

THE schooner "Weather Gauge," of Province town, was captured by the "Alabama" near Flores, on the evening of the 9th of September, and was burned on the 11th instant; the captain, Samuel Small, and his crew being put ashore at Flores, after they had given their parole not to serve against the South till exchanged. Captain Small, in his deposition, states the same facts, and gives the same description of the "Alabama" and her officers, as Captain Doane, Mr. Luce, &c. In addition he states the guns to be of English make, some bearing the name of Preston and Co. He also states that the "Alabama's" steering wheel is forward of the mizen mast, and bears the inscription "Aide toi et Dieu t'aidera."

Fayal, September 19, 1862.

Inclosure 5 in No. 15.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate, Liverpool, October 30, 1862.

I HAVE the honour to inclose you copies of the depositions of Captain Julius, of the ship "Tonawanda," Captain Harmon, of the barque "Wave Crest," and Captain Johnson, of the brig "Dunkirk." They detail the capture of their respective vessels by the rebel privateer "Alabama," late "290."

I am, &c.
(Signed) THOMAS H. DUDLEY.

Inclosure 6 in No. 15.

Depositions.

I, THEODORE JULIUS, master of the ship "Tonawanda," of Philadelphia, and being sworn, say :—

I sailed with said ship from Philadelphia on the 30th of September, bound for Liverpool.

We got along very nicely after leaving the Capes, with very fine weather and the prospect of a short passage, till the 9th instant at 4 P.M., when, in latitude 40° 30' north and longitude 54° 30' west, we were captured by the rebel steamer "Alabama." I was taken on board of her, and officers left in charge of the ship. When I got on board I found the captain and crew of barque "Wave Crest," from New York for Cardiff, and brig "Dunkirk," from New York for Lisbon, all prisoners on deck and all in irons, their vessels having been burned two days previously. There was a brig in sight at this time, and the steamer made sail, our ship following. When everything was trimmed, I was conducted into the cabin, where I found Captain Semmes, the First Lieutenant, and Captain's Clerk. After asking a few desultory questions, I was put on oath to answer. I found that our women passengers were a great trouble to them, and I built good hopes from that that we should get clear. I offered to draw on Brown, Shipley and Co., for a reasonable sum to let the ship off, but that was no use, as the captain said they had plenty of money, and at any rate Brown, Shipley and Co., would not pay, notwithstanding anything I might assert to the contrary. I was taken forward among the prisoners to await the issue of the chase. The captain's clerk conducted me, and I had a long conversation with him, during which I was very much on my guard, and I found that he was very intimate with a friend of mine at New Orleans. I temporised, &c., and am certain I created a favourable impression. The chased brig, after boarding, proved to be English. We were then hove-to, and I was sent for into the cabin, where the same parties were present as before. The captain told me that had the brig proved American he would have put us all on board and burned the "Tonawanda." I told him that on account of the women and children on board with their luggage that would have proved a very dangerous business, as there was considerable sea on. He then told me he would take a ransom bond for the present, and that he would return it if he burned the ship. We had quite a controversy about the amount of the bond: he had ordered it filled up for 100,000 dollars, but eventually settled down to 80,000 dollars, for which amount it was given on the following conditions:—"I am held and firmly bound, and I do hereby bind the said Thomas P. Cope and Francis R. Cope, their and my heirs, executors, and assigns, well and truly to pay unto the President of the Confederate States of America, for the time being, at the conclusion of the war, the amount of 80,000 dollars current money of the said Confederate States; and the ship 'Tonawanda,' her tackle and apparel, are hereby mortgaged for the payment of this bond." After giving the above, I gave my word of honour to follow the ship, and was put on board the "Tonawanda" about 9 P.M., and all persons belonging to the "Alabama" returned to her, with one coloured boy, our passenger-cook, he belonging to Delaware, a Slave State, and being without protection or free papers. We continued following in her wake till noon, the 10th, when they made signals they were going to send a boat on board. When the boat came, I was ordered to go on board the steamer again, and to take some change of clothes with me as I should stay some days. At the same time we were ordered to send two of our boats to remove the prisoners from the "Alabama" to our ship, all of which was done, and all the prisoners of all the vessels, ours included, signed a parole. When I got on board, the captain sent for me on the quarter-deck, when we had a very long conversation on nearly all subjects connected with the war. He apologised for my having to remain on deck, as his own officers and crew had not sufficient accommodation; but on consideration of my giving my word not to converse with the officers of the ship, he allowed me to go about the ship without irons on, I being the only prisoner this cruize to whom that privilege was granted. He told me that he should keep me some days. If he took a prize not as valuable as ours, he would transfer us to her and burn our ship, but if she proved anything near our value, that our ship would be spared, but that he was very anxious to burn her. That night they chased and boarded a German ship. The afternoon of the 11th they captured and burned the ship "Manchester," a more valuable prize than the "Tonawanda;" she was only one year old, had 60,000 bushels wheat, 110 bales cotton, &c., in her cargo. I was sent for to the cabin and told that the "Tonawanda" would certainly be released, but that he should keep her a few days longer to put some more prisoners on board: he considered her now a cartel in the employ of the Confederate Government. I argued the point that we

would be very short of provisions and water, particularly the latter, as, with the "Manchester's" crew, we had about 170 persons on board already; but he said I could easily accommodate 250, and he would see about water, &c. I then told him that as I was master of a cartel he ought to allow me to sleep on board below, as it would be murder to keep me on deck another night. He said he would be very glad to put me below if he had any place. His clerk spoke up and said they could make room for me in the steerage. Then the non-intercourse act was taken off, and I was permitted to go all over the ship on deck or below, and to talk to whom I pleased. The 12th passed without seeing an sail. The 13th was dirty weather, with thick and rain; and I told the officers during the day, at every opportunity, that it would be thick that night, that they would certainly lose my ship, and that they had better put me on board. That afternoon they were very much frightened, as we saw a ship under very easy sail, with a vane at her mainmasthead, which they took to be a pendant, and supposed her to be a disguised man-of-war. They cleared the ship for action, and got steam up ready for running. I was appealed to three different times, and a spy-glass handed to me, and I always pronounced it the same thing—not an American but a foreign merchant-ship. I was requested to go below during the action but declined, as I was not a bit afraid. It proved to be a Spanish merchant-ship. As soon as that was ascertained I was called aft again; the captain told me that if I would give my word of honour to proceed direct to Liverpool, and without any additions to provisions and water, he would let me go. I accepted, of course, being then, by their account, in latitude $40^{\circ} 30'$ and longitude $59^{\circ} 38'$ west, or over five degrees further west than when we were captured. I was put on board, and set sail for Liverpool at 6 P.M. I have a copy of the bond on board attested by the captain's clerk. The "Alabama," or "290" is a splendid vessel, and the fastest under canvas I ever had my foot on board of, and I have no doubt she is under steam, as she has very powerful machinery. She is 225 feet long, entirely built of wood—they say on board of teak. She is calculated to remain at sea as long as they like, as they condense all the water they use: it takes 1 lb. of coal to make a gallon of water, and they have now 300 tons of coal on board, and the instance mentioned before is the only time they raised steam since they have been out. I do not think there is a ship in our navy that can catch her. Her armament consists of six 32-pounders broadside guns, one 68-pounder midships between main and mizen-masts, and one 100-pounder rifled cannon midships forward of the mainmast. I judged there were about 100 persons on board, mostly English man-of-war's men. I do not believe there is an American-born seaman on board. They are trying to ship all the men they can out of the prizes. They got some out of every ship's company that is now on board except our own ship, from which they took the black boy.

John E. Harmon, being sworn, says:—I was master of the barque "Wave Crest," of New York, burden 408 tons. We sailed from New York 28th September last for Cardiff laden with wheat and flour. Nothing remarkable happened until the 7th of October, at daylight of which, in latitude $40^{\circ} 20'$ north, longitude $54^{\circ} 20'$ west, we made a vessel to windward about a mile distant. She had a flag, but we could not make it out. When she saw us she fired a blank gun, and we hove-to. She then sent a boat to us, and we made out the flag to be the rebel flag. The crew of the boat were armed, and the officers informed me that my vessel was a prize to the Confederate steamer "Alabama," and requested me to go on board the steamer with my papers. I accordingly went on board with my papers and delivered them to the Captain (Semmes). He looked them over. He asked me if I was interested in the vessel, and some other questions which I don't remember. He then informed me he should destroy the vessel and cargo, and told me to go on board and pack up with my crew. I was then sent back on board with a boat's crew. About noon we were taken on board the steamer and put in irons. They stripped the barque of what they wanted, and then commenced firing shells at her but without effect; I did not see any strike her. About 4:30 P.M. a boat's crew were sent to set fire to her, which they did, and then made sail to the westward. We saw our vessel burning until 9 P.M.; her mast had then fallen, and she was a mass of flame. The Captain, while I was in the cabin, asked me to join him. He said as I was Maryland-born I ought; that he was a Marylander himself. I made him no answer. About 9 the same night the brig "Dunkirk," of New York, was captured and destroyed, and her crew brought on board the steamer and ironed like ourselves. The "Alabama" kept working up to the westward, and on the 9th captured the "Tonawanda," of Philadelphia. On the 11th she captured the "Manchester," of New York, which was also burnt. The "Tonawanda" was kept in company, and on the 10th I and my crew were transferred to the "Tonawanda," as well as the crew of the "Dunkirk," on parole, which we signed after we got on board the "Tonawanda." The

“Manchester’s” crew were put on board the next day. On the 13th the “Tonawanda” was released and proceeded to Liverpool, where we arrived on the 27th October. Whilst I was on board the “Alabama” the crew were practised at the guns two or three times. There did not seem to be much discipline. She was never under full sail with a good breeze while I was on board, but I should judge she could make twelve knots under canvas.

(Signed) JOHN E. HARMON.

Sworn and subscribed to before me, at Liverpool, this 28th day of October, 1862.

(Signed) THOS. H. DUDLEY, *Consul*.

We were all kept in irons on the deck of the “Alabama.” Had to sleep upon the deck. There was no distinction made between my sailors and myself, except they gave me a mattress to sleep on; the men had a board. All that we had to protect us from the weather was a piece of canvas. This did not do it; we were wet most of the time. The irons were kept upon us both day and night; were not taken off while we ate. We had to sleep in our wet clothes, not being able to take off our boots. There were nineteen of us confined to a space of about fifteen feet square. A guard with a sword and revolver were kept over us all the time.

(Signed) JOHN E. HARMON.

Sworn and subscribed before me, at Liverpool, this 28th day of October, 1862.

(Signed) THOMAS H. DUDLEY, *Consul*.

On this 28th day of October, 1862, before me, Thomas H. Dudley, Consul of the United States at Liverpool, personally came Samuel B. John, from the State of New York, late master of the brig “Dunkirk,” of New York, and being duly sworn, says:—

I was master of the brig “Dunkirk,” of New York, owned by C. and E. J. Peters, of the city of New York; that we sailed from New York the 29th of September with a cargo of flour and staves for Lisbon, in Portugal. The vessel had been chartered and loaded by Giro and Franceia, of New York. Nothing occurred until half-past 7 p.m. civil time, October 7, when in latitude 40° 23' north, and longitude 54° 30' west, discovered a sail on the port bow standing to the westward. When nearly abeam the strange sail tacked, hauling up under our lee-bow, and fired a gun. Being then within short range of his guns and no chance of escape, backed foretopsail, and was soon boarded by a boat with an armed crew. It was dark at the time, and could not see the flag she carried. After a few inquiries, the officers said the brig was a prize to the Confederate war-steamer “Alabama.” I was ordered on board with all my papers. I was taken into the cabin to Captain Semmes. His Lieutenant, by name of Kell, and Secretary were present. The Captain took my papers and examined them, breaking open a consignee’s letter I had. He then said to his Lieutenant, “I see nothing by these papers to clear this vessel, she being American; you will accordingly take the captain on board and allow him to take one trunk and one bag of clothing; all others one bag only; bring all persons out of the brig to the ‘Alabama,’ and destroy her.” While there I was put on oath and examined touching the vessel’s cargo. At 9 p.m. returned on board the brig, packed up a few things, and the crew from the “Alabama,” by direction of the first lieutenant, then broke up the furniture in the cabin, and poured out a lot of lard on it and then set fire to it. We then left and were taken on board of the “Alabama.” There were nine of us, including myself. The brig was soon in a blaze, and continued to burn as long as we could see her. The vessel and her cargo were entirely destroyed. The charts, chronometer, and some of the provisions were taken by the “Alabama.” One of my crew, by name of David Leggett, who had been with Captain Semmes on the steamer “Sumter,” immediately joined the crew of the “Alabama.” Another by name of George Forrest, a deserter from the “Sumter,” was put in double irons. The rest of us were placed in irons and kept on deck for three days and three nights. We were exposed to the sea and weather during this time, and were often wet by the rain and spray. We were confined to a space of about twenty square feet. The man who had deserted from the “Sumter” was tried before a court-martial and sentenced.

On the 9th of October they captured the ship “Tonawanda,” from Philadelphia to Liverpool, commanded by Captain Julius. She was detained as a receiving ship until the 13th instant. On the 11th the ship “Manchester,” from New York to Liverpool, loaded with grain, &c., was captured and fired after dark, and entirely destroyed. The crew of the barque “Wave Crest” were on board when we were captured. We were all placed on the “Tonawanda,” and permitted to leave on the 13th instant, and arrived here yesterday. At the time I was captured, and all the while I was on board the steamer, they were under

sail. She is a very fast sailer. She had consumed but very little of her coal, and had most of the coal she left with at time she started on her cruise. She has a condenser, and makes all the water they require on board.

(Signed) SAML. B. JOHNSON.

Sworn and subscribed to before me, this 28th day of October, 1862.

(Signed) THOMAS H. DUDLEY, *Consul.*

On this 22nd day of October, 1862, before me, Thomas H. Dudley, Consul of the United States of America at Liverpool, personally came Nathan Parker Simes, master of the ship "Emily Farnum," of Portsmouth, New Hampshire, and, being duly sworn, deposed:—

I am master of the "Emily Farnum." We sailed from New York on the 20th of September, bound to Liverpool, with a cargo of flour and provisions. We proceeded without anything of importance happening until the morning of the 3rd of October, when we were in latitude about 41° north and longitude about 50° west. At daylight we made a large ship to leeward, bound the same way as ourselves. About 7 A.M. we made what appeared to us a small sail vessel, standing to the westward. I took no further notice of her until I came up from breakfast, about a quarter past 8, when I sheared her close on our weather bow, and made her out to be a screw war-steamer, with the St. George's Cross flying at her peak, and took her for an English man-of-war. I immediately set my colours, and she immediately run down the English colours, and ran up the Confederate flag and fired a blank across our bow. The wind being light, I saw that we could not escape, and hove-to. A boat was then lowered from the steamer and sent alongside, with two officers and four men, each armed with a cutlass and revolver. They all came on board, and one of the officers, who was the Second Lieutenant, hauled down our colours, and informed me I was a prize to the Confederate States' steamer "Alabama," Captain Semmes. The steamer then wore round, and gave chase to the ship to leeward. The Second Lieutenant having taken charge of our ship, we followed.

About 11 o'clock the other ship was brought-to in the way we had been. She proved to be the "Brilliant," of New York, from New York bound for London. She and ourselves were then hove-to, one on each quarter of the steamer. A boat was sent to the "Brilliant," and her captain with his papers taken on board the steamer. About noon a second boat came to us, and I was ordered to the steamer with my papers, and I went. On reaching the steamer I was ordered to stand amidships until Captain Semmes was ready for me. While waiting I observed a large number of seamen in irons on the other side of the deck, and that the vessel had three long 32-pounders on each side, one 100-pounder rifled pivot gun forward, and a 68-pounder rifled pivot gun aft. The shot on the deck measured six and eight inches. Her crew were English, and consisted of 120, all told, and they were anxious to ship more. About 1 o'clock the captain of the "Brilliant" came on deck, and Captain Semmes ordered his First Lieutenant, Mr. Kell, to go on board the "Brilliant" with him, and remove from her such provisions, tackle and valuables, as he saw fit, to the steamer. I was then ordered below into the cabin, where were Captain Semmes and his clerk, Mr. Smith. Captain Semmes demanded my papers, and then asked me the name of my ship; by whom she was owned; what her present value would be in New York; whether I had any certificate or proof that my cargo was otherwise than American property. My replies were taken down in writing.

I examined my papers and, attached to one set of bills of lading, found the British Consul's certificate that the goods described in the bill of lading annexed, were the property of a British subject residing in Liverpool, J. B. Spence. Captain Semmes examined it, and said it was a fraud, and not worth that (snapping his fingers).

He then asked me if I had a mail bag. I had none. He then asked a number of questions as to the disposition of our army and navy, and whether there were any Government vessels on the look-out for his vessel. He then asked me how long it would take me to go to Liverpool in case he should release me. He said with the number of prisoners he had on deck, together with our two ships' crews, he would be pushed for room in case of falling in with any of our Government vessels, as he intended to fight anything of his own metal. His clerk then filled out a parole in writing, which he gave me the option of signing or of remaining in irons a prisoner of war, until regularly exchanged. I signed it. I noticed in the cabin from fifteen to twenty chronometers, screwed to the transom. I then went on deck. While in the cabin he told me he had burnt eleven whale-ships off the Western Islands, and landed their crews, 190 in number, in that vicinity. That he had a particular antipathy to New Bedford people on account of their holding war meetings daily, and sending stone fleets to block up Charleston harbour, and he was going to retaliate by destroying all the property he could get hold of.

I remained on deck until about 5 P.M., during which time the steamer's boats and the boats of the "Brilliant" were transferring stores, &c., from the "Brilliant." About 3 o'clock the look-out on the fore-top gallant-yard reported a vessel in sight. About 4 Captain Semmes came on deck, and informed me he was going to release me, providing I would take his prisoners to Liverpool, which I agreed to do, and soon after they began transferring the prisoners to my ship. I observed that there was no discipline on board the steamer excepting when Captain Semmes or Lieutenant Kell was on deck. About 5 o'clock my papers were returned to me with the following endorsement on the register:—

"The ship 'Emily Farnum,' of New York was captured by the Confederate States' steamer 'Alabama,' on this the 2nd day of October, 1862, and released because of a certificate of neutral cargo being found among her papers, and to serve the purposes of a cartel ship.

(Signed)

"R. SEMMES, *Commander, Confederate States' Navy.*"

I was then sent on board my ship by one of her boats. When I got on board my ship I found there Mr. Smith, Captain Semmes' clerk, with parole for my officers and crew to sign, which they all did but one, who shipped in the steamer. All my crew and officers were asked to ship, and told they would have 4*l.* 10*s.* a-month, and lots of prize money. They pressed my second mate very much, finding out that he had been in the United States' navy. Only the one mentioned volunteered. After they had signed the parole they were informed that if any of them were caught in arms, either in the Yankee army or navy, they would be shot or hung. I was told that two of the "Brilliant's" crew had shipped in like manner. They then left us with seventy-eight prisoners, being the captains, officers, and crews of ship "Brilliant," of New York, barque "Virginia," of New Bedford, barque "Enoch Barnard," of New Bedford. During the day and night the wind was very light. At 6 P.M. the "Brilliant" was fired by people from the steamer, and at 7 o'clock she was all in flames. The steamer during the night was visible a little to windward. It was moonlight so that we saw her all night, and also the "Brilliant." The next morning, from our mizen topsail-yard, and in the direction of the burning ship, I saw the steamer close to and in chase of another ship, probably the one reported by the look-out the day previous. Had very light winds that day, but saw no more of the steamer, but at night saw the fire of a burning vessel in the direction where the steamer was last seen.

While on board the steamer I noticed that her screw was triced up, and was informed by her officers that they merely get up steam for condensing water, or in a hard chase. While I saw her she never had steam up. The officers told me they could get up steam in twenty minutes, and that she could steam fifteen knots and sail under canvas only thirteen knots.

(Signed)

N. P. SIMES, *Master of ship "Emily Farnum."*

Sworn and subscribed to at Liverpool, this 22nd day of October, 1862.

(Signed)

THOMAS H. DUDLEY, *Consul.*

No. 16.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, December 19, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 20th ultimo, in which, under instructions from your Government, you submit, for the consideration of Her Majesty's Government, papers confirming the truth of the allegations which you made to me some time ago as to the intentions with which the vessel formerly known as "No. 290," but now called the "Alabama," was fitted out at Liverpool; and you observe that those allegations are now fully proved by the hostile proceedings of that vessel since she left the United Kingdom.

You pass in review the history of the "Alabama" both before and since she sailed from Liverpool; and you state that the facts being admitted, they present to the consideration of all civilized countries a series of novel questions of the gravest character. You say that it is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports to the injury of another nation with which it is at peace, with any known theory of moral or political obligation; and you add, with some further observations in the same sense, that the reciprocation of such practices could only in the end lead to the utter subversion of all security to private property upon the ocean.

You, however, say that it is by no means your desire to imply an intention on the part of Her Majesty's Government to countenance any such idea. You admit that you

are aware of the measures adopted at a very early date with reference to the "Alabama," and of the orders subsequently issued to detain that vessel as soon as legal opinions were obtained; orders which it was not possible for the authorities to execute, because at the very moment when they were issued the "Alabama" made her escape from Liverpool.

You finally state that you have been instructed to solicit redress for the national and private injuries sustained by the proceedings of this vessel, as well as a more effective prevention of any repetition of them in British ports hereafter.

Before I proceed to examine the justice of these demands, it will be convenient that I should advert to the circumstances to which you call my attention as having occurred soon after the breaking out of the French revolutionary war. You observe that on that occasion remonstrances were addressed by the British Government to that of the United States respecting the fitting out of privateers in United States' ports with an intent to prey upon British commerce; and that the demands of the British Government were admitted by the United States, and were formally recognized in the VIIth Article of the Treaty between the two countries of the 19th of November, 1794.

But an examination of the actual occurrences, and of the history of that remarkable period, presents a state of facts materially different from those relating to the "Alabama." Those facts may be shortly stated as follows:—

The revolutionary Government of France had openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized States; and that Government proceeded to put in force its determination by claiming to equip as a matter of right, and by actually equipping, privateers in the neutral ports of the United States, by sending those privateers forth from those ports to prey upon British commerce by bringing prizes into the neutral ports, and by then going through some scant forms of adjudication

This was the avowed system upon which the Agents of belligerent France claimed to act, and upon which, owing to the temporary superiority of her naval force, they did for a short period act in the neutral ports and waters of the United States, notwithstanding the remonstrances of the United States' Government.

It was these several facts, namely, the open and deliberate equipment of privateers in American ports by the French, the capture by those privateers of British vessels in United States' waters, and the bringing them as prizes into United States' ports, which formed collectively the basis of the demands made by the British Plenipotentiaries. Those demands had reference not to the accidental evasion of a municipal law of the United States by a particular ship, but to a systematic disregard of international law upon some of the most important points of neutral obligation.

This is apparent from the whole correspondence of the British Government with the Government of the United States, and from the replies of Mr. Jefferson to Mr. Hammond, the British Minister. Consequently neither the complaints of the British Government in 1793, nor the Treaty of 1794, have any bearing upon the question now under discussion.

With regard to the claim for compensation now put forward by the United States' Government, it is, I regret to say, notorious that the Queen's Proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has in several instances been practically set at nought by parties in this country. On the one hand, vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York, for the use of the United States' Government. On the other hand, munitions of war have found their way from this country to ports in possession of the Government of the so-styled Confederate States.

These evasions of the neutrality prescribed by the Queen's Proclamation have caused Her Majesty's Government much concern, but it is not difficult to account for what has occurred.

Such shipments as I have spoken of may be effected without any breach of municipal law, and commercial enterprise in this country, as elsewhere, is always ready to embark in speculations offering a prospect of success, or in which, at all events, the promise of gain is supposed to be greater than the risk of loss.

British subjects who have engaged in such enterprises have been left by Her Majesty's Government to abide by the penalty attaching to their disregard of the Queen's Proclamation of Neutrality, that penalty being by international law the condemnation as prize of war of vessel and cargo, if captured by a belligerent cruiser, and duly condemned in a competent Prize Court.

Her Majesty's Government have nevertheless availed themselves of every fitting opportunity to discourage these enterprises, and I have the honour to refer you, in illustration of the truth of this, to the answer which I caused to be returned on the 6th of July

to a memorial from British merchants and shipowners at Liverpool, and of which I furnished you confidentially with a copy in my note of the 4th of August.

It is right, however, to observe, that the party which has profited by far the most by these unjustifiable practices has been the Government of the United States, because that Government having a superiority of force by sea, and having blockaded most of the Confederate ports, has been able, on the one hand, safely to receive all the warlike supplies which it has induced British manufacturers and merchants to send to United States' ports in violation of the Queen's Proclamation, and, on the other hand, to intercept and capture a great part of the supplies of the same kind which were destined from this country to the Confederate States.

If it be sought to make Her Majesty's Government responsible to that of the United States, because arms and munitions of war have left this country on account of the Confederate Government, that Confederate Government, as the other belligerent, may very well maintain that it has a just cause of complaint against the British Government, because the United States' arsenals had been replenished from British sources.

Nor would it be possible to deny that, in defiance of the Queen's Proclamation, many subjects of Her Majesty, owing allegiance to her Crown, have enlisted in the armies of the United States. Of this fact you cannot be ignorant.

Her Majesty's Government, therefore, have just grounds of complaint against both of the belligerent parties, but most especially against the Government of the United States, for having systematically, and in disregard of that comity of nations which it was their duty to observe, induced subjects of Her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey.

Great Britain cannot be held responsible to either party for these irregular proceedings of British subjects, and an endeavour to make her so would be about as reasonable as if Her Majesty's Government were to demand compensation from the United States for the injuries done to the property of British subjects by the "Alabama," resting their demand on the ground that the United States claim authority and jurisdiction over the Confederate States, by whom that vessel was commissioned.

So far as relates to the export of arms and munitions of war by subjects of Great Britain from British ports, for the use of the Confederates, it is a sufficient answer to say that the municipal law of this country does not empower Her Majesty's Government to prohibit or interfere with such export, except in extraordinary cases, when the Executive is armed with special powers; and, with regard to the Law of Nations, it is clear that the permission to export such articles is not contrary to that law, and that it affords no just ground of complaint to a belligerent. The authorities for this latter position are numerous and unconflicting, but it may suffice to refer to passages on the subject in the works of two American writers of high and admitted authority. The passages are as follows:—

1. "It is not the practice of nations to undertake to prohibit their own subjects, by previous laws, from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the Law of Nations or particular Treaties." (Wheaton's "International Law," sixth edition, 1855, page 571, by Lawrence.)

2. "It is a general understanding that the Powers at war may seize and confiscate all contraband goods without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral Sovereign himself. It was contended on the part of the French nation in 1796, that neutral Governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent Powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell, at home, to a belligerent purchaser, or carry, themselves, to the belligerent Powers, contraband articles, subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country (United States). The right of the neutral to transport, and of the hostile Power to seize, are conflicting rights, and neither party can charge the other with a criminal act." (Kent's "Commentaries," vol. i, p. 145, eighth edition, 1854).

In accordance with these principles, the President's Message of 31st December, 1855, contains the following passage:—

"In pursuance of this policy, the laws of the United States do not forbid their citizens to sell to either of the belligerent Powers articles contraband of war, or take munitions of war or soldiers on board their private ships for transportation, and although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the Government."

As regards the sailing of the "Alabama" from Liverpool, I cannot do better than

refer you to the circumstances respecting that vessel with which I have already had the honour to make you acquainted. In my letter of the 28th of July I informed you that it was requisite to consult the Law Officers of the Crown before any active steps could be taken in regard to that vessel. In my letter of the 22nd of September I explained that from the nature of the case some time was necessarily spent in procuring the requisite evidence; that the Report of the Law Officers was not received until the 29th of July; and that on the same day a telegraphic message reached Her Majesty's Government stating that the vessel had that morning sailed. Instructions were then dispatched to detain her should she put in either at Queenstown or Nassau, to one or other of which ports it was expected that she would go, but the "Alabama" did not call at either of those places. On the 4th of October, I stated to you that much as Her Majesty's Government desired to prevent such occurrences, they were unable to go beyond the law, municipal and international; and on the 16th of that month I replied to your observations with reference to the infringement of the Foreign Enlistment Act, by remarking that it was true that the Foreign Enlistment Act, or any other Act for the same purpose, might be evaded by subtle contrivances, but that Her Majesty's Government could not on that account go beyond the letter of the existing law.

However, it is needless that I should pursue this branch of the question further, since you admit that you are aware that the "Alabama" sailed not only without the direct authority or indirect permission of Her Majesty's Government, but in opposition to the municipal law, and in spite of earnest endeavours made to enforce it.

That this should have happened is a circumstance not calculated to excite much surprise in the United States, for two reasons: first, because the principal municipal law of the United States (passed almost at the same time as that of this country, and, it is believed, after a full understanding between the two States) is, in fact, almost identical with that of Great Britain upon this subject; and, secondly, because its notorious evasion, during the late war waged by Great Britain and her allies against Russia, was the subject of remonstrances on the part of Her Majesty's Representative at Washington to the United States' Government.

Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States' Government could only proceed on legal evidence, the law as to which is almost, if not entirely, the same as in this country; and that without such evidence no conviction could be procured.

In the case of the "Alabama," it is not denied that strict orders were given for her detention as soon as it appeared to the legal Advisers of the Crown that the evidence might be sufficient to warrant them in advising such a course, and that the "Alabama" contrived to evade the execution of those orders.

Her Majesty's Government cannot, therefore, admit that they are under any obligation whatever to make compensation to United States' citizens on account of the proceedings of that vessel.

As regards your demand for a more effective prevention, for the future, of the fitting out of such vessels in British ports, I have the honour to inform you that Her Majesty's Government, after consultation with the Law Officers of the Crown, are of opinion that certain amendments might be introduced into the Foreign Enlistment Act, which, if sanctioned by Parliament, would have the effect of giving greater power to the Executive to prevent the construction, in British ports, of ships destined for the use of belligerents. But Her Majesty's Government consider that, before submitting any proposals of that sort to Parliament, it would be desirable that they should previously communicate with the Government of the United States, and ascertain whether that Government is willing to make similar alterations in its own Foreign Enlistment Act, and that the amendments, like the original statute, should, as it were, proceed *pari passu* in both countries.

I shall accordingly be ready to confer at any time with you, and to listen to any suggestions which you may have to make by which the British Foreign Enlistment Act and the corresponding statute of the United States may be made more efficient for their purpose.

I am, &c.
(Signed) RUSSELL.

Mr. Adams to Earl Russell.—(Received December 31.)

My Lord,

Legation of the United States, London, December 30, 1862.

I HAVE the honour to acknowledge the reception of your Lordship's note of the 19th instant, in reply to the representation I had been instructed to submit to your consideration, touching the ravages committed on the commerce of the United States by a vessel of war built and fitted out in a port of this kingdom, and for the most part manned by Her Majesty's subjects. So far as that note responds to the two great objects of inquiry which I had been directed to propose, my duty has been performed by the transmission, without loss of time, of a copy of it for the consideration of my Government. But your Lordship has done me the honour to touch upon several collateral topics incidentally connected with the reasoning contained in my note, in a manner which seems to require from me a somewhat extended explanation.

The first of these to which my attention has been particularly directed relates to the fact, which your Lordship appears readily to admit, that Her Majesty's Proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has been practically set at naught in this kingdom. Much as it may impair the confidence heretofore so generally and justly entertained in the ability of Her Majesty's Government to enforce her authority within her own dominions, I am not aware that in the representation I had the honour to make upon this particular occasion, any reasoning of mine was made to rest upon it. The question, as connected with the case of "No. 290," was presented by the eminent Counsel on whose opinion I relied, mainly on the ground that the building and equipment of that vessel was a gross violation of the municipal law of this kingdom. It was expressly stated by Mr. Collier that "it appeared difficult to make out a stronger case of infringement of the Foreign Enlistment Act, which, if not enforced on this occasion, is little better than a dead letter." That this position was a correct one is fully confirmed by the report subsequently made by Her Majesty's Law Officers, and by the later efforts of Her Majesty's Government to act under the law. It is not, then, the nullity of Her Majesty's Proclamation that is now in question. It is rather the admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which Her Majesty's Ministers are invited by a party injured to take cognizance, of which they do take cognizance so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case little room seems left open for discussion. The omission to act in season is not denied: the injury committed on an innocent party is beyond dispute. If in these particulars I shall be found to be correct, then I respectfully submit it to your Lordship whether it does not legitimately follow that such a party has a right to complain and to ask redress. And in this sense it matters little how that omission may have occurred, whether by intentional neglect or by accidental delays having no reference to the merits of the question; the injury done to the innocent party giving a timely notice remains the same, and those who permitted it remain equally responsible.

It is in this view that the precedent which I had the honour to cite from the earlier history of the United States appeared to me to have much more pertinence than your Lordship is inclined to attach to it. I still think that it has not attracted so much of your attention as it deserves. Your Lordship will pardon me for suggesting that it was not because "the Revolutionary Government of France openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized States," or because of "a supposed temporary superiority of her naval force," it did "actually equip privateers in the neutral ports of the United States, and send them forth to prey upon British commerce," &c., that the Government of the United States were induced to listen to the demands of the British Government for redress. The claim that was actually made by France rested upon its interpretation of two Articles of a solemn Treaty, offensive and defensive, between France and the United States, which not without show of reason claimed for the former the right to fit out cruizers against its enemies in the ports of the United States. Although very properly denying this to be the correct version, the Government of the United States felt unwilling to act on a policy of repression until due notice given of its determination to abide by an opposite construction. In the interval, certain captures of British vessels took place, which the Government, because of its failure, for the reasons assigned, to prevent them, considered itself bound to make good. Here are the very words of Mr. Jefferson in his letter to Mr. Hammond:—

“Having for particular reasons forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.”

From these words the deduction appears to be inevitable that the principle of compensation in the case derived its only force from the omission by the United States to prevent a wrong done to the commerce of a nation with which they were at peace. So likewise may it be reasonably urged in the present case, that the omission of Her Majesty's Government upon full and seasonable notice to carry into effect the provisions of its own law designed to prevent its subjects from inflicting injuries upon the commerce of nations with which it is at peace renders it justly liable to make compensation to them for the damages which may ensue.

That the British Government of that day did consider itself equitably entitled to full indemnity, not simply for the hostile acts of Frenchmen in American ports, but for the loss and damage suffered on the high seas by reason of assistance rendered to them by citizens of the United States, will clearly appear by reference to the fourth Article of a project of a Treaty proposed by Lord Grenville to Mr. Jay, on the 30th of August, 1794. The words are these:—

“And it is further agreed, that if it shall appear that in the course of the war loss and damage has been sustained by His Majesty's subjects, by reason of the capture of their vessels and merchandize such capture having been made either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States, the United States will make full satisfaction for such loss or damage, the same being to be ascertained by Commissioners in the manner already mentioned in this Article.”

If by the preceding representation I have succeeded in making myself clearly understood by your Lordship, then will it, I flatter myself, be made to appear that in both these cases, that in 1794 as well as that in 1862, the claim made rests on one and the same basis, to wit, the reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect to repress the cause of it, originating among its own citizens in its own ports.

The high character of Lord Grenville is a sufficient guarantee to all posterity that he never could have presented a proposition like that already quoted, except under a full conviction that it was founded on the best recognized principles of international law. Indeed, it is apparent on the face of the preamble that even the later Statute Law of both nations on this subject is but an attempt to give extraordinary efficacy to the performance of mutual obligations between States, which rest on a higher and more durable basis of justice and of right. It was on this ground, and on this alone, that Lord Grenville obtained the concessions then made of compensation for damage done to her commerce on the high seas by belligerent cruizers fitted out in the ports of the United States. I shall never permit myself to believe that Her Majesty's Government will be the more disposed to question the validity of the principle thus formally laid down merely from the fact that in some cases it may happen to operate against itself.

This consideration naturally brings me back to the examination of that portion of your Lordship's note which relates to the alleged violations in Great Britain of Her Majesty's Proclamation by the respective parties engaged in this war. Although this subject be not absolutely connected with that on which I made my representation, I cheerfully seize the opportunity thus furnished me to attempt in some degree to rectify your Lordship's impressions of the action of the Government of the United States even on that question.

Your Lordship does me the honour to observe that I cannot be ignorant of the fact, which it is impossible to deny, “that in defiance of the Queen's Proclamation many subjects of Her Majesty, owing allegiance to her Crown, have enlisted in the armies of the United States.” “Her Majesty's Government, therefore, have just ground for complaint against both the belligerent parties, but most especially against the Government of the United States, for having systematically, and in disregard of that comity of nations which it was their duty to observe, induced subjects of Her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey.”

As these words, taken in their connection, might seem to imply a serious charge against myself, as well as the Government of the United States, I must pray your Lordship's pardon if I desire to know whether there be any particulars in my own conduct in

which your Lordship has found the evidence for such a statement. So far as I have been made acquainted with the course of my own Government, or I remember my own, I must most respectfully take issue with your Lordship upon it, and challenge you to the proof. That very many of the subjects of Great Britain have voluntarily applied to me for engagements in the service of the United States is most true. That I ever induced one of them to violate Her Majesty's orders, either directly or indirectly, is not true. That numbers of Her Majesty's subjects have voluntarily crossed the ocean and taken service under the flag of the United States I have reason to believe. That the Government of the United States systematically, and in disregard of the comity of nations, induced them to come over to enlist, I have not yet seen a particle of evidence to show, and I must add, praying your Lordship's pardon, I am authorised explicitly to deny. In response to a remonstrance made to me by your Lordship, it is but a few days since, I took occasion, so far as my action was concerned, or the action of any of the officers of the United States in this kingdom, to place the country right before you on that score. After the very explicit retractation made in your Lordship's reply to me, dated on the 16th instant, it is not without great surprise that I now perceive what I cannot but regard as a renewal of the imputation.

Your Lordship is pleased carefully to join the two parties to this war as if in your estimation equally implicated in the irregular proceedings conducted within this kingdom, and equally implicating the subjects of Great Britain in the violation of Her Majesty's Proclamation. Hence it is argued that the omission to hold any one to his responsibility affords no more just ground of complaint to one party than to the other. I cannot but think that your Lordship has overlooked a just distinction to be observed in these cases, and in order to show it the more clearly I shall be compelled to ask your Lordship to follow me in a brief investigation of the facts.

The only allegation which I find in your Lordship's note in connection with the United States is this, that "vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States' Government."

Admitting this statement to be true to its full extent, conceding even the propriety of the application of the term "vast" to any purchases that have been made for the United States, the whole of it amounts to this, and no more, that arms and warlike stores have been purchased of British subjects by the agents of the Government of the United States. It nowhere appears that the action of the British went further than simply to sell their goods for cash. There has been no attempt whatever to embark in a single undertaking for the assistance of the United States in the war they are carrying on; no ships of any kind have been constructed or equipped by Her Majesty's subjects for the purpose of sustaining their cause, either by lawful or unlawful means, nor a shilling of money, so far as I know, expended with the intent to turn the scale in their favour. Whatever transactions may have taken place have been carried on in the ordinary mode of bargain and sale, without regard to any other consideration than the mere profits of trade.

If such be, then, the extent of the agency of the United States on this side of the Atlantic during the present war, and no more, it appears clear from the positions assumed by your Lordship, in the very note to which I have the honour to reply, that thus far they have given no reasonable ground for complaint at all. The citations to which your Lordship has done me the favour to call my attention, as drawn from American authors of admitted eminence, all contribute to establish the fact that the mere purchase, or export by a belligerent from a neutral, of arms and munitions of war does not involve any censure on either party. I do not at the present moment entertain a design to question the correctness of that doctrine. As a necessary consequence, I can scarcely perceive the fitness of associating such actions as I have shown that of the United States to be, in the same category with that of which the Government of the United States has heretofore instructed me to complain.

And here, I beg to call your Lordship's attention to the fact that it is not the mere purchase or exportation of arms and warlike stores by the agents of the insurgents in America of which I have ever complained. There is another, and a very important element in the case, to which your Lordship does not appear to have given the consideration which, so far as one may be permitted to judge from the concurring testimony of all writers on international law, it certainly deserves. The United States have made an actual blockade of all the ports occupied by the insurgents--a blockade the validity of which Great Britain does not dispute. They are, therefore, entitled to consider every neutral who shall attempt to enter one of them, or carry anything to the besieged, as violating his neutrality and converting himself into an enemy. Hence, it happens that every British subject engaged in the work of aiding the insurgents, by introducing contraband of war into blockaded ports, not only violates his duty to his Sovereign, but commits an exceedingly

aggravated and injurious offence to the Government of the United States. To associate such proceedings with the mere purchase and export of arms on behalf of the United States, as of equal significance, would seem to be most inequitable. It is a fact, that few persons in England will now be bold enough to deny, first, that vessels have been built in British ports, as well as manned by Her Majesty's subjects, with the design and intent to carry on war against the United States; secondly, that other vessels owned by British subjects have been and are yet in the constant practice of departing from British ports, laden with contraband of war, and many other commodities, with the intent to break the blockade and to procrastinate the war; thirdly, that such vessels have been and are insured by British merchants in the commercial towns of this kingdom with the understanding that they are despatched for that illegal purpose. It is believed to be beyond denial that British subjects have been and continue to be enlisted in this kingdom in the service of the insurgents with the intent to make war on the United States, or to break the blockade legitimately established, and to a proportionate extent to annul its purpose. It is believed that persons high in social position and in fortune contribute their aid directly and indirectly in building and equipping ships of war, as well as other vessels, and furnishing money, as well as goods, with the hope of sustaining the insurgents in their resistance to the Government. To that end the port of Nassau, a colonial dependency of Great Britain, has been made and still continues to be the great entrepôt for the storing of supplies, which are conveyed from thence with the greater facility in evading the blockade. In short, so far as the acts of these numerous and influential parties can involve them, the British people may be considered as actually carrying on war against the United States. Already, British property valued at 8,000,000*l.* sterling is reported to have been captured by the vessels of the United States for attempts to violate the blockade, and property of far greater value has either been successfully introduced, or is now stored at Nassau awaiting favourable opportunities.

If it be necessary to furnish to your Lordship a clearer idea of the nature and extent of this warfare, it may perhaps be obtained by reference to the two papers which I have the honour to append to the present note. The one contains a list of screw-steamers and sailing-vessels which have been, or still are, engaged in this illegal commerce, furnished to me from observation by the Consul of the United States at Liverpool. The other is a copy of a letter from the Consul in London, giving a further list of vessels, together with some particulars as to the mode by which, and the persons by whom, this hostile system is carried on. Neither of these lists can be regarded as complete, but the two are sufficiently so for the present purpose, which is to place beyond contradiction the fact of the extensive and systematic prosecution by British subjects of a policy towards the United States which is uniformly characterized by writers on international law as that of an enemy.

I am not unaware of the regret expressed in your Lordship's note at the existence of this state of things, as well as of the readiness with which you have acquiesced in the possible application by the forces of the United States of the penalty held over the heads of the offenders in Her Majesty's Proclamation. But my present object in referring so much at large to these offences is to show the great injustice of your Lordship in proceeding to comment upon the action of the respective belligerents as if there was a semblance of similarity between them. So far as the United States are shown to be involved in censure, it is simply by the purchase and export of arms and munitions of war from a neutral; an act which your Lordship expressly points out eminent authority to my attention to prove implies no censurable act on either party. Whilst, on the other hand, it is American insurgents who find British allies to build in this kingdom, and to equip and send forth war-ships to depredate on the commerce of a friendly nation, and it is British subjects who load multitudes of British vessels with contraband of war as well as all other supplies, with the intent and aim to render null and void, so far as they can, a blockade legitimately made by a friendly nation, as well as to procrastinate and make successful a resistance in a war in which that nation is actually engaged. Surely this is a difference not unworthy of your Lordship's deliberate observation.

But your Lordship, in accounting for the admitted failure to enforce the enlistment law in Great Britain, has done me the honour to remind me that not long since Her Majesty's Government was itself so far made sensible of injuries of the same kind with those of which I now complain, either inflicted or threatened against Great Britain in the ports of the United States, as to have made them the subject of remonstrance through Her Majesty's Representative at Washington. With so fresh a sense of these evils before your Lordship, there will be no further cause of surprise at the earnestness with which I have followed the precedent then set. You do me the honour to recall the fact that the Enlistment Law of the United States, which preceded in its date of enactment that of

Great Britain, is almost identical with it. And you further state that "the notorious evasion of its provisions during the late war waged by Great Britain and her allies against Russia," was the cause of the remonstrances to which I have already alluded. Your Lordship further remarks that "Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States' Government could only proceed upon legal evidence, the law as to which is almost, if not entirely the same as in this country, and that without such evidence no conviction could be procured."

In an earlier portion of your Lordship's note you did me the favour to cite, as good authority, to me an extract of the Message of the President of the United States of the 31st December, 1855, which went to show the extent to which assistance not only had been, but might be, rendered without censure by neutrals to belligerents. Perhaps your Lordship will not deny equal weight to the very next passage in that Message, even though it should somewhat conflict with your own allegation:—

"Whatever concern may have been felt by either of the belligerent Powers lest private armed cruizers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property of the other, all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law."

I forbear from quoting the text any further, because it may revive unpleasant recollections in your Lordship's as it does in my mind. I will content myself solely with the remark that the very last thing which your Lordship would be likely to object to in the facts there stated would be the want of ability of the Government of the United States to proceed with energy and effect in the repression of acts in violation of their Enlistment Act.

But if evidence of another kind as to its energy under that law be needed, I have only to remind your Lordship once more of the fact that on the 11th of October, 1855, Her Majesty's Representative at Washington, Mr. Crampton, addressed to the Government of the United States a note with the evidence to show that a vessel called the "Maury" was then fitting out at the port of New York armed to depredate on British vessels. On the 12th the Attorney-General sent by telegraph to the proper officer at New York to consult with the British Consul, and to prosecute if cause appear. On the 13th the Collector stopped the vessel then about to sail. On the 16th the District Attorney had prepared and filed a libel of the vessel, and in the meantime ordered a thorough examination of her cargo. On the 19th the Marshal had made a full report of his examination. On the same day the complainant on whose evidence the Minister and Consul had acted, confessed himself satisfied, and requested the libel to be lifted. On the 23rd Mr. Barclay, Her Majesty's Consul at New York, published a note withdrawing every imputation made against the vessel. Thus it appears that in the brief space of four days the Government action under the Enlistment Law had been sufficiently energetic completely to satisfy the requisition of Her Majesty's Representative. If any similar action have been had since the first day that I had the honour to call your Lordship's attention to outfits of the same nature made in Great Britain, I can only say that I have not enjoyed a corresponding opportunity to express my satisfaction with the result.

The owners of the "Maury" were never compensated for the trouble and expense to which they were put by this process.

But the Chamber of Commerce of New York adopted a series of Resolutions, two of which may serve as a sufficient comment on the remark which your Lordship has been pleased to let fall touching the "notorious evasion" of the Enlistment Law in America at the time alluded to:—

"Resolved, that no proper amends or apology have been made to A. A. Low and Brothers for the charge brought against them, which, if true, would have rendered them infamous; nor to the merchants of this city and country, so falsely and injuriously assailed.

"Resolved, that the merchants of New York, as part of the body of merchants of the United States, will uphold the Government in the full maintenance of the Neutrality Laws of the country; and we acknowledge and adopt, and always have regarded the acts of the United States for preserving its neutrality, as binding in honour and conscience, as well as in law; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence."

I pray your Lordship to give one moment's attention to the manner in which the conduct imputed to Messrs. Low is stigmatised. I am sorry to confess that I have not seen the like indignation shown in this kingdom against similar charges made against distinguished

parties in Liverpool, nor yet can I perceive it so forcibly expressed as I had hoped even in the tone of your Lordship's note.

I beg to assure your Lordship that it gives me no pleasure to revive the recollections of the events of that period. But inasmuch as they have been voluntarily introduced in the note which I had the honour to receive, and they seemed to me necessarily to imply an unmerited charge against the policy of the United States, I felt myself imperatively called upon to show that at least in one instance in which Her Majesty's Government made a complaint there was no failure either in the manner of construing the powers vested in the Government of the United States, or in their promptness of action under the Enlistment Law.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 17.

LIST of vessels, from the United States' Consul at Liverpool, which have either sailed from Great Britain and Ireland since the 1st of August last, or are now in course of preparation to sail, with contraband of war, for the purpose of breaking the blockade of the rebel ports.

Steamers.—“Bahama,” from Liverpool, on the 13th of August, with men and cannon, “Bonita” (late the “Economist”), “Gypsy Queen,” “Iona,” “Cornubia,” “Pearl,” “Eagle,” “Kelpie,” “Ruby,” “Giraffe,” “Florida,” “Antona,” “Juno,” “Calypso,” “Thistle,” “Havelock,” “Northumbria,” “Nicolai I,” “Douglas,” “Britannia,” “Julia Usher” (late “Annie Childs”), “Stanley,” “Royal Bride,” “Albion,” “Douro,” “Denbigh,” “Beacon,” “Pet,” “Georgiana,” “Neptune,” “Prince Albert,” “Sheldrake,” “Leipsic.”

Sailing Vessels.—“Ellen,” “Agrippina” (sailed from Cardiff 10th October with shot, shell, and coal: this is the vessel that carried arms and coals from London to “No. 290” at Terceira; see depositions of Redden and King), “Severn,” “Queen of the Usk,” “Digby,” “Clarence,” “Mary Francis,” “Chatham,” “Peep o' Day,” “Speculator,” “Monmouth,” “Intrinsic.”

Inclosure 2 in No. 17.

Mr. Morse to Mr. Adams.

Sir,

United States' Consulate, London, December 24, 1862.

IN compliance with your request I herewith forward a list comprising most of such steamers and sailing vessels as are known to me to have left the port of London laden with supplies for the insurgents now in rebellion against the United States.

I do not pretend that all the vessels which have left this port in the Confederate service are known to me, but believe the following list of vessels can be relied on as being a part of those which have left with supplies, principally contraband of war, with the intention of either running the blockade directly, or of going to a neighbouring Atlantic or Gulf port, and there discharging their cargoes into another class of vessels, the more easily to get such cargoes to their places of destination.

VESSELS known to have left London.

Name.	Tonnage.*	Time of Departure.	Laden by.
		1861	
Gladiator, screw-steamer . . .	481	..	
		1862	
Economist, ditto	338	Jan. 9	
Southwick, ditto	467	„ 24	
Minna, ditto	615	Feb. 28	
Phœbe, ditto	416	April 23	
Lloyd's, ditto	743	„ 23	W. S. Lindsay and Co.
Merrimac, side-wheel	537	„ 12	
Pacific, ditto	932	Feb. 22	
Melita, ditto	853	April 29	
Ann, ditto	200	„ 29	
Harriet, screw-steamer	571	July 29	
Justitia, ditto	616	Oct. 20	
		1861	
Reschid, ditto .. .. .	..	December	Ditto.
Avies, sailing	217	—	
Flora, screw-steamer .. .. .	..	December	Ditto.
Princess Royal, ditto .. .. .	..	„	Ditto.
Memphis, ditto	—	—	
Minho, ditto	—	—	
Wave Queen, ditto	—	—	
Peterhoff, ditto .. .. .	..	..	Now loading for Matamoros.
Melita, ditto	853	..	Now loading for Havana.
Springbok, sailing	—	—	

* The tonnage given is the net tonnage or carrying space of the vessel; the space taken up by the machinery, &c., being deducted.

The screw-steamer "Fingal" left Greenock in the summer of 1861. Her cargo was sent there to her by steamer "Colletis" from Loudon.

Vessels which have left ports on the east coast of England, and which may not have been reported by any other Consul:—Steam-ships "Circassian," "Modern Greece," "Stettin," "Bahama," and "Bermuda," from Hartlepool; "Hero," "Patras," "Labuan," "Sidney," Hull, and "Tubal Cain," all screw-steamers, and brig "Stephen Hart."

During the last six or eight weeks there have been great exertions made in this country to procure good, fast steamers, and to forward them, laden with supplies, for the insurgents to the ports of the Rebel States, or to ports adjacent to the coast of those States. Many of the boats in this service have been purchased on the River Clyde. Three new ones destined for the same service have recently been launched there, and have not yet gone to sea. They have been named "Emma," "Gertrude," and "Louisiana," and several more are building there.

The ownership of these steamers, the cargoes they carry out, and the manner of conducting the trade, is a question of much interest to Americans. During the early stages of the war the trade was carried on principally by agents sent over from the Confederate States, aided by a few mercantile houses, and active sympathisers in this country. These agents, with their friends here, purchased the supplies, and procured steamers, mostly by charter, and forwarded the goods.

But by far the largest portion of the trade, with, perhaps, the exception of that in small arms, is now, and for a long time has been, under the management and control of British merchants. It is carried on principally by British capital, in British ships, and crosses the Atlantic under the protection of the British flag.

Parties came from Richmond with contracts made with the Rebel Government, by which they are to receive a very large per-centage above the cost in Confederate ports of the articles specified. British merchants became interested in these contracts, and participate in their profits or loss. I have seen the particulars of one such contract drawn out in detail, and have heard of others.

There are good reasons for believing that a large portion of the supplies more recently sent to the aid of the insurgents has been sent by merchants on their own account. Several will join together to charter a steamer, and make up a cargo independent of all contractors, each investing as much in the enterprise as he may deem expedient, according to his zeal in the rebel cause, or his hope of realizing profits from the speculation. Again, some one will put up a steamer to carry cargo to a rebel port at an enormous rate of freight, or to ports on the Atlantic or Gulf coast, such as Bermuda, Nassau, Havana, Matamoros, &c., at a less freight, to be from thence re-shipped to such Southern ports as appear to afford the best

opportunities for gaining an entrance. Ships bound on these voyages are of course not advertised or their destination made known to the public. Their cargoes are made up of individual shipments on account and risk of the shippers, or go into a joint-stock concern on account and risk of the Company, each member thereof realizing profit or suffering loss in proportion to the amount he invested in the adventure. Both steamers and cargoes are often, if not generally, insured in England, "to go to America, with liberty to run the blockade."

Some individuals and mercantile firms appear to have entered into the business of supplying the rebels with the means of carrying on and prolonging the war, with great zeal and energy on their own account. Mr. Z. C. Pearson, of Hull, has been largely interested in this contraband trade, but appears not to have been very fortunate in its pursuit, for he has had several valuable steamers taken by our blockading squadrons; and in addition to this bad luck, appears to have received in payment for the goods he did get in a kind of paper or payment that could not be made available here.

Of the firms which are the most largely engaged in this mode of rendering aid to and sustaining the rebellion, Fraser, Trenholm, and Co., of Liverpool, and the firm of W. S. Lindsay and Co., of London, are among the most prominent.

The foregoing list of vessels, steam and sailing, was taken from Memoranda. Had my other duties allowed me time to examine my despatches for the last year and a half, I could no doubt add others to the last, and give you some interesting particulars concerning many of them. But for want of that time I am obliged to submit it, imperfect as I fear it is.

I am, &c.
(Signed) F. H. MORSE.

No. 18.

Mr. Adams to Earl Russell.—(Received January 6.)

My Lord, *Legation of the United States, London, January 5, 1863.*

I HAVE the honour to transmit to your Lordship copies of certain papers having relation to the depredations committed by the vessel called "No. 290," which I am instructed by my Government to submit to the consideration of Her Majesty's Government.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 18.

Memorials addressed to the United States' Government by various Shipowners.

His Excellency Abraham Lincoln, President of the United States.

Sir, *New Bedford, November 18, 1862.*

I ASK leave to present to you the accompanying Memorial and papers from several of the shipowners resident within this Collection District whose vessels have been plundered and burned upon the high seas by the pirate steamer called the "Alabama." And I respectfully and earnestly ask the immediate and decided action of our Government to the end that fair indemnity may be obtained and such safety of the seas secured to the loyal citizens of our Union that their lawful business may be done securely upon the ocean. From the facts set forth in the Memorial, it would appear that some steps should be taken at once to arrest the progress of that pirate, and to obtain such redress for our shipowners as may be due to them, by the provision of International Law.

I am, &c.
(Signed) THOS. D. ELIOT.

To the President of the United States.

THE undersigned shipowners, citizens of the United States, resident within the Collection District of New Bedford, in their own behalf, and representing the interests of their co-owners, respectfully state that during the month of September last past, on the high seas, in the neighbourhood of the Western Islands, a large number of American ships and vessels were boarded, plundered, and burned, and their officers and crews captured and

subjected to brutal treatment, by an armed vessel named the "Alabama: that among the ships which, with their cargoes, were so destroyed, were the whale-ships "Virginia," "Benjamin Tucker," "Elisha Dunbar," and "Ocean Rover," owned by your Memorialists; together with the whaling-schooner "Altamaha," also owned in said district, and the whale-ship "Ocmulgee" owned in the Edgartown district, next adjoining: that, in consequence of these gross outrages, they have suffered, by the ruin of their voyages, and the defeat of their enterprises, great loss and damage beyond the value of their ships and cargoes: that the owners of the barque "Virginia" have been damnified in the sum of 124,574 dollars, composed of the following items, viz., value of barque and cost of outfits on day of sailing from New Bedford, August 26, 1862, 30,074 dollars; value of a fair cargo of sperm oil, 2,000 barrels, at 150 dollars per gallon, 94,500 dollars,—total 124,574 dollars: that the owners of the ship "Benjamin Tucker" have been damnified in the sum of 124,000 dollars, composed of the following items, viz., value of the ship and outfits on sailing from New Bedford, 29,500,00 dollars; value of 400 barrels of sperm oil, burned with the ship, at 150 dollars per gallon, 18,900 dollars; value of 1,600 barrels of sperm oil to be taken to complete her voyage, at 150 dollars per gallon (the full capacity of said ship being about 2,800 barrels), 75,600 dollars,—total 124,000 dollars: that the owners of the barque "Elisha Dunbar" have been damnified in the sum of 93,000 dollars, composed of the following items, viz., value of barque and outfits at time of sailing from New Bedford, August 25, 1862, 24,000 dollars; value of 65 barrels of sperm oil, burned with the ship, at 150 dollars per gallon, 3,000 dollars; value of 1,400 barrels of sperm oil to be taken to complete her voyage, at 150 dollars per gallon, 66,000 dollars,—total, 93,000 dollars: that the owners of the ship "Ocean Rover" have been damnified in the sum of 104,000 dollars, composed of the following items, viz., value of barque and outfits as she sailed, 39,000 dollars; value of 750 barrels of sperm oil, burned with the barque, at 150 dollars per gallon, 35,400 dollars; value of 50 barrels of whale oil burned with the barque, at 80 dollars per gallon, 1,260 dollars; value of 600 barrels of sperm oil to be taken to complete voyage, at 150 dollars per gallon, 28,340 dollars,—total, 104,000 dollars.

Your Memorialists further represent that this armed cruizer was built and supplied with stores during the past summer at an English port; that her armament and English crew, designed for and received by her, were also shipped from an English port; that, at the time the aforesaid outrages were committed, she had not been at any other than an English port; that she carried no other than the English colours until her prizes were within her grasp, and which were then exchanged for the rebel flag of the Southern States of this Republic, excepting in the case of the capture of the aforesaid ship "Ocmulgee," when at no time did she show any other than the English colours; that it was notorious in England during the past summer that this vessel, as well as others, was in process of construction, and designed to prey upon the commerce of the United States.

All these facts your memorialists believe can be abundantly proved; and to that end they have caused certified copies of the protests, duly entered by the respective masters of said ships to be appended hereto; and they pray to be permitted to furnish, in some other form, further testimony of the truth of their representations.

For these losses thus occasioned, your Memorialists believe the English nation should be held responsible.

And your Memorialists further represent that the whaling interest of the country is now in extreme peril; that about one-third of all the vessels in the whaling service of the United States is now exposed to similar piratical capture and destruction.

They do, therefore, earnestly pray that the Government of the United States will adopt such measures as will result in their indemnity from loss by reason of the outrages aforesaid; and they do further pray that such disposition be made of a portion of the naval force of the nation as will ensure the safety of the seas,

And as in duty bound, will ever pray.

(Signed)

WM. HATHAWAY, Jun., *Agent and Owner of the barque "Virginia."*

CHARLES R. TUCKER & Co., *Agents and Owners of ship "Benjamin Tucker."*

W. & G. D. WATKINS, *Agents and Owners of barque "Elisha Dunbar."*

JOSIAH HOLMES, Jun., & BROTHERS, *Agents, and for Owners of the barque "Ocean Rover."*

And the Undersigned, managing owner of the whaling brig "Altamaha," in the foregoing Memorial named among the vessels owned in the district of New Bedford, which

were destroyed by the "Alabama," in his own behalf and for his co-owners, prays to be permitted to join in the forgoing Memorial; and, appending hereto a certified copy of the pretest of the master of said brig, states their loss as follows, viz., value of brig and outfits 6,000 dollars; value of a fair cargo of sperm oil, 200 barrels, at 150 dollars per gallon (the capacity of said brig being 400 barrels), 9,450 dollars; total, 15,450 dollars.

(Signed) S. C. LUCE, *Agent and Owner of brig "Altamaha."*

ON the 17th day of September, in the year of our Lord 1862, personally appeared before me William Childs, late master of the American ship "Benjamin Tucker." States that he sailed from New Bedford in the year 1861, bound on a whaling voyage. Nothing occurred of any consequence until the 14th day of September of this present year, at 1 A.M., saw a sail standing to the south-west, at half-past 1 fired a gun and tacked, ship-headed for me, and when he got within 300 yards he fired another gun which brought me to, then sent a boat on board and informed me that I was a prize to the Confederate States' steamer "Alabama;" he told me to pick up my things, also the crew, and sent us on board of the said steamer. At 5 A.M. he took out about one and a-half tons of tobacco and forty boxes of soap, and about 6 A.M. he set fire to the ship, kept me and all my crew in irons until the 16th of September at mid-day, then sent us adrift in our own boats at about ten miles north-west from this island of Flores, where we arrived at 4 P.M. at the port of Punta Delgada. Thus the deponent declares, and has desired me to take his protest, as he doth protest against the said Confederate steamer "Alabama" for all losses, costs, and damages sustained by the burning of the aforesaid ship "Benjamin Tucker," all which is solemnly sworn before me by the said William Childs. In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, Island of Flores, this 17th day of September, 1862.

(Signed)

WILLIAM CHILDS, *Master.*
THOMAS SANFORD, *Jun., Mate.*
NELSON C. BORDEN, *Second Officer.*
HENRY T. DAVIS, *Third Officer.*

(Signed) JAMES MACKAY, *Jun., United States' Consular Agent.*

I, the Undersigned, Consul of the United States for the Azores, do hereby certify that William Childs, master of the late ship "Benjamin Tucker," personally appeared before me and confirming the foregoing protest, desired further to protest against the captain of the Confederate steamer "Alabama," as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen, or may arise, in consequence of the burning of the said ship.

(Signed)

WILLIAM CHILDS.

(Countersigned)

CHAS. W. DABNEY.

ON the 9th day of September, in the year of our Lord 1862, personally appeared before me James M. Clark, late master of the American barque "Ocean Rover," of Mattapoisett. States that he sailed on the 26th day of May, 1859, bound on a whaling voyage. Nothing of any consequence occurred until the 8th day of September of the present year, when off the Island of Flores, the Confederate States' steamer "Alabama" run down to us when we were becalmed and ordered me to haul down my colours, then lowered a boat and boarded me, saying I was a prize to the Confederate States' steamer "Alabama," desiring me to go on board of the above steamer with my papers, which I did; then he ordered me to return and pick up all my effects and the crew's baggage, excepting the nautical instruments, books, and charts, and to leave the ship and go on shore; we were then about ten miles off the Island of Flores, where we arrived about 11 P.M. Thus the deponent declares, and has desired me to take his protest, as he doth protest against the said Confederate steamer "Alabama" for all losses, costs, and damages sustained by the loss of the aforesaid barque "Ocean Rover," all which is solemnly sworn before me by the said James M. Clark.

In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, Island of Flores, this 9th day of September, 1862.

(Signed)

JAMES MACKAY, *Jun., United States' Consular Agent.*

(Signed)

JAMES M. CLARK, *Master.*
NELSON RHODEHOUSE, *1st Mate.*
SAMUEL H. LANDERS, *3rd Mate.*
MARSHALL KEITH, *4th Mate.*

I, the Undersigned, Consul of the United States for the Azores, do hereby certify that James M. Clark, master of the late barque "Ocean River," personally appeared before me and confirming the foregoing protest, desired to further protest against the captain of the Confederate steamer "Alabama," as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen, or may arise, in consequence of the burning of the said ship.

(Signed) JAMES M. CLARK.
(Countersigned) CHAS. W. DABNEY.

BE it remembered that, on this 20th day of October, A.D. 1862, before me, William W. Crapo, a Notary Public, duly commissioned and qualified, and residing in New Bedford, in the Commonwealth of Massachusetts, personally appeared David R. Gifford, master of the American whaling-barque "Elisha Dunbar," of said New Bedford, and John G. Morrison, mate of said barque, who did severally declare and protest the several matters and things hereinafter set forth, that is to say:—

These appearers set sail from the port of New Bedford on the 25th day of August, A.D. 1862, in said barque "Elisha Dunbar," bound on a whaling-voyage to the Atlantic and Indian Oceans. Nothing material occurred until the morning of the 18th September, 1862, when in latitude 39° 50' north, longitude 35° 20' west, with the wind from the south-west, and the barque holding east-south-east, saw a steamer on our port-quarter standing to the north-west. Soon after we found that she had altered her course, and was steering for the barque; we made all sail to get out of her reach, and were going ten knots at the time, but the steamer was gaining under canvass alone. She soon came up with us, and fired a gun under our stern, with the St. George cross flying at the time. Our colours were set when she displayed the Confederate flag; being near us, we hove-to, and a boat with armed officers and a crew came alongside, and on coming on board stated to the master that our vessel was a prize to the Confederate steamer "Alabama," Captain Semmes. This was at 2 o'clock in the afternoon.

The master of the "Elisha Dunbar" was then ordered on board the steamer with his papers, and the crew were ordered to follow with a bag of clothing each. On going aboard of the steamer, her Captain claimed our vessel as a prize, and said she would be burnt. The master of the barque not having any clothing, he was allowed to return for a small amount of clothing. The officer of the steamer on board the barque asked Captain Gifford what he had come back for, and tried to prevent his coming on board. Captain Gifford told him he came after a few clothes, which he took, and then returned to the steamer. It was blowing very heavy at the time, and was very squally. Nothing was taken from the barque but the chronometer, sextant, charts, &c. The barque was then set fire to, and burnt. This was about half-past 3 o'clock in the afternoon. The vessel with her whaling outfits for a voyage of forty months, together with about sixty-five barrels of sperm oil on deck, which had been taken a few days previous, were consumed. The officers and crew of the "Elisha Dunbar" were put in irons.

The crew of the "Alabama" consisted of British subjects, being English and Irish, as were some of the petty officers. The officers and crew of the steamer numbered about 120, all told; of whom all belonged to Great Britain, except perhaps 25. These appearers remained on board the steamer "Alabama" until the 3rd October, 1862, when they were transferred to the ship "Emily Farnham" bound to Liverpool, on board of which vessel they remained until the 6th October, 1862, when they went on board of the brig "Golden Lead," and arrived at New York the 16th October, 1862, and at New Bedford the 17th October, 1862.

And these appearers do further severally declare, before me the said Notary, that when said barque left the said port of New Bedford, and up to the time of the seizure and burning aforesaid, she was tight, staunch, and seaworthy, and was well and sufficiently manned and apparelled for her said intended voyage; that during the voyage aforesaid, and particularly on the said 18th day of September, they all did everything in their power to preserve said barque and cargo from loss, detriment, and damage.

Wherefore the said appearers did declare to protest, as by these presents they do solemnly protest, against the various perils of navigation, and all other causes whatsoever by which the aforesaid disaster has been occasioned, all of which happened as before stated, and not otherwise, and not in any manner through the inefficiency of said barque or her apparel or tackle, or from the neglect or inattention of the officers or crew, all of whom, on the contrary, did their duty to the best of their ability.

In testimony whereof I have caused the said appearers to sign these presents, and
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make solemn oath to the truth of the same ; and I have hereunto set my hand and affixed my seal notarial, the day and year first above written.

(Signed)

DAVID R. GIFFORD.
JOHN G. MORRISON.

(Signed)

WM. W. CRAPO, *Notary Public.*

United States of America, Commonwealth of Massachusetts, County of Bristol, City of New Bedford.

I, William W. Crapo, a Notary Public, duly commissioned and sworn, residing in said city, hereby certify that the foregoing document is a true and correct copy from my notarial record.

Given under my hand and notarial seal, this 10th day of November, 1862.

(Signed)

WM. W. CRAPO, *Notary Public.*

Marine Protest.

United States of America, Commonwealth of Massachusetts, City of New Bedford, ss.

BY this public instrument of declaration and protest, be it made known and manifest, that on the 17th day of October, in the year of our Lord 1862, before me the subscriber personally appeared Shadrach R. Tilton, master of the ship "Virginia," of New Bedford, of the burden of about 346 tons, and noted with me in due form of law his protest, for the uses and purposes hereinafter mentioned. And now on this day, to wit, the 30th day of October, in the year 1862, before me, William H. Taylor, a Public Notary, duly and by lawful authority admitted, commissioned, and sworn, residing and practising in the city of New Bedford, and Commonwealth aforesaid, comes the said Shadrach R. Tilton and requires me to extend the said protest, and together with him comes and appears Charles B. Hardenburg, mate, belonging to the aforesaid ship "Virginia," both of whom being by me severally, duly, and solemnly sworn on the Holy Evangelists of Almighty God, voluntarily and freely depose and say that the said ship, laden with provisions, stores and utensils for a whaling voyage, being in every respect seaworthy, and in all things fitted and provided for her intended voyage, sailed on the 26th day of August, 1862, from the port of New Bedford, bound on a whaling voyage in the Atlantic and Pacific Oceans ; that nothing material occurred until the 17th day of September, 1862, when in latitude 39° north, longitude 34° west, the ship heading east-north-east, and fine weather, discovered a sail four points on the weather bow, steering for us. When within four miles distant the stranger set the St. George's Cross, which we answered with the American ensign, and backing our main-yard, supposing her to be an English man-of-war. When within a quarter of a mile she hauled down the English and set the Confederate flag, and boarded us with an armed crew, claiming us as a prize to the Confederate steamer "Alabama," Captain Semmes, taking away my papers and ordering me on board the steamer. After arriving on board Captain Semmes asked me where I was from, and inquired if I had any late papers or any money. He then told his first lieutenant to go on board the "Virginia" with me and allow me a trunk and each man a bag of clothing, and then destroy the ship. On reaching the ship I was allowed but a short time to get a small trunk of clothing, and was then hurried back to the steamer, where I with my crew were put in irons, and the "Virginia" was set on fire and burned. I was on board the steamer seventeen days, in irons, on deck, wet most of the time. On the 3rd of October all the officers and crew of the "Virginia," except these appearers, were transferred to the ship "Emily Farnham," with orders to go to England. These deponents were then transferred to the brig "Golden Lead," in which vessel they sailed for New York, where they arrived on the 16th instant. And the said deponents on their oaths declare that the said ship was at commencement of voyage aforesaid staunch and strong, and had her cargo well and sufficiently stowed and her hatches properly closed and secured, and that during the said voyage they, together with the rest of the crew on board, used their utmost endeavours to preserve the said ship, and her cargo, tackel, and apparel, from damage or injury ; and that any loss, damage, or injury which has arisen or accrued, or that may arise or be sustained in any way or manner whatever, is solely owing to the accidents and difficulties herein set forth and declared, and not to any negligence, want of skill, vigilance, or exertion, on the part of the deponents or any of the officers or men of the said ship.

(Signed)

SHADRACH R. TILTON, *Master.*
CHALES B. HARDENBERG, *1st Mate.*

Wherefore the said Shadrach R. Tilton, master and commander as aforesaid, hath requested me to protest, and I the said Notary, at such his request, have protested, and by these presents, do publicly and solemnly protest against all and every person and persons whom it doth, shall, or may concern, and against all and singular the accidents, casualties, and circumstances already set forth in the foregoing declaration, on oath, for all manner of losses, costs, damages, charges, expenses and injuries whatsoever, which the said ship and her cargo on board, and the freight by her earned or to be earned, or either of them, or any part thereof, have already sustained or may hereafter sustain, by reason or means of the foregoing premises.

Thus done and protested, in the city of New Bedford, this 30th day of October, in the year of our Lord 1862.

In testimony whereof I have hereunto set my hand and affixed my notarial seal.

(Signed) WILLIAM H. TAYLOR, *Notary Public*

City of New Bedford, Bristol, ss.

I, William H. Taylor, a Notary Public in and for the said city and county, duly commissioned and sworn, dwelling in said city, do certify the foregoing to be a true and exact copy of an original protest on record in my office.

In testimony whereof I hereunto set my hand and notarial seal this 30th day of October, 1862.

(Signed) WM. H. TAYLOR, *Notary Public.*

ON the 17th day of September, in the year of our Lord 1862, personally appeared before me Rufus Gray, late master of the American brig "Altamaha," of Seppican, states that he sailed from Sippecan on the 14th of May, present year, bound on a whaling voyage to the Atlantic Ocean, and nothing occurred during the voyage until the 13th of September. At 9 A.M. saw a sail standing towards us; at 11 A.M. fired a gun and brought us to. She had English colours flying, afterwards setting the Confederate States' flag. Sent a boat crew on board, and told me I was a prize to the Confederate States' steamer "Alabama." Sent me on board the said steamer with my papers; afterwards desired me to go on board my own vessel and inform my officers and crew to pack up what effects they had, and return again in our own boats. About 5 o'clock P.M. we returned on board, and were all put in irons; they then destroyed the vessel by fire. On the 16th. about mid-day, we were set adrift in our boats about ten miles north-west of the Island of Flores, where we arrived at 4 P.M. at the port of Ponta Delgado.

Thus the deponent declares, and has desired me to take his protest, as he doth protest against the said Confederate steamer "Alabama" for all losses, costs, and damages sustained by the burning of the aforesaid brig "Altamaha;" all which is solemnly sworn before me by the said Rufus Gray.

In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, Island of Flores, this 17th day of September, 1862.

(Signed) JAMES MACKAY, Jun., *United States' Consular Agent.*

(Signed)

RUFUS GRAY, *Master.*

JUDAH HATHAWAY, *1st Mate.*

JAMES BLANKINSHIP, *2nd Mate.*

DANIEL L. TINKHAM, *3rd Mate.*

I, the Undersigned, Consul of the United States for the Azores, do hereby certify that Rufus Gray, Master of the late brig "Altamaha," personally appeared before me; and, confirming the foregoing protest, desired farther to protest against the Captain of the Confederate steamer "Alabama," as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen or may arise in consequence of the burning of the said brig.

(Signed) RUFUS GRAY.

(Countersigned)

CHAS. W. DABNEY.

A MEETING of the merchants and shipowners of New Bedford, called for the purpose of taking action in reference to the recent destruction of whaling-vessels by the armed steamer "Alabama," was held at the rooms of the Pacific Mutual Insurance Company, in New Bedford, on Thursday, the 6th day of November, 1862.

The meeting was organized by the appointment of Captain Joseph C. Delano, as Chairman, and William W. Crapo, as Secretary.

The Memorial, addressed to the President of the United States, and signed by the owners of the whaling-vessels belonging to this district which had been captured, was read to the meeting. Remarks were made by various gentlemen present upon the character of the outrages committed by the "Alabama," and urging the necessity of immediate measures, not only to secure indemnity for losses already sustained, but for the protection of the whaling interest against further like depredations.

The following Resolutions were unanimously adopted:—

"*Resolved*—That the merchants and shipowners of New Bedford regard the recent destruction of property upon the ocean by the rebel steamer 'Alabama,' as a wanton outrage, and the treatment of the officers and crews of the captured ships as atrocious and brutal; that the conduct of this piratical vessel, in its nefarious occupation of pillage and destruction, in burning its ill-fated prizes, and thus luring into its toils the generous who seek to save life, deserves the condemnation and detestation of the civilized world as a crime against humanity which no war can justify, extenuate, or excuse.

"*Resolved*—That the Memorial addressed to the President of the United States, and which has been read at this meeting, meets with our hearty approval; and that we earnestly trust that our Government will take such steps as will secure to our plundered citizens sure and speedy indemnity from the British Government for the losses sustained by them in permitting, if not encouraging, this vessel to go forth from an English port, constructed, armed, and manned for her work of destruction against the commerce of the world.

"*Resolved*—That the magnitude of our whaling fleet, the immense amount of property invested in the whaling business, the thousands of American citizens actively engaged in its prosecution upon the ocean, merit and demand some attention from the Government of the United States for the protection of their interests against the attacks of pirates and privateers; and we earnestly beseech the action of the Navy Department in this behalf. We are the more emboldened to urge our request in view of the large contributions we have made during the rebellion, in officers and men, for the navy of the Union. While we are manning the naval squadrons with thousands of our seamen, who are doing efficient service for the country, we ask that those who are pursuing their peaceful though hazardous calling may be reasonably free from piratical depredations, by such a disposition of a sufficient portion of the naval force of the country as will ensure the safety of the seas."

It was voted that the record of the proceedings of this meeting, with a copy of the Resolutions certified by the Chairman and Secretary, be presented to the President of the United States with the Memorial.

(Signed)

J. C. DELANO, *Chairman.*

WM. W. CRAPO, *Secretary.*

To the President of the United States.

Sir,

New Bedford, November 27, 1862.

I RESPECTFULLY submit to you the petition of Abraham Osborn and others, owners of the whale-ship "Ocmulgee," which was captured and burned with her outfit and cargo by the "Alabama" while sailing under English colours. These owners ask to join in the Memorial which I had the honour to forward to you from other shipowners whose property has been destroyed upon the ocean by this pirate steamer; and I inclose to you their papers in the hope that it may appear right to demand, and practicable to obtain, proper indemnity for such gross violation of our right upon the seas.

Very respectfully, &c.

(Signed)

THOMAS D. ELIOT.

To the President of the United States of America.

RESPECTFULLY represent the Undersigned, owners of the whale-ship "Ocmulgee," late of Edgartown in the State of Massachusetts, recently captured and burned by the piratical vessel the "Alabama," which vessel was under English colours, that they desire to join in the Memorial recently addressed to your Excellency by William Hathaway, Charles R. Tucker, and others, owners of the whale-ship "Virginia," "Benjamin Tucker," and other vessels also destroyed by said "Alabama."

These petitioners annex a copy of the protest of the officers of the "Ocmulgee," and ask opportunity to furnish other requisite proof.

Their ship, its voyage, enterprise, and cargo, has been destroyed, and they have

suffered damage to the amount of 179,072 dollars, in the manner following:—cost of ship “Ocmulgee,” 12,000 dollars; cost of her outfits, 28,000 dollars; value of 9,607 gallons of sperm oil on board (at 1 dollar 75 cents per gallon), 16 712 dollars.

Probable loss by the breaking up of the enterprise, of the voyage fitted for four years to the Arctic Ocean and elsewhere, on which it would be reasonable and right to anticipate the taking of 3,000 barrels of whale oil at 23 dollars 62 cents, equal to 60,860 dollars; 45,000 lbs. of whalebone at 1 dollar, equal to 45,000 dollars; and 9,400 gallons of sperm oil at 1 dollar 75 cents, equal to 16,500 dollars; so that this further estimate of probable loss would be 122,360 dollars.

And they further represent that said ship was also furnished with a large quantity of merchandise for exchange with the Arctic Indians for whalebone, teeth, furs, &c., for which a reasonable yield would be 75,000 dollars, in addition to the above amounts.

And these petitioners respectfully ask that the prayer of the Memorial aforesaid may be granted for the benefit of these petitioners, as well as of said Memorialist. And they further represent that in said capture and burning the “Alabama” was under English colours only.

(Signed) ABRAHAM OSBORN,
Agent and Managing Owner of ship “Ocmulgee.”

November 24, 1862.

United States of America, State of Massachusetts, Duke’s County, ss.

BY this Public Instrument of Protest be it known and made manifest to all whom it doth or may concern, that on this 8th day of November, in the year of our Lord 1862, before me, Joseph P. Pease, a Notary Public, duly commissioned and sworn, residing at Edgartown, within and for the county aforesaid, personally came and appeared Abraham Osborn, junior, late master of the ship “Ocmulgee,” of Edgartown, and with him also came Joshua S. Waldron, late third mate, George Luce, late mate, and Ivory L. Smith, late a seaman on board said ship, who being severally sworn, did declare, depose, and say that the said ship, being of the burthen of 459 tons or thereabouts, and being laden with casks, whaling utensils and apparatus, spare sails, rigging, spars, ship stores and provisions for a voyage of forty-eight months in the whaling fishery in Atlantic, Pacific, and Arctic Oceans, they the said appearers made sail and departed in and with said ship from the port of Edgartown for the purpose of prosecuting said voyage on the 2nd day of July in the year 1862.

That nothing material occurred until the 19th day of July aforesaid, when we captured a sperm whale, which made us 50 barrels of sperm oil. On or about the 20th of said July we captured another which made us 115 barrels of sperm oil.

On the 4th day of September following a steamer passed under our lee; she was steering the same course as we were, and soon went out of sight, it being about 11 o’clock at night. September 5, 1862, being west north-west of the Island of Pico, fifty miles distant therefrom, we saw sperm whales. While engaged in chasing them saw a steamer approaching us from the south showing English colours. We succeeded in capturing a 140-barrel whale, which we took alongside. When the steamer was about one mile distant she fired a gun at or towards us. At 2 o’clock P.M. we were boarded by a boat from said steamer, the crew of which were all armed. The commander of the boat informed me I was a prize to the steamer “Alabama;” that I must take my papers and go on board the steamer; that I might take my fine clothes, and that the crew might each of them take a bag of clothing; and that he was about to burn the ship.

At 4 o’clock P.M. I went on board the steamer with my papers, she having the English flag still flying. I soon found myself on board the armed piratical steamer “Alabama,” Captain Semmes; by him I was informed that I was his prize; that he was going to burn the “Ocmulgee” and every other vessel bearing the American flag that he could catch. I remonstrated with him against burning the “Ocmulgee,” but to no purpose.

Remaining on board the steamer about ten minutes I went on board the ship, removed some of my clothing, and the crew taking out some of theirs, we went all of us on board the steamer.

At dark the steamer’s crew came on board with a boat loaded with stores and provisions, and a boat loaded with sails, cordage, &c., taken from the “Ocmulgee.” The steamer lay by the ship all night, no person being on board the ship. On the next day, to wit, September 6th, at 10 o’clock A.M., the ship “Ocmulgee” was set on fire by a boat’s crew from said pirate steamer “Alabama,” burnt and entirely destroyed, with everything on board.

The steamer then shaped her course for the Island of Flores, and at 7 o'clock P.M., said island being about three miles distant, the Captain of said steamer told me to take my crew in my boats, which had been preserved, and leave; this we did, and landed on that island at about 7 o'clock P.M. We remained on that island fourteen days waiting a passage to Fayal.

On the 20th day of September we arrived at Fayal, and remained about twenty days waiting a passage to Boston.

October 8th we left Fayal in the ship "Azor," for Boston, where we arrived October 28, 1862.

That said Abraham Osborn, Junior, did note for protest before the United States' Consular Agent at Flores immediately on his arrival there, to wit, on the 7th day of September, 1862.

And the said appearers did further severally declare, depose, and say, that the said ship at the time of her departure from Edgartown, as aforesaid, was in good condition, was well manned, and was in all and every respect provided and furnished with all things needful and necessary for the prosecution of said voyage, and that when taken, detained, and burned by the officers and crew of said piratical steamer "Alabama," said ship, her officers and crew, were in the legitimate prosecution of the voyage upon which they sailed from Edgartown.

And the said appearers further say, that as all the loss, damage, and injury, which has already or may hereafter appear to have happened or accrued to the said ship, or her cargo, fixtures, and appurtenances, has been occasioned solely by the circumstances hereinbefore stated, and cannot nor ought not to be attributed to any insufficiency of the vessel, or default of him, this deponent, his officers, or crew, he therefore requires me, the said Notary, to make his Protest and this public act thereof, that the same may serve and be of full force and value as of right shall appertain.

And therefore the said Abraham Osborn, Junior, doth protest, and I, the said Notary, at his special instance and request, do by these presents publicly and solemnly protest against the aforesaid pirate steamer "Alabama," *alias* "No. 290," her officers, owners, and crew, and all persons interested therein; against all accidents and occurrences, and all loss or damage occasioned thereby; and against all Governments and persons whom it doth, shall, or may concern, more especially against the Government of Her Majesty the Queen of Great Britain, under the flag of which nation said vessel or ship was captured and burnt; and against all and every accident, matter, and thing, had and met with, whereby or by means whereof said ship or her cargo, or both, have received, or hereafter shall appear to have suffered, injury or loss; for all losses, costs, charges, expenses, damages, and injury which the said ship, or the owner or owners of said ship, and her cargo, already have or may hereafter have to pay, sustain, incur, or be put into by or on account of the premises, or for which the insurer or insurers is or are liable to pay or to make contribution or average according to custom, or their respective contracts or obligations, and that no part of such losses and expenses already incurred, or hereafter to be incurred, do fall on him the said Abraham Osborn, Junior, his officers or crew.

Thus done and protested in the town of Edgartown, State and County aforesaid, on the day and date first herein named.

(Signed)

ABM. OSBORN, Jun.
GEORGE LUCE.
JOSHUA S. WALDRON.
IVORY L. SMITH.

In testimony whereof I have caused the said applicants to sign these presents, and I, the said Notary, have subscribed my name, and caused my seal of office to be hereunto affixed, the day and year last aforesaid.

(Signed) JOSEPH T. PEASE, *Notary Public*.

United States of America, State of Massachusetts, Duke's County, ss.

I, Joseph Thaxter Pease, a Notary Public, within and for the State and County aforesaid, do hereby certify that the foregoing is a true and correct copy of the Protest of Abraham Osborn, Junior, *et al.*, late master of ship "Ocmulgee."

Given under my hand and seal of office this 8th day of November, A.D. 1862.

(Signed) JOSEPH T. PEASE, *Notary Public*.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, January 24, 1863.

IT is impossible for me to leave without notice some of the statements contained in your letter of the 30th ultimo.

These statements contain or imply a grave charge against Her Majesty's Government. You speak of the "admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty, by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which Her Majesty's Ministers are invited to take cognizance; of which they do take cognizance, so far as to prepare measures of prevention; but which, by reason of circumstances, wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case, little room seems left open for discussion."

On the substantial points of the case, as stated by you, there is, on the contrary, great room left open for discussion.

I must ask first, what are the circumstances within the control of the Government to which you allude? Do you mean that Her Majesty's Government in construing a penal statute, or in carrying into effect the provisions of a penal statute, were to hurry at once to a decision, and to seize a ship building and fitting out at Liverpool without being satisfied by evidence that the provisions of the Foreign Enlistment Act had been violated in the case of such vessel? Do you mean that Her Majesty's Government were to dispense with proof, and to inflict injury upon the Queen's subjects by seizing a ship upon your mere assertion that the owners of that ship were violating the law?

If such is your meaning, I must reply that the Government of this country respect the law. They do not seize upon property to the loss and damage of its owners without proof that they are legally entitled to do so.

Perhaps your meaning is that Her Majesty's Government should have proceeded on the opinion of Mr. Collier without waiting for other authority.

But, here again, I must reply that the usage of this country requires that the Government should consult their own legal advisers, and obtain the opinion of the Law Officers of the Crown before they proceed to enforce a penal statute.

If you mean to contend, therefore, that a nation in a state of profound peace should set aside the formalities of law, and act at once upon presumptions and surmises, I entirely differ from you. I may remind you that evidence sufficient to satisfy a Court of Law as to the "equipment" or "fitting out" of a vessel for warlike purposes, and of its actual destination, is not obtainable without difficulty.

If you mean that Her Majesty's Government wilfully delayed or neglected the measures by which the character of the "Alabama" could have been legally ascertained, I must give a positive and complete denial of the truth of any such assertion. The opinion of the Law Officers, until the receipt of which Her Majesty's Government could not act, was delivered at the Foreign Office on the 29th of July, but in the morning of that day the "Alabama," under pretext of a pleasure excursion, escaped from Liverpool.

With regard to the very different circumstances of 1793 and 1794, those circumstances are recorded in history. It is notorious that M. Genet, the French Minister to the United States, fitted out privateers in the ports of the United States, that he boasted in his despatches of the captures of British vessels which those privateers had made, and that he procured a sham condemnation of those vessels captured in neutral ports. It is notorious also that he endeavoured to make the United States the basis of his operations and attempts to raise rebellions against England in Canada, and against Spain in Louisiana.*

According to your own account the United States purposely delayed to give any redress to the complaints made by the British Government, of the captures of British merchant-vessels, because they felt unwilling to act on a policy of repression till they had given due notice of the construction they put upon a Treaty offensive and defensive with France, which had been quoted in defence of the depredations committed on British commerce.

It is evident that by so acting the United States' Government deliberately made themselves parties in the interval to the proceedings carried on in their own ports, and the same Government, with the sense of justice which distinguished them, made compensation afterwards for the injuries inflicted under cover and protection of their own flag, and promised to exclude French privateers "from all further asylum in their ports."†

* See, besides the usual authorities, "Jefferson and the American Democracy," by M. de Witt. Appendix 8.

† See despatch of the President to Mr. Hammond, September 5, 1793.

In Mr. Jefferson's letter, quoted by you, he says: "Having for particular reasons forborne to use all the means in our power for the restitution," &c. Here is the injury stated, and here are the grounds why it was permitted.

But the British Government have given no asylum to belligerent privateers bringing prizes into British ports. They have no particular reasons to allege. They have not forborne to use all the means in their power. They have used all the means they could use consistently with the law of the land; and, by no fault of theirs, those means, in a single instance, proved inefficacious. There was no want of a statute to enforce, nor of a will to enforce it; evidence was wanting, and an authority to decide upon that evidence, till it was too late. But Her Majesty's Government cannot promise the United States to act without evidence, nor to disregard the legal authority of their own Law Officers.

As to other points we are nearly agreed, so far as the law of nations is concerned. But with respect to the statement in your letter that large supplies of various kinds have been sent from this country by private speculators for the use of the Confederates, I have to observe that that statement is only a repetition in detail of a part of the assertion made in my previous letter of the 19th ultimo, that both parties in the civil war have, to the extent of their wants and means, induced British subjects to violate the Queen's Proclamation of the 13th of May, 1861, which forbids her subjects from affording such supplies to either party.

It is no doubt true that a neutral may furnish, as a matter of trade, supplies of arms and warlike stores impartially to both belligerents in a war, and it was not on the ground that such acts were at variance with the law of nations that the remark was made in the former note. But the Queen having issued a Proclamation forbidding her subjects to afford such supplies to either party in the civil war, Her Majesty's Government are entitled to complain of both parties for having induced Her Majesty's subjects to violate that Proclamation; and their complaint applies most to the Government of the United States, because it is by that Government that by far the greatest amount of such supplies have been ordered and procured.

I do not propose to discuss other collateral topics which have been introduced, but in explanation of my former letter I must say that I never meant to accuse you of giving any encouragement to the enlistment of British subjects in this country to serve in the civil war unhappily prevailing in the United States.

But it is notorious that large bounties have been offered and given to British subjects residing in the United States to engage in the war on the Federal side; and these British subjects, acting in defiance of the laws of their country and of the Queen's Proclamation, have been encouraged by the United States' Government so to act.

A recent and striking example of the open avowal of this course of conduct on the part of the United States' Government is to be found in the correspondence between Mr. Seward and Mr. Stuart with reference to the crew of the "Sunbeam," in which, although it does not appear that any bounties were offered, Mr. Seward has treated an endeavour to induce British sailors to enlist in the belligerent service of the United States as affording no ground of complaint to Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

No. 20.

Mr. Adams to Earl Russell.—(Received January 27.)

My Lord,

Legation of the United States, London, January 26, 1863.

I HAVE the honour to acknowledge the reception of your Lordship's note of the 24th instant, in reply to some portions of mine of the 30th of last month, respecting the case of the outfit from Liverpool of gun-boat "No. 290" to depredate on the commerce of the United States.

Your Lordship is pleased to raise a discussion on the following statement made by me. I quote the paragraph as it stands in your note:—

"The admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty, by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which Her Majesty's Ministers are invited [by a party injured] to take cognizance; of which they do take cognizance so far as to prepare measures of prevention; but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case, little room seems left open for discussion."

Out of my profound respect for your Lordship's representation, I have reviewed the whole of this paragraph with the utmost care. I am compelled now to confess that I can perceive no ambiguity in the meaning sufficient to justify any of the implications which your Lordship appears to desire to raise from it. Starting from a point of moral obligation, in my view as strong between nations as it is between individuals, that injuries inflicted on an innocent party, of which, if not prevented, it has a right to complain, provided that it give notice in time seasonable for the application of adequate means of prevention, should be so far as practicable repaired or compensated for by the party that does the wrong, or suffers it to be done by persons under its control, I have applied the general principle to the case before me. The fact that warning had been given in full season to prevent the departure of "No. 290" does not depend upon my statement, inasmuch as it is simply a question of dates open to the inspection of all men. The fact that Her Majesty's Government were convinced of the justice of the representation made, is patent from the determination to which your Lordship admits that they ultimately came to detain the vessel. The fact that this decision was so long delayed as to fail in effecting the object intended, whereby great injury has been actually done, and is yet likely to ensue to the commerce of the United States, is equally a question purely of dates. Inasmuch as these constitute the substance of the paragraph of my note to which exception is taken, I must confess myself wholly at a loss to perceive upon what ground any doubt can further be raised about it.

But your Lordship proceeds to do me the honour to address a series of questions to me as to the possible meaning that may be conveyed in my language, which might imply, from the failure to act of Her Majesty's Government, motives of some kind or other that I have not distinctly expressed. I must respectfully ask to be excused from entering into any such field of controversy. I desire neither to make charges nor to raise implications of an unnecessary nature to complicate the difficulties of this painful subject. All that I deem it my duty to know is that a grievous wrong has been done to an innocent and friendly nation, by what seems to me to have been a most unfortunate delay in effecting a prevention that later experience conclusively shows ought to have been applied in time. Of the reasons that prevented such an application, inasmuch as none of them could have grown out of the course of the injured party, I have no wish to enter into a discussion. The principle of justice is not merely that right should be done, but that it should be sufficiently prompt to effect its object. Otherwise it is justice denied. Upon that I am content to rely.

As it is probable that I may receive at an early moment further instructions from my Government in respect to the substantial point involved in the present correspondence, I deem it unadvisable farther to take up your Lordship's time by enlarging the limits of the discussion of purely incidental questions. I desire to express my obligation to you for the ready and full manner in which your Lordship has exonerated me from the suspicion of encouraging the enlistment of Her Majesty's subjects in the service of the United States. At the same time it is not without regret that I perceive the charge still persevered in against the Government of the United States. If I understand your Lordship aright, it is now affirmed that because the Government offers large bounties on enlistment in the United States, and because British subjects in the United States, tempted by these bounties, do occasionally enlist, therefore your Lordship is justified in having affirmed, in your former note, that the Government of the United States, systematically and in disregard of the comity of nations, induced them to enlist. As well might I, in my turn, in view of the frequent applications made to me to procure the discharge of citizens of the United States who have been tempted in the same manner to enlist in Her Majesty's service in this kingdom, assume the existence of a similar policy. Further than the presence of a general offer I do not perceive that your Lordship's reference to the action of Mr. Seward, of which I am not in a situation to speak authoritatively, appears to extend. Further than this, I must still continue to disclaim the belief in the existence of any systematic policy, as well in the one case as in the other.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

No. 21.

Earl Russell to Lord Lyons.

(Extract.)

Foreign Office, January 28, 1863.

I HAVE to state to your Lordship that I lately received from Mr. Adams some papers respecting the proceedings of the "Alabama," which Mr. Adams informed me he had been instructed to submit for the consideration of Her Majesty's Government.

These papers contain accounts of the various captures made by the "Alabama," but they do not appear to Her Majesty's Government to affect in any way the principles of international law applicable to that ship, upon which the answers of Her Majesty's Government to the demands of the United States' Government in this case have been framed. Some of the Memorialists pray that the United States' Government will so order their naval force as to prevent the captures made by the "Alabama." That is undoubtedly the remedy for the evil of which the Memorialists complain, but it is, of course, one with which Her Majesty's Government have no concern.

There is also an allegation that the crew of the "Alabama" are partly, or mainly, composed of British subjects. If this be so, these persons are acting in violation of the Queen's Proclamation, and of the Foreign Enlistment Act; but, unfortunately, in accordance with the principles upon this subject maintained by Mr. Seward, in his note to your Lordship in the case of the "Sunbeam."*

No. 22.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 14, 1863.

I HAD a conversation a few days ago with Mr. Adams on the subject of the "Alabama."

It did not appear that his Government desired to carry on the controversy on this subject from Washington; they rather left the conduct of the argument to Mr. Adams.

On a second point, however, namely, whether the law with respect to equipment of vessels for hostile purposes might be improved, Mr. Adams said that his Government were ready to listen to any propositions Her Majesty's Government had to make, but they did not see how their own law on this subject could be improved.

I said that the Cabinet had come to a similar conclusion; so that no further proceedings need be taken at present on this subject.

I am, &c.
(Signed) RUSSELL.

* *Mr. Seward to Mr. Stuart.*

Sir,

Department of State, Washington, November 12, 1862.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant, which relates to the case of certain seamen captured on board of the British steamer "Sunbeam," in her attempt to violate the blockade.

Those seamen, in the protest which accompanied your note, say, that while they were in this city, friendless and penniless, every inducement was held out to them by Acting Master and ex-officer Rogers, of the United States' cruiser "Georgia," to join the American navy or the military forces of the United States, which inducements they strenuously opposed, preferring rather protection, and, if unavoidable, privations, under the British flag.

Upon this statement you request me to cause instructions to be issued to prevent the exercise of any similar pressure upon British subjects who may be captured for any alleged intention to violate the blockade.

Having taken the President's instructions upon the subject I have now to reply that the case, as presented by the seamen, does not seem to me to warrant the complaint that a pressure of any kind was made upon the seamen of the "Sunbeam." The term "every inducement" is, indeed, very vague; but it certainly does not comprehend duress, force, menace, intimidation, bribery, falsehood, or even deceitful propositions. The seamen are understood to have been free men without occupation, except the unlawful and forbidden one which had just then failed them. They were needy, and, it seems to me, that they could well have complained of severity and harshness if, being disposed, they had been refused permission to enter into the service of the United States.

I avail, &c.
(Signed) WILLIAM H. SEWARD.

NORTH AMERICA.

No. 3. (1863.)

Correspondence respecting the "Alabama."

*Presented to both Houses of Parliament by
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