

Ghastly and scarr'd and riven—Is this the scene
 Where the old earthquake-demon taught her young
 Ruin? Were these their toys? Or did a sea
 Of fire envelop once this silent snow?
 None can reply—all seems eternal now.
 The wilderness has a mysterious tongue
 Which teaches awful doubt, or faith so mild,
 So solemn, so serene, that men may be
 But for such faith with nature reconciled.

(*Shelley*: "Mount Blanc.")

XI.

From this high spring our foreign conquests flow,
 Which yet more glorious triumphs do portend;
 Since their commencement to his arms they owe,
 If springs as high as fountains may ascend.

He made us freemen of the Continent,
 Whom Nature did like captives treat before;
 To nobler preys the English lion sent,
 And taught him first in Belgian walks to roar.

That old unquestion'd pirate of the land,
 Proud Rome, with dread the fate of Dunkirk heard,
 And trembling, wish'd behind more Alps to stand,
 Although an Alexander were her guard.

By his command we boldly cross'd the Line,
 And bravely fought where southern stars arise;
 We traced the far-fetch'd gold unto the mine,
 And that which bribed our fathers made our prize.
 (*Dryden*: "Heroic Stanzas on the Death of Cromwell.")

XII.

Thrice vanquish'd on the battle-plain,
 Thy followers slaughter'd, fled, or ta'en,
 A hunted wanderer on the wild,
 On foreign shores a man exiled,
 Disown'd, deserted, and distress'd,
 I bless thee, and thou shalt be bless'd!
 Bless'd in the hall and in the field,
 Under the mantle as the shield.
 Avenger of thy country's shame,
 Restorer of her injured fame,
 Bless'd in thy sceptre and thy sword,
 De Bruce, fair Scotland's rightful Lord,

Bless'd in thy deeds and in thy fame,
 What lengthen'd honours wait thy name !
 In distant ages, sire to son,
 Shall tell thy tale of freedom won,
 And teach his infants, in the use
 Of earliest speech, to falter Bruce.

(*Scott* : " Lord of the Isles.")

XIII.

My heart aches, and drowsy numbness pains
 My sense, as though of hemlock I had drunk,
 Or emptied some dull opiate to the drains
 One minute past ; and Lethewards had sunk ;
 'Tis not through envy of thy happy lot,
 But being too happy in thy happiness—
 That thou, light-winged Dryad of the trees
 In some melodious plot
 Of beechen green, and shadows numberless,
 Singest of summer in full-throated ease.

O for a draught of vintage that had been
 Cool'd a long age in the deep-delved earth,
 Tasting of Flora and the country green,
 Dance and Provençal song, and sunburnt mirth!
 O for a beaker full of the warm south,
 Full and true, the blushful Hippocrene,
 With beaded bubbles winking at the brim
 And purple-stained mouth,
 That I might drink, and leave the world unseen,
 And with thee fade away into the forest dim.

Fade far away, dissolve, and quite forget
 What thou among the leaves has never known,
 The weariness, the fever, and the fret
 Here, where men sit and hear each other groan ;
 Where palsy shakes a few, sad, last grey hairs,
 Where youth grows pale, and spectre-thin, and dies ;
 Where but to think is to be full of sorrow
 And leaden-eyed despairs,
 Where Beauty cannot keep her lustrous eyes,
 Or new Love pine at them behind to-morrow.

(*Keats* : " Ode to a Nightingale.")

XIV.

. Say where greatness lies.
 Where but among the heroes and the wise !
 Heroes are much the same, the point's agreed,
 From Macedonia's Madman to the Swede ;

The whole strange purpose of their lives to find,
 Or make, an enemy of all mankind!
 Not one looks backward, onward still he goes,
 Yet ne'er look forward further than his nose.
 No less alike the politic and wise;
 All sly slow things, with circumspective eyes:
 Men in their loose, unguarded hours they take,
 Not that themselves are wise, but others weak.
 But grant that those can conquer, these can cheat,
 'Tis phrase absurd to call a villain great;
 Who wickedly is wise, or madly brave,
 Is but the more a fool, the more a knave.
 Who noble ends by noble means obtains,
 Or failing, smiles in exile or in chains,
 Like good Aurelius let him reign, or bleed
 Like Socrates, that man is great indeed.
 (*Pope*: "Essay on Man.")

XV.

Bassanio:

"The world is still deceived with ornament.
 In law, what plea so tainted and corrupt,
 But, being seasoned with a gracious voice,
 Obscures the show of evil? In religion,
 What damned error, but some sober brow
 Will bless it, and approve it with a text,
 Hiding the grossness with fair ornament?
 There is no vice so simple, but assumes
 Some mark of virtue on his outward parts.
 How many cowards, whose hearts are all as false
 As stairs of sand, wear yet upon their chins
 The beards of Hercules and frowning Mars;
 Who, inward search'd, have livers white as milk;
 As these assume but valour's excrement
 To render them redoubted! Look on beauty,
 And you shall see 'tis purchased by the weight;
 Which therein works a miracle in nature,
 Making them lightest that wear most of it:
 So are those crisped snaky golden locks
 Which make such wanton gambols with the wind,
 Upon supposed fairness, often known
 To be the dowry of a second head,
 The skull that bred them in the sepulchre.
 Thus ornament is but the guiled shore
 To a most dangerous sea; the beauteous scarf
 Veiling an Indian beauty; in a word
 The seeming truth which cunning times put on
 To entrap the wisest. Therefore, thou gaudy gold

Hard food for Midas, I will have none of thee;
 Nor none of thee, thou pale and common drudge
 'Tween man and man: but thou, thou meagre lead,
 Which rather threatenest than dost promise aught,
 Thy paleness moves me more than eloquence;
 And here choose I: joy be the consequence."
 (*Shakspeare*: "Merchant of Venice.")

(Bassanio's speech previous to choosing the leaden casket.)

XVI.

K. Hen:

. "O hard condition,
 Twin-born with greatness, subject to the breath
 Of every fool, whose sense no more can feel
 But his own wringing! What infinite heart's-ease
 Must kings neglect, that private men enjoy!
 And what have kings, that privates have not too,
 Save ceremony, save general ceremony?
 And what art thou, thou idol ceremony?
 What kind of god art thou that suffer'st more,
 Of mortal griefs than do thy worshippers?
 What are thy rents? What are thy comings in?
 O ceremony, show me but thy worth!
 What is thy soul of adoration?
 Art thou aught else but place, degree and form,
 Creating awe and fear in other men?
 Wherein thou art less happy being fear'd
 Than they in fearing.
 What drink'st thou oft, instead of homage sweet,
 But poison'd flattery? O, be sick, great greatness,
 And bid thy ceremony give thee cure!
 Think'st thou the fiery fever will go out
 With titles blown from adulation?
 Will it give place to flexure and low bending?
 Canst thou, when thou command'st the beggar's knee,
 Command the health of it? No, thou proud dream,
 That play'st so subtly with a king's repose;
 I am a king that find thee, and I know
 'Tis not the balm, the sceptre and the ball,
 The sword, the mace, the crown imperial,
 The intertissued robe of gold, and pearl,
 The farced title running 'fore the king,
 The throne he sits on, nor the tide of pomp
 That beats upon the high shore of this world,
 No, not all these, thrice-gorgeous ceremony
 Not all these, laid in bed majestical,
 Can sleep so soundly as the wretched slave,

Who with a body fill'd and vacant mind
 Gets him to rest, cramm'd with distressful bread;
 Never sees horrid night, the child of hell,
 But, like a lackey, from the rise to set
 Sweats in the eye of Phœbus and all night
 Sleeps in Elysium; next day after dawn,
 Doth rise and help Hyperion to his horse,
 And follows so the ever-running year,
 With profitable labour, to his grave:
 And but for ceremony, such a wretch,
 Winding up days with toil and nights with sleep,
 Had the fore-hand and vantage of a king.
 The slave, a member of the country's peace,
 Enjoys it; but in gross brain little wots
 What watch the king keeps to maintain the peace,
 Whose hours the peasant best advantages."
 (Shakspeare: "Henry V.")

(Henry's soliloquy on the field of battle the night preceding Agincourt.)

XVII.

It has been written 'Silence is divine,' and of Heaven, so in all earthly things too there is a silence which is better than any speech. Consider it well, the Event, the thing which can be spoken of and recorded, is it not, in all cases, some disruption, some solution of continuity? Were it even a glad Event, it involves change, involves loss (of active Force); and so far, either in the past or in the present, is an irregularity, a disease. Stillest perseverance were our blessedness; not dislocation and alteration—could they be avoided.

The oak grows silently, in the forest, a thousand years; only in the thousandth year, when the woodman arrives with his axe, is there heard an echoing through the solitudes; and the oak announces itself when, with far-sounding crash, it *falls*. How silent too was the planting of the acorn; scattered from the lap of some wandering wind! Nay, when our oak flowered, or put on its leaves (its glad Events), what shout of proclamation could there be? Hardly from the most observant a word of recognition. These things *befell* not, they were slowly *done*; not in an hour, but through the flight of days: what was to be said of it? This hour seemed altogether as the last was, as the next would be.

It is thus everywhere that foolish Rumour babbles not of what was done, but of what was misdone or undone; and foolish History (ever, more or less, the written epitomised synopsis of Rumour) knows so little that were not as well unknown. Attila Invasions, Walter-the-Penniless Crusades, Sicilian Vespers, Thirty-Years Wars: mere sin and misery; not work, but

hindrance of work! For the Earth, all this while, was yearly green and yellow with her kind harvests; the hand of the craftsman, the mind of the thinker rested not: and so, after all, and in spite of all, we have this so glorious high-domed blossoming World; concerning which poor History may well ask, with wonder, Whence *it* came? She knows so little of it, knows so much of what obstructed it, what would have rendered it impossible. Such, nevertheless, by necessity or foolish choice, is her rule and practice; whereby, that paradox, 'Happy the people whose annals are vacant,' is not without its true side.

(*Carlyle*: "French Revolution.")

XVIII.

Though a linguist should pride himself to have all the tongues that Babel cleft the world into, yet if he have not studied the solid things in them as well as the words and lexicons, he were nothing so much to be esteemed a learned man, as any yeoman or tradesman competently wise in his mother dialect only. Hence appear the many mistakes which have made learning generally so unpleasing and so unsuccessful; first, we do amiss to spend seven or eight years merely in scraping together so much miserable Latin or Greek as might be learned otherwise easily and delightfully in one year. And that which casts our proficiency therein so much behind, is our time lost partly in too oft idle vacancies given both to schools and universities; partly in a preposterous exaction, forcing the empty wits of children to compose themes, verses, and orations, which are the acts of ripest judgment, and the final work of a head filled by long reading and observing, with elegant maxims and copious invention. These are not matters to be wrung from poor striplings, like blood out of the nose, or the plucking of untimely fruit; besides the ill habit which they get of wretched barbarising against the Latin and Greek idioms with their untutored Anglicisms, odious to be read, yet not to be avoided without a well continued and judicious conversing among pure authors digested, which they scarce taste: whereas, if after some preparatory grounds of speech by their certain forms got into memory, they were led to the praxis thereof in some chosen short book lessoned thoroughly to them, they might then forthwith proceed to learn the substance of good things, and arts in due order, which would bring the whole language quickly into their power. This I take to be the most rational and most profitable way of learning languages. . . . And for the usual method of teaching arts, I deem it to be an old *errour* of universities, not yet well recovered from the scholastic grossness of barbarous ages, that instead of beginning with arts most easy (and those be such as are most obvious to the sense), they

present their young unmatriculated novices at first coming with the most intellective abstractions of logic and metaphysics; so that they having but newly left those grammatic flats and shallows where they stuck unreasonably to learn a few words with lamentable construction, and now on the sudden transported under another climate to be tossed and turmoiled with their unballasted wit in fathomless and unquiet deeps of controversy, do for the most part grow into hatred and contempt of learning, mocked and deluded all this while with ragged notions and babblements; while they expected worthy and delightful knowledge; till poverty or youthful years call them importunately their several ways, and hasten them with the sway of friends either to an ambitious and mercenary, or ignorantly zealous divinity; some allured to the trade of law, grounding their purposes not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions, and flowing fees; others betake themselves to state affairs, with souls so unprincipled in virtue and true generous breeding, that flattery and courtshifts and tyrannous aphorisms appear to them the highest points of wisdom.

(*Milton*: "Of Education.")

XIX.

Let the Past perish!—let darkness shroud it!—let it sleep for ever over the crumbling temples and desolate tombs of its forgotten sons,—if it cannot afford us, from its disburied secrets, a guide for the Present and the Future. What, my Lords, ye have thought that it was for the sake of antiquity alone that we have wasted our nights and days in studying what antiquity can teach us! You are mistaken; it is nothing to know what we have been, unless it is with the desire of knowing that which we ought to be. Our ancestors are mere dust and ashes, save when they speak to our posterity; and then their voices resound, not from the earth below, but the heaven above. There is an eloquence in Memory, because it is the nurse of Hope. There is a sanctity in the Past, but only because of the chronicles it retains,—chronicles of the progress of mankind,—stepping-stones in civilisation, in liberty, and in knowledge. Our fathers forbid us to recede,—they teach us what is our rightful heritage,—they bid us reclaim, they bid us augment, that heritage,—preserve their virtues, and avoid their errors. These are the true uses of the Past. Like the sacred edifice in which we are,—it is a tomb upon which to rear a temple.

(*Lytton*: "Rienzi.")

XX.

We are all inclined to judge of others as we find them. Our estimate of a character always depends much on the manner in which that character affects our own interests and passions. We find it difficult to think well of those by whom we are thwarted or depressed; and we are ready to admit every excuse for the vices of those who are useful or agreeable to us. This is, we believe, one of those illusions to which the whole human race is subject, and which experience and reflection can only partially remove. It is, in the phraseology of Bacon, one of the *idola tribus*. Hence it is that the moral character of a man eminent in letters or in the fine arts is treated, often by contemporaries, almost always by posterity, with extraordinary tenderness. The world derives pleasure and advantage from the performances of such a man. The number of those who suffer by his personal vices is small, even in his own time, when compared with the number of those to whom his talents are a source of gratification. In a few years all those whom he has injured disappear. But his works remain, and are a source of delight to millions. The genius of Sallust is still with us. But the Numidians whom he plundered, and the unfortunate husbands who caught him in their houses at unseasonable hours, are forgotten. We suffer ourselves to be delighted by the keenness of Clarendon's observation, and by the sober majesty of his style, till we forget the oppressor and the bigot in the historian. Falstaff and Tom Jones have survived the game-keepers whom Shakespeare cudgelled and the landladies whom Fielding bilked. A great writer is the friend and benefactor of his readers; and they cannot but judge of him under the deluding influence of friendship and gratitude. We all know how unwilling we are to admit the truth of any disgraceful story about a person whose society we like, and from whom we have received favours; how long we struggle against evidence, how fondly, when the facts cannot be disputed, we cling to the hope that there may be some explanation or some extenuating circumstance with which we are unacquainted. Just such is the feeling which a man of liberal education naturally entertains towards the great minds of former ages. The debt which he owes to them is incalculable. They have guided him to truth. They have filled his mind with noble and graceful images. They have stood by him in all vicissitudes, comforters in sorrow, nurses in sickness, companions in solitude. These friendships are exposed to no danger from the occurrences by which other attachments are weakened or dissolved. Time glides on; fortune is inconstant; tempers are soured; bonds which seemed indissoluble are daily sundered by interest, by emulation, or by caprice. But no such cause can affect the silent converse which

we hold with the highest of human intellects. That placid intercourse is disturbed by no jealousies or resentments. These are the old friends who are never seen with new faces, who are the same in wealth and in poverty, in glory and in obscurity. With the dead there is no rivalry. In the dead there is no change. Plato is never sullen. Cervantes is never petulant. Demosthenes never comes unseasonably. Dante never stays too long. No difference of political opinion can alienate Cicero. No heresy can excite the horror of Bossuet.

(*Macaulay*: "Essay on Bacon.")

§ 77. *Model Solutions.*

PASSAGE I.

(a) *Brief paraphrase* giving general purport.

"We do not care to think of the past, with all its failures and bitter memories. We look towards a future which seems to promise better things, and recognise that we are mainly responsible for the making or marring of our own lives."

Note Longfellow's metaphor. The past and future are particularised as "yesterday" and "to-morrow," and are likened to rivers. The essential point is to get at his *meaning*; focus your mind upon the spirit rather than the letter of the lines.

(b) *More extended paraphrase* retaining the author's metaphoric conception.

"Yesterday and to-morrow are like two rivers. I do not care to follow the swift current of the former, bearing along bitter memories of the past in the guise of faded leaves. The "river of to-morrow," representing the future, seems to afford better promise. There is a glimmering ray of hope which appears likely to eradicate the shadowy failures of bygone days, just as transition from night into day is accompanied by gradual dispersion of the gloom. This river's course is through unfamiliar flower-strewn fields, pointing to a future, uncertain, it is true, but apparently brighter than the past. Such is the spirit with which most healthy minds regard the un-lived portion of their lives."

PARAPHRASE OF PASSAGE II.

"Poverty is a great crippler of human energy and independent action. A man obliged to work hard at some humble calling has very little scope for the exercise of natural talents. He may possess qualities which go to make

a poet like Milton, an orator like Cato, or a scientist like Newton, but these lie dormant amid the prosaic atmosphere of the workshop, factory, or plough."

Note the main idea is that a man cannot do great things if he is constantly occupied with the thought, "To-day I must earn to-morrow's bread."

PARAPHRASE OF PASSAGE III.

Cranmer says Heaven bids him utter a prophecy that the royal infant shall be a future source of blessing to her country. Her life will be an example to all contemporaries, and she will seek wisdom and virtue as eagerly as did the Queen of Sheba. She will be loved by her subjects and feared by her enemies. During her reign the nation will enjoy peace, religion will be fostered, and the Court will set an example of honour. These blessings are to be continued under her successor and the mother country will give birth to "new nations."

Henry interpolates, "Thou speakest wonders," and *Cranmer* goes on to say that she shall live to a good old age to the happiness of England—"many days shall see her, and yet no day without a deed." He adds that he wishes one point were concealed from him, namely, that she must die a virgin.

NOTE—

(a) It will be noticed where the original wording is retained.

(b) "*Saba*" = "Sheba."

cp. "Were she as chaste as was Penelope,
As wise as Sheba."

(MARLOW: "Doctor Faustus.")

(c) Note the rather far-fetched lines applying to James I., thought by many to have been added after his accession.

(d) On the whole it is an excellent "forecast" of the glories of Shakspeare's own age put in the mouth of a churchman who flourished almost a century before. It is a somewhat glowing, though not necessarily untruthful picture of Elizabeth's virtues and the results of her reign — her faults and failures are conveniently forgotten.

PARAPHRASE OF PASSAGE IV.

"Carlyle says that he honours two classes of men above all others—life's toilers and thinkers. It is a noble picture to see a man, with face tanned by exposure and hands hardened by labour, working primarily for daily bread, the fruits of this labour indirectly supplying his fellow-men with necessities and luxuries. Equally inspiring is the thinker and scientist combating the problems of Nature in his search after Truth. One is a craftsman, the other is an artist; they toil respectively for man's lowest and highest wants."

NOTE—

- (1) Some find it difficult to paraphrase prose, but this should not be the case if it be borne in mind that what is required is the drift of the passage in as few words as possible.
- (2) It will be noticed that all our paraphrases are brief, but in actual examinations we have found this plan to produce the happiest results.

§ 78. *Notes on passages to be paraphrased.*

<i>No.</i>	<i>Main Idea.</i>	<i>Remarks.</i>
VI V.	Nothing worth having is attained without effort.	Note the wealth of metaphor, <i>e.g.</i> in the fourth line oratory and sculpture are referred to in figurative language.
V VI	Man's insatiable quest after knowledge only proves that the more is learnt the more there is still to learn.	(1) Explain what studies are metaphorically spoken of in the lines— "We map the starry sky, We mine this earthen ball," etc. (2) Compare with the latter part of No. VII.
VII.	Do not be satisfied with surface knowledge. (Compare with No. VI.)	Note the cheerful spirit with which "Youth" faces difficulties that increase with age.

<i>No.</i>	<i>Main Idea.</i>	<i>Remarks.</i>
VIII.	Despite certain natural disadvantages, it is better to enjoy Liberty in Britain than restricted freedom in brighter climes.	Remember this was written at the beginning of the 18th century. Since then many conditions of life abroad have changed.
IX.	Announcement of the Armada's approach. Preparations made to meet it. Britain at bay.	Note, and carefully explain the historical references in the lines— "So stalked he princely hunters lay."
X.	Majestic solitude of the mountain—speculations as to its origin.	Note the mystic-psychological vein in which Shelly approaches his subject.
XI.	Cromwell the forerunner of our foreign conquests.	Explain the historical allusions in the last verse.
XII.	Bruce blessed as his country's deliverer. The blessing takes the form of immortal fame.	A Scotchman's speech to Scotchmen. In your paraphrase take, or allow for, a partisan view.
XIII.	The poet, oppressed by the sorrows and burdens of the world, wishes he could share the nightingale's happy innocence.	Note the dark side of life presented in the third stanza. This is the key to Keats' pleading.
XIV.	The world's mistaken idea as to what constitutes "greatness."	Compare the last four lines with the argument set forth in the others.

<i>No.</i>	<i>Main Idea.</i>	<i>Remarks.</i>
XV.	Appearances are deceptive. There are two sides to every question.	You have to show that "fine feathers do not always make fine birds." A man of imposing presence may be a villain or coward at heart.
XVI.	Kings and other highly placed individuals often experience sorrows and burdens peculiar to their station—which are unknown to humbler mortals.	The dominant note is that a king's freedom of action is fettered by ceremony or etiquette.
XVII.	The quiet working of Nature compared with man's noisy self-trumpetings.	Note the proverbs (1) "Still waters run deep," (2) "Empty vessels make most sound," convey practically the same lesson as this passage.
XVIII.	A scathing argument that mechanically-acquired knowledge is not "education."	Since Milton's day educational methods have almost entirely changed, but the principle he advances is as true now as when the words were written. Note his verbosity and fondness for long words, also the now obsolete spelling of <i>error</i> .
XIX.	The main object of studying the history of past ages should be to derive guidance for the future.	Note that Rienzi is depicted by Lytton as addressing his fellow Romans.
XX.	No one is without his failings, but the achievements of a genius tend to dwarf and to eliminate his faults as a man.	Generalise rather than particularise, <i>i.e.</i> do not quote all the instances given by Macaulay.

CHAPTER X.

INDEXING AND PRÉCIS WRITING.

§ 79. *Introductory.*

- (a) This is an important but much neglected branch of English composition, and takes a prominent place in Civil Service and other examinations demanding a knowledge of commercial subjects. It is valuable as a mental training, tending towards habits of precision, logical arrangement, and neatness. Both *précis writing* and *paraphrasing* (*q.v.*) are excellent means of stimulating thought and of improving the power of concentration. A student who can quickly construct a presentable *précis* possesses a very valuable auxiliary towards the acquisition of knowledge. He is able at once to discriminate salient principles and to recollect them with much less effort than if he were ignorant of the art, for *précis writing* is an art. Its use is also apparent to the barrister mastering his "brief," to the lecturer thinking out the gist of his discourse, to the reporter epitomising lengthy speeches, to the paragraphist, and last, but not least, to the man of business.

Précis writing is most extensively used in Government Departments, and consequently figures as a subject in nearly all Civil Service examinations. The idea is to furnish a brief but comprehensive summary of a series of despatches, which will indicate the leading points at issue to anyone who has not time to read the original documents, or who wishes to refresh his memory with respect to the same.

- (b) Mere theory is useless in indexing and *précis* writing. Constant practice is necessary, and all exercises should be corrected by a capable tutor.

On p. 152 *et seq.*, we append model solutions of actual examination papers, which should be carefully studied after our hints for working papers have been mastered.

§ 80. *General Hints for working a paper in Indexing and Précis writing.*

- (1) Rapidly scan the correspondence, making a hasty cross against any letters which seem likely to present difficulties in the indexing. But in most examinations you dare not devote more than *ten minutes* to this first glance.
- (2) Mark the introductory paragraphs of letters which give the substance of preceding ones. This will save you much trouble and thought when writing the index.
- (3) Sometimes one of the last letters will furnish an epitome of most of the matters dealt with by the correspondence. If this be the case, much of the précis will be at hand in a rough-hewed form. It will merely require shaping and polishing, with an additional fixture here and there. The précis of the Society of Arts Paper, 1902 (printed in this chapter), ought to have been merely a précis of the last letter.
- (4) You will now be able to approach your work in a calm, philosophical manner, conscious that the ten or fifteen minutes so spent, if not shewing any result in black and white, are eminently mark-earning in their character, and may save you from the disastrous consequences of rushing headlong into the work and finding that when half-way through you have to begin again, owing to a misconception of what are and what are not salient details.

§ 81. *Index.*

- (1) For methods of ruling see our model solution on p. 152, *et seq.* The first and second columns should each be one inch in width, the third two inches, and the fourth four inches. In examinations ruled paper is always supplied, and is generally divided into spaces of five lines each. Cultivate a compact style of writing, and if possible get each index into a single space of five lines, but do not do so at the expense of sacrificing a vital point. Better have a comprehensive index of eight lines than one of four which omits some salient detail.
- (2) See that you make no mistake in copying the number of the letter, date, and names of correspondents. The names must always be taken from the top of documents. A letter signed by a permanent official is often headed,

“Colonial Office or War Office to So-and-so.” (See No. 10, Ex. III.) If the document is a treaty, memorandum, etc., copy the given heading into the “name” column. (See inclosure in No. 23, Ex. IV.) It is better to rapidly check these three columns as you go along, leaving the fourth column for a final general revision.

- (3) (a) Each index should begin with a present participle—“reporting,” “stating,” “requesting,” “submitting,” “authorising,” etc. Common-sense and a consideration of the official positions of the correspondents will easily supply the appropriate word. (b) Remember that the Treasury “approve” or “appoint,” that the Secretaries of State “approve,” “authorise,” and “direct,” and that their subordinates “submit” and “report.” Avoid vague and weak introductory words. “Concerning,” “relating to,” etc., are usually meaningless.
- (4) Remember that your index must contain all material and no trivial details. As to what *are* salient facts, put yourself in the place of a judge, and say, “Now, so much evidence lies before me. What vitally affects the ultimate bearing of the case, and what is immaterial to it?” Suppose there is likelihood of war between Turkey and Greece, and the British Minister at Athens reports to the Foreign Secretary the movements of a Greek squadron, adding his own views as to its objective. The reported fact is important, the surmise is not, as it may be very wide of the mark. Upon the former may rest a point of international law; the latter has no weight whatever.
- (5) Be explicit, yet brief. Remember that your object is to save space, not to fill it. It is not often that telegraphic despatches can be summarised to any great extent, but sometimes this can be done. Compare the following “Index” of “No. 1” in Exercise V. (p. 182) with the full text:—“Stating that his Ministers have been called upon by the Government of the Commonwealth to furnish a report on the action of South Australian officials in refusing to arrest the crew of the Dutch vessel ‘Vondel,’ but have declined to do so, holding that the Commonwealth has no jurisdiction in the matter.” (See remarks on “Brevity,” Composition Section, chap. ii. § 9.)
 Avoid tautology, and do not index a letter to the Marquess of Ripon as “Asking his Lordship.” Say “Asking him.”

§ 82. *Précis.*

- (1) Always begin by explaining how the correspondence was initiated, and what were the various points at issue.
- (2) In the *précis*, be chary of quoting the actual words of letters. What is wanted is a clear, incisive narrative in your own language. The document should be drawn up on the same plan as the "synopsis of preceding chapters" in a good magazine serial story, or as a newspaper summary of events which usually appears above the leading articles. A careful study of our model solutions will emphasise this point.
- (3) It is essential to remember that while events take place in chronological order, the letters and telegrams reporting them may be, and often are, received and printed in different sequence. The *précis* must tell the story in logical order; it must, in fact, be an essay upon the *facts* disclosed in the letters, and neither dates nor numbers of letters (marginally or otherwise inserted) must occur. The names of the writers are usually immaterial, and "Thomas Atkins writing to John Bull, Esq.," and "Mr. Pickwick, in reply to Samuel Weller," are phrases which as thinly disguise the amateur *précis* writer as the lion's skin did the graceful form of the ass in the fable of Æsop.
- (4) A history of letter writing is not required. Only in rare cases should direct reference be made to individual documents. Sometimes this is unavoidable in respect to an ultimatum or declaration of war.
- (5) Be careful to give the *exact* terms—but not necessarily the exact wording—of treaties, agreements, ultimatums, etc. These form a centrepiece on which most of the correspondence is hinged. Only the gist is required. Side issues and trivial explanations should be ignored.
- (6) Do not be afraid of adding explanations or comments, denoting the official position of correspondents, and of supplying sufficient historical reference to make the matter under consideration clear. In short, you should clothe your bare facts in graceful and vigorous English.

§ 83. *Model Solutions to Exercises II. and IV.* (see pp. 158 and 166.)

SOLUTION TO EXERCISE II.—PRÉCIS

Of Letters relating to the appointment of Lord Malmesbury, in 1796, as our Plenipotentiary in Paris, and to his negotiations with the Directory.

In the course of the French War of 1796 proposals in the direction of peace came before the British Government, and the King, on October 13th, appointed Lord Malmesbury as Minister Plenipotentiary to conduct the negotiations with M. Charles Delacroix, the French Minister for Foreign Affairs, in Paris.

His Majesty ardently desired to contribute, as far as he might, to the re-establishment of public tranquillity and to ensure, by means of just, honourable, and solid conditions of peace, the future repose of Europe. Enunciating the principle that the first object of negotiations for peace relates to the restitutions and cessions which the respective parties had mutually to demand in consequence of the events of the war, His Majesty intimated that Great Britain, from the uninterrupted success of her naval war, had no restitution to demand from France, who had, however, on the continent of Europe made conquests, in which were implicated the most important interest of His Majesty's people and the most sacred engagements of his crown.

He proposed, therefore, to offer, by proportional restitutions, compensation to France for those arrangements to which she would be called upon to assent in order to satisfy the just demands of His Majesty's Allies, and to preserve the "balance of power" in Europe. The Directory met the proposals, at the outset, by charging the British Plenipotentiary with delay, and it was hinted that the sole object of the British negotiations was to enable the Government to gain time in which to obtain the means for continuing the war. However, Lord Malmesbury, on the 12th November, pressed for the acceptance of the restitution principle already laid down, or of some modification of it, before indicating what were the objects of reciprocal compensation, and repeated his demand a fortnight later. The delay appeared to be on the side of France.

The Directory now expressly required Lord Malmesbury to designate categorically the objects of reciprocal compensation which he had to propose, and the British Minister presented forthwith a confidential Memorandum on the subject, which he had received from London. To this Memorandum the Directory replied that it would listen to no proposals contrary to the constitution, to the laws, and to the treaties which bound the Republic, and charged M. Delacroix to tender to Lord Malmesbury formal notice to depart from Paris within eight and forty hours.

The British Plenipotentiary at once demanded the necessary passports for himself and his suite.

SOLUTION TO EXERCISE IV.
(*Society of Arts Paper for the year 1902.*)

(A)—INDEX to Correspondence respecting the action of Her Majesty's Naval Authorities with regard to certain Foreign Vessels.

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
1	5 Dec. 1899.	Rear-Admiral Sir R. Harris to Admiralty (telegraphic).	Reporting the sailing from Aden for Delagoa Bay of the German steamer "Bundesrath," suspected of carrying ammunition and intending combatants for the Boer army.
2	30 Dec. 1899.	The Marquess of Salisbury to Sir F. Lascelles (British Ambassador at Berlin) (telegraphic).	Stating that H.M.S. "Magicienne" has brought the "Bundesrath" into Durban, but that there is no information as to the grounds for the seizure.
3	31 Dec. 1899.	The Marquess of Salisbury to Sir F. Lascelles (telegraphic).	Stating that the German Ambassador has requested the release of the "Bundesrath" on the ground that she carries no contraband, and is a mail-ship.
4	4 Jan. 1900.	Count Hatzfeldt (German Ambassador) to The Marquess of Salisbury (translation).	Asking what are the reasons for the seizure of the "Bundesrath," and requesting her release.

SOLUTION TO EXERCISE IV.—*continued.*

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
5	4 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles.	Stating that the German Government contend that a neutral vessel may convey contraband of war to a belligerent provided it be landed at a neutral port, and that he has informed Baron Eckardstein H.M. Government cannot accept this view.
6	5 Jan. 1900.	Sir F. Lascelles to The Marquess of Salisbury (telegraphic).	Communicating a report by the German Consul at Durban that no contraband has been found on the "Bundesrath," and adding that public feeling in Berlin has been greatly excited by the seizure of the "Bundesrath" and of the "General."
7	5 Jan. 1900.	Count Hatzfeldt to The Marquess of Salisbury (translation).	Requesting the immediate release of the German East African liner, "General," now detained by British troops at Aden, and asking that British Commanders in African waters be instructed to desist from impeding trade between neutrals.
8	7 Jan. 1900.	Sir F. Lascelles to The Marquess of Salisbury (telegraphic).	Stating that in connection with the seizure of the German ship, "Hertzog," carrying a deputation of the Red Cross Society, Count Bulow has asked for the prompt release of all the vessels, the payment of compensation for loss, and the prevention of similar incidents.

SOLUTION TO EXERCISE IV.—*continued.*

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THE KING'S ENGLISH.

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
9	7 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles (telegraphic).	Announcing his receipt of two Notes from the German Ambassador respecting the seizure of the "Bundesrath" and the search of the "General," and stating that he is expediting the necessary inquiries.
10	4 Jan. 1900.	Sir F. Lascelles to The Marquess of Salisbury (extract).	Reporting that Count Bulow desires the speedy release of the "Bundesrath," whose owners positively assert that she carries no contraband.
11	5 Jan. 1900.	Sir F. Lascelles to The Marquess of Salisbury (extract).	Reporting in detail, and commenting on the facts adverted to in No. 6.
12	9 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles.	Stating that he has informed Baron von Eckardstein of the release of the "General" and of the suspension of the examination of vessels by the British authorities in the Red Sea, and of British dissension from the German view that a neutral may transmit contraband through a neutral port.
13	10 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles.	Directing him to intimate to the German Government that His Majesty's Government cannot release the "Bundesrath" without examination by the Prize Court as to whether she was carrying contraband of war belonging to or destined for the South African Republic.

SOLUTION TO EXERCISE IV.—*continued.*

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
14	11 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles.	Stating that in order to facilitate a speedy and amicable settlement of the matters at issue, the German Government have decided to abstain from pressing their view on the question of contraband trade between neutrals.
15	12 Jan. 1900.	Sir F. Lascelles to The Marquess of Salisbury (telegraphic).	Reporting that the German Government maintain that as the preliminary search of the "Bundesrath" revealed no contraband, her delivery to a Prize Court is unjustifiable.
16	13 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles (extract).	Announcing that the German Government have received with satisfaction the assurance (indicated in No. 12) that every effort will be exerted to prevent a recurrence of the seizure of German trading vessels.
17	14 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles (telegraphic).	Stating that Baron von Eckardstein has been informed that orders have been given to discontinue the search of vessels at Aden.
18	15 Jan. 1900.	Sir F. Lascelles to the Marquess of Salisbury (telegraphic).	Reporting that Count Bulow desires that the orders forbidding the arrest of mail steamers until the completion of the examination of the "Bundesrath" may be prolonged, and that those discontinuing the search of vessels at Aden may be extended to all places similarly distant from the seat of war.

SOLUTION TO EXERCISE IV.—*continued.*

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THE KING'S ENGLISH.

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
19	16 Jan. 1908.	The Marquess of Salisbury to Sir F. Lascelles (telegraphic).	Intimating that mail steamers of the subsidised lines will not, for the present, be searched on suspicion alone, and that the examination of all ships at places equidistant with Aden from Delagoa Bay will be discontinued.
20	17 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles.	Transmitting a copy of No. 7 detailing fully the grounds for the arrest and the results of the search, regretting the inconvenience caused, and directing him to communicate the dispatch to the German Foreign Minister.
21	18 Jan. 1900.	The Marquess of Salisbury to Sir F. Lascelles (telegraphic).	Announcing the release of the "Bundesrath" and cargo.
22	19 Jan. 1900.	Sir F. Lascelles to the Marquess of Salisbury.	Stating that No. 20 has been communicated to Baron von Kichthofen, who voiced the German view that the seizures were a breach of international law and an undue interference with neutral commerce, and who had been informed that from this view Great Britain dissents.
23	20 Jan. 1900.	Sir F. Lascelles to the Marquess of Salisbury.	Enclosing a copy and translation of a speech by Count von Bulow on the seizure of the "General," "Herzog," and "Bundesrath" by Great Britain.

SOLUTION TO EXERCISE IV.—*continued.*

<i>No. of Letter.</i>	<i>Date.</i>	<i>Names of Correspondents.</i>	<i>Subject matter.</i>
Inclosure in No. 23		Speech by Count von Bulow in the Reichstag on Jan. 19, 1900 (translation).	Citing the facts which constitute a breach of international treaties and customs, detailing the history of the seizures and the negotiations which preceded the release of the vessels, and stating that, if necessary, the English Government has agreed to submit to a tribunal the claims for compensation.

(B) PRÉCIS

Of Correspondence respecting the action of Her Majesty's Naval Authorities with regard to certain Foreign Vessels.

At the commencement of the late War with the South African Republics, the British Naval Authorities had reason to suspect that ammunition and combatants were being conveyed to the enemy through the neutral territory around Delagoa Bay from steamships flying a neutral flag. Consequently the mail steamers passing Aden and bound for ports adjacent to the seat of hostilities were kept under observation by the vessels comprising the British South African Squadron.

Suspicion fell upon the "Bundesrath," a mail steamer of the German East African Line, and she was arrested and brought into Durban by H.M.S. "Magicienne." She was detained and searched,

despite the protest of the German Ambassador, but no contraband was found on board.

The German view was that the seizure and detention of the "Bundesrath," and the subsequent seizures of the "Herzog" and "General," belonging to the same line, was a breach of international law and of the custom of nations. They asserted that a neutral vessel could, without incurring liability to arrest, carry contraband of war and intending combatants to be landed at a neutral port—a view which H.M. Government declined to accept.

The German Ambassador in London was instructed to make strong representations respecting the action of the British Naval Authorities, and he demanded

- (1) The immediate release of the vessels ;
- (2) The payment of compensation for their unjustified detention ;
- (3) The abandonment of the stoppage and search of German merchantmen north of Aden ;
- (4) Freedom from arrest for steamers flying the German mail flag ;
- (5) The submission to arbitration of all points in dispute.

The incident closed with the prompt release of the three steamers and the declaration by Great Britain of her readiness to award German subjects compensation for the losses sustained. Instructions were issued to the British Naval Authorities to desist from searching trading vessels at Aden or any port equidistant with it from the seat of war and to exempt from search, on suspicion alone, vessels flying the German mail flag, and the English Government, while declaring their concurrence in the institution of a tribunal, hoped that no such tribunal would be necessary.

These concessions, to which were added an expression of regret for what had occurred, fully justified the words of Count von Bulow in his speech to the Reichstag on the 19th January, 1900: "We cherish the confident hope that such regrettable incidents will not be repeated."

§ 84. *Exercises* (and see note 2 on p. 208).

INTRODUCTORY EXERCISES.

- (1) Study the hints, etc., in §§ 74-5, and work some of the Paraphrase Exercises given in § 76, Chap. IX.
- (2) Construct a Précis of some standard novel or poem with which you are familiar, *e.g.*, Scott's "Waverley," Milton's "Paradise Lost," and endeavour to give the story or argument in a few lines, neglecting all side issues and trivialities.
- (3) Write a Précis of the more lengthy single documents given in our Exercises—the following are suitable:—Enclosure in No. 23 (Ex. IV.); Encl. in No. 10, No. 13, Encl. in No. 14, Encl. in No. 16 (Ex. V.).

NOTE.—The Précis of single documents indicated in (3) will be somewhat fuller than the notice assigned to them in a Précis of the whole series of letters, as it may be necessary to give explanatory details of certain points dealt with in other letters.

EXERCISE I.

Paper in Précis (Question 8) set at the London University Matriculation Examination, June, 1903 (given in Appendix).

EXERCISE II.

Paper in Précis (Section C.) set at the London University Matriculation Examination, Sept., 1902 (given in Appendix.)

NOTE.—Though the Matriculation Examiners did not ask for *both* Index and Précis, it is better to do both when working these Exercises because of the additional practice afforded.

EXERCISE III.

CORRESPONDENCE RELATING TO THE PACIFIC
ISLAND LABOURERS ACT, 1901, OF THE
COMMONWEALTH OF AUSTRALIA.

(*From Parliamentary Paper—Cd. 1554—April, 1903.*)

No. 1.

Aborigines Protection Society to Colonial Office.

(Received April 18, 1902.)

Sir, Aborigines Protection Society, Broadway Chambers,
Westminster, S.W., April 18, 1902.

I have the honour, by direction of the Committee of the Aborigines Protection Society, to address you with reference to proposed legislation affecting the employment of Kanaka labour in Queensland.

2. Our Committee has welcomed the arrangements now in progress for abolishing the importation of Polynesians for service in Australia and elsewhere, being assured that most stringent regulations and their fullest enforcement cannot prevent this traffic from being unjust and injurious. At the same time, it considers that those Kanakas who have been conveyed from their own islands to Queensland, and, at the expiration of their terms of service under contract, have elected to remain in the Colony under conditions voluntarily and intelligently accepted by them, have a clear right to do so, and that their forcible deportation would be illegal, and on every ground improper.

3. According to our Committee's information, reasonable alarm prevails among a considerable number of Kanaka residents in Queensland at the imminent prospect of their expulsion from homes and occupations in which they have settled down as orderly British subjects, adapting themselves to local requirements, and having acquired habits and taken upon themselves responsibilities that unfit them for return to a state of life from which, with or without their consent, they were withdrawn many years ago. Our Committee is also informed that a weighty appeal to His Majesty is now being extensively signed by these resident Kanakas, setting forth in detail the grounds on which they seek protection from the treatment with which they are threatened.

4. In anticipation of the presentment of this petition, and in view of the possibility of delay being prejudicial to timely consideration of its

purport, our Committee takes the liberty of calling attention to the question at issue, in the hope that His Majesty's Government will be willing to make such representations to the Australian authorities as may conduce to a speedy and equitable settlement which, while conferring great benefit on those concerned in it, would in no way affect the general question of policy regarding native labour which has been raised in Queensland.

I have, etc.,
H. R. FOX BOURNE,
Secretary.

No. 2.

Mr. Chamberlain to Governor-General the Earl of Hopetoun.

My Lord,

Downing Street, May 16, 1902.

I have the honour to transmit to you for the consideration of your Ministers, a copy of a letter* from the Aborigines Protection Society protesting against the deportation from Australia under the Pacific Island Labourers Act, of Kanaka residents in Queensland.

2. I at the same time enclose a copy of a question asked in the House of Lords on this subject, and of the reply returned to it. I have no doubt that your Government will adopt such precautionary measures as are desirable to ensure the return to their proper villages of such Pacific Islanders as may be deported under the Act in question.

3. I take this opportunity of acknowledging the receipt of your despatch of the 19th of December last,† forwarding copies of representations which you have received from the Lieutenant-Governor of Queensland in regard to this Act, and to enclose a copy of a despatch‡ which I have addressed to Sir H. Chermiside on the subject.

I have, etc.,
J. CHAMBERLAIN.

Enclosure in No. 2.

House of Lords, February 20, 1902.

The Lord Lamington asked the Under Secretary of State for the Colonies whether the attention of His Majesty's Government has been directed to the Pacific Island Labourers Act of the Commonwealth of Australia, wherein—

1. Power is given to deport islanders who came to Australia under the laws of the Colony of Queensland, which sanctioned their permanent residence in that Colony if so inclined; and

2. Which provides no obligation to return these islanders to their proper villages on their respective islands, or to ensure their safety on their landing there.

In reply the Earl of Onslow said that this matter had been considered by the Secretary of State for the Colonies, but he did not gather that the noble Lord desired that the Secretary of State should take any action in regard to it. The subject was one which was entirely within the jurisdiction of the Commonwealth of Australia. It was one which affected them

* No. 1.

† Not printed.

‡ No. 3.

entirely, and they must be left to deal with it in their own way. The noble Lord had suggested that a very serious evil might happen to these labourers when they returned to their own country—that, instead of being received with acclamation, their fellow-countrymen would, he thought, the noble Lord went so far as to say, kill them and probably proceed to eat them. That was certainly a very alarming outlook, but he trusted that the noble Lord's fears were somewhat exaggerated. He could assure him, however, that, although as far as he had been able to read the Act, there was nothing in it which provided for the repatriation of these labourers in their own particular villages, the attention of the Commonwealth Government would be called to the matter, and a hope expressed that every care would be taken, as he was sure the Commonwealth Government would desire to take, to see that when these men were sent back, they were sent back to their own villages, and under such conditions that they might be expected to be willingly received there. The great majority of these men were not British subjects, and they were really living in a state of barbarism. They could hardly expect that the Commonwealth Government should open its shores freely to people who were in a state of barbarism or, at any rate, semi-barbarism; and he thought the noble Lord would admit that it was entirely within the right of the Commonwealth Government to exclude these men if they thought fit. He had no doubt that the Colony of Queensland might consider it a great hardship that these men were not allowed to come and work in the sugar fields, but that was a matter of internal administration in which he was sure the noble Lord, with his knowledge and experience of Australia, would not think it would be proper for His Majesty's Government to interfere.

No. 3.

Mr. Chamberlain to Governor Sir H. Chermiside (Queensland).

Sir,

Downing Street, May 16, 1902.

I have the honour to acquaint you, for the information of your Ministers, that I have received from the Governor-General of Australia, a copy of the representations made to him by your Government on the subject of the Pacific Island Labourers Act, but that I have not felt justified in advising His Majesty to disallow the measure.

I have, etc.,

J. CHAMBERLAIN.

No. 4.

Colonial Office to Aborigines Protection Society.

Sir,

Downing Street, May 16, 1902.

I am directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 18th ultimo,* on the subject of the application of the provisions of the Pacific Island Labourers Act to Kanaka residents in Queensland, and to inform you that a copy of your letter has been forwarded to the Governor-General of Australia for the consideration of his Government.

* No. 1.

2. A further communication will be addressed to you on the receipt of Lord Hopetoun's reply.

I am, etc.,
H. BERTRAM COX.

No. 5.

Governor-General the Earl of Hopetoun to Mr. Chamberlain.

(Received August 12, 1902.)

Commonwealth of Australia, Governor-General,
Sydney, July 7, 1902.

Sir,

Adverting to your despatch of the 16th May,* I have the honour to state that I have been informed by my Responsible Advisers that they have now under consideration the question of the deportation of Kanakas from Queensland, and that before any active steps are taken to arrange for such deportation, such precautionary measures as are desirable to ensure the return of the Islanders to their proper villages will be adopted.

2. Mr. Deakin is now making enquiries as to the number of Kanakas who have settled in Queensland with the intention of becoming permanent residents, and when the result of those enquiries is received all the circumstances will receive the most careful consideration.

I have, etc.,
HOPETOUN,
Governor-General.

No. 6.

Colonial Office to Aborigines Protection Society.

Sir,

Downing Street, September 9, 1902.

With reference to the letter from this Department of the 16th of May,† I am directed by Mr. Secretary Chamberlain to transmit to you for the information of your Committee a copy of a despatch‡ which has now been received from the Governor-General of the Commonwealth of Australia in reply to the despatch forwarding the representations of your Society on the subject of the deportation of Kanakas from Queensland.

I am, etc.,
C. P. LUCAS.

No. 7.

Governor Sir H. Chermiside to Mr. Chamberlain.

(Received October 20, 1902.)

Government House, Brisbane, Queensland, September 10, 1902.

Sir,

I have the honour to forward, for your information, a copy of a letter from Mr. Woodford, the Resident Commissioner, Solomon Islands.

I have sent a copy of this despatch to the Acting Governor-General.

I have, etc.,
HERBERT CHERMSIDE,
Governor.

* No. 2.

† No. 4.

‡ No. 5.

Enclosure in No. 7.

Government Residence, Solomon Islands, August 10, 1902.

Your Excellency,

In reply to your despatch, No. 53, of 24th June, in which you ask for an expression of my views upon the subject of the hardships likely to be entailed upon Pacific Islanders compulsorily returned to their homes under the provisions of the Pacific Island Labourers Act, 1901, and enclosing a copy of a petition which has been presented to Your Excellency, for transmission to His Majesty the King, I have the honour, in connection with the points raised in the various paragraphs of the petition, upon which I am in a position to offer an opinion, to observe

In connection with the points raised in paragraph 9, it would certainly, in some cases, be impossible for natives to return to the places whence they were recruited, and the statement that villages have disappeared, and that tribes (so-called) have been exterminated is correct.

The objection, contained in the same paragraph, that islands have passed under the jurisdiction of foreign powers, would concern only natives of Bougainville, New Britain, or New Ireland, which, since 1886, have been under the control of Germany. I imagine that the number of natives of these islands at present in Queensland is a very small one.

On the other hand the islands of Ysabel, Choiseul, the islands in Bougainville Straits, and Lord Howe's group, which, previous to 1886, were frequently visited by Queensland labour ships until at that time they passed under German control, are now, since 1899, under British protection.

As to paragraph 10.—Native marriage laws are very strict, and intercourse between natives belonging to the same "kemas" or totems, which are strictly exogamous, is looked upon with grave displeasure.

Doubtless natives in Queensland, removed from the influences which surround them at home, have contracted marriages which would have been impossible in their own islands. It would certainly be extremely dangerous for couples so married to return to their native place.

Again, when a man or a woman has contracted a marriage in Queensland with a native of another island, as, for instance, when a Solomon Islander has married a New Hebrides woman, or a Mala man has married a San Cristoval woman, or *vice versa*, danger would undoubtedly be incurred by the alien should the couple land at the native place of the other.

Paragraph 11.—Missionary influence has been extended to most of the islands in the British Solomon Islands Protectorate. The return of Christianised natives should tend to strengthen the influence already at work.

A point not raised in the petition for obvious reasons is that natives who recruit are frequently fugitives from native justice, and leave home to avoid the consequences of their misdeeds. Such natives would incur very serious risk of vengeance by returning to their homes.

A case has recently occurred at Mala where a native who had been thirty-five years in Fiji was murdered. The alleged cause of the murder was a crime said to have been committed by him previous to his departure for Fiji.

I would bring the following to your Excellency's notice.

A case occurred about three years ago, when a native returned to Guadalcanar, after many years' residence in Queensland. During his stay there he had contracted a legal marriage with a white woman. Seven children were born of the marriage, four of whom, three girls and a boy, returned with the father. The position of these poor children is a most pitiable one. I have been forced to make temporary arrangements for the reception of the two elder girls, aged twelve and fourteen respectively, much against the father's wish, at one of the Missionary Stations.

These children, being British subjects and natives of Queensland, I would ask if the provisions of the Pacific Island Labourers Act permanently exclude them from the Commonwealth.

I propose to make arrangements to reserve certain areas where natives who are unable to land at their own homes may have an opportunity of forming settlements, but it would be desirable if I could be informed in advance of the numbers likely to avail themselves of such a proposal.

As requested, I have the honour to return the copy of the petition enclosed in your Excellency's despatch.

I have, etc.,

CHARLES M. WOODFORD.

His Excellency General Sir Herbert Chermiside, G.C.M.G.,
Governor of Queensland.

No. 8.

Aborigines Protection Society to Colonial Office.

(Received October 23, 1902.)

Aborigines Protection Society, Broadway Chambers,

Sir,

Westminster, S.W., October 22, 1902.

I have the honour, on behalf of the Committee of the Aborigines Protection Society, in acknowledging the receipt of your letter of 9th September,* respecting the treatment of Kanakas in Queensland, and with reference to your despatch of 30th August, which appears in Parliamentary Paper, Cd. 1285, to submit to you the following observations.

2. It is a matter of great regret to the Committee that His Majesty's Government has decided not to interfere with the action of the Australian Commonwealth as regards the deportation of such Pacific Islanders as had become permanent residents in Queensland before the passing of the Pacific Islanders Act of 1901. Without questioning the determination of His Majesty's Government not "to take upon themselves the functions of a Court of Appeal from the Parliament of a self-governing Colony," in respect of measures that "involve no Imperial public interest," I am respectfully to point out that, in the Committee's opinion, the treatment appealed against by the Queensland Kanakas in their petition of last April, does involve the interests, as well as the good faith, of those responsible for control of the British Empire.

* No. 6.

3. The case of the petitioners is that many of them, having been induced to take temporary service in Queensland, are entitled by successive Acts of Parliament (44 Victoria, No. 17 ; 47 Victoria, No. 12 ; and 55 Victoria, No. 35) not only to restoration to their island homes if they demand it, but also to protection as permanent residents in the Colony if they preferred to surrender their right to restoration. As they urge in the petition, "It was lawful for any islander who had fulfilled his first or other agreement to enter into any business or occupation in which he could be his own master, as freely as domiciled aliens of other Colonial races have always been permitted and are still permitted to do in Australia." They have, in effect, been allowed and encouraged to acquire the rights and privileges of British citizenship.

4. It is submitted that the forcible removal from their adopted homes of any Kanaka residents in Queensland who have not been legally condemned to transportation for proved offences will be an act of flagrant injustice, not to be excused by any arbitrary legislation, and therefore calls for the intervention of His Majesty's Government, even, and especially, on "the broad constitutional ground" that "Imperial public interest" is gravely involved in the equitable upholding of liberties accorded to these subjects of the Crown by legislation which received the sanction of the Imperial Government before they were assigned to the control of the Australian Commonwealth.

I have, etc.,

H. R. FOX BOURNE,
Secretary.

No. 9.

House of Commons.

Wednesday, October 22, 1902.

Sir Brampton Gurdon asked the Secretary of State for the Colonies, with reference to his despatch, addressed to the Governor of Queensland on 30th August, 1902,* whether he can inform the House as to the steps taken by His Majesty's Government to safeguard the interests of Pacific Islanders who have become residents of Queensland, and who will be liable, under the Pacific Island Labourers Act, to exclusion from the privileges acquired by them as subjects of the Crown.

Mr. J. Chamberlain, in reply, said :—"The necessity of dealing carefully with the interests of Pacific Islanders who have become resident in Queensland has been strongly pressed on the Commonwealth Government, and I am confident that they will carry out the law in a liberal spirit. A despatch from the Governor-General on the subject is on its way.

"I may add that I am not aware that any of these labourers have become subjects of the Crown."

* No. 2 in [Cd. 1285]—*not printed in this work.*

No. 10.

Colonial Office to Aborigines Protection Society.

Sir,

Downing Street, October 28, 1902.

I am directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 22nd of October,* on the subject of the treatment of Kanakas in Queensland.

2. In reply, I am to refer you, with regard to the steps taken by His Majesty's Government to safeguard the interests of Pacific Islanders who have become residents of Queensland, to the answer returned by Mr. Chamberlain to Sir Brampton Gurdon in the House of Commons on the 22nd of October.

I am, etc.,

H. BERTRAM COX.

NOTE.—The following three hours' paper, of which a model solution is printed on p. 152, *et seq.*, was set by the Society of Arts Examiner in 1902. It is similar in length and character to those usually given in all Civil Service Examinations.

After reading the appended instructions, our hints in § 80-2 should be revised.

Compare with the instructions which head the London University Matriculation Paper on Précis Writing.

EXERCISE IV.

SOCIETY OF ARTS EXAMINATIONS, 1902.

PRÉCIS-WRITING.

[TIME ALLOWED THREE HOURS.]

Having read the accompanying Correspondence—

1. Make a short Abstract, Schedule, or Docket of the letters and other papers on the ruled form supplied to you.

2. Draw up a Memorandum, or Précis, *i.e.* a brief and clear statement of what passed, not letter for letter, but in the form of a narrative. This should commence in the middle of the fold of paper supplied to you, on one of the pages not ruled with a form in red ink.

N.B.—No candidate can expect to obtain either a Second-class or a First-class Certificate, who does not attempt the Memorandum or Précis as well as the Abstract, and no candidate can expect to obtain a First-class Certificate who does not produce a fairly good Memorandum.

* No. 8.

(1) The object of the Abstract, Schedule, or Docket is to serve as an Index. It should contain the date of each letter; the names of the persons by whom and to whom it is written; and, *in as few words as possible*, the subject of it. The merits of such an Abstract are (a) to give the really important point or points of each letter, omitting everything else; (b) to do this briefly; (c) distinctly; and (d) in such a form as readily to catch the eye.

(2) The object of the Memorandum or Précis, which should be drawn up, *not letter by letter*, but in the form of a narrative, is to inform anyone who has not time to read the original letters of all the leading features of what transpired as shown by the correspondence. The merits of such a Précis are—(a) to contain all that is important in the Correspondence, and nothing that is unimportant; (b) to present this in a consecutive and readable shape, expressed as distinctly as possible, and as briefly as is compatible with completeness and distinctness.

CORRESPONDENCE RESPECTING THE ACTION OF HER MAJESTY'S NAVAL AUTHORITIES WITH REGARD TO CERTAIN FOREIGN VESSELS.

No. 1.

Rear-Admiral Sir R. Harris to Admiralty.

(Telegraphic.)

Simonstown, December 5, 1899.

"Marathon" at Aden reports sailing of "Bundesrath" for Delagoa Bay. Ammunition suspected, but none ascertained. She carries twenty Dutch and Germans and two supposed Boers, three Germans and two Austrians, believed to be officers, all believed to be intending combatants, although shown as civilians; also twenty-four Portuguese soldiers.

No. 2.

The Marquess of Salisbury to Sir F. Lascelles (British Ambassador at Berlin).

(Telegraphic.)

Foreign Office, December 30, 1899.

Her Majesty's ship "Magicienne" is reported by Admiral at the Cape to have brought German steamship "Bundesrath" into Durban.

We were aware that she was suspected to be carrying ammunition in her cargo, and that she had on board a number of passengers believed to be volunteers for service with the Boers, but we have no details nor information as to the grounds for the seizure.

No. 3.

The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, December 31, 1899.

German Embassy made a verbal communication to-day respecting the "Bundesrath," requesting that she should be released on the ground that

she carries no contraband according to assurance of owners, and because her detention, owing to her being a mail ship, interferes with public and common interests, in addition to the loss suffered by the Company.

The Embassy was informed that further particulars would be given as soon as received, but that we have no information at present beyond that sent to you, which has been communicated to Count Hatzfeldt.

No. 4.

Count Hatzfeldt (German Ambassador) to the Marquess of Salisbury.
(Translation.)

My Lord,

German Embassy, London, January 4, 1900.

With reference to the seizure of the German Steamer "Bundesrath" by an English ship of war, I have the honour to inform your Excellency, in accordance with instructions received, that the Imperial Government, after carefully examining the matter and considering the judicial aspects of the case, are of opinion that proceedings before a Prize Court are not justified.

This view is grounded on the consideration that proceedings before a Prize Court are only justified in cases where the presence of contraband of war is proved, and that, whatever may have been on board the "Bundesrath," there could have been no contraband of war, since, according to recognised principles of international war, there cannot be contraband of war in trade between neutral ports.

This is the view taken by the British Government in 1863 in the case of the seizure of the "Springbok" as against the judgment of the American Prize Court, and this view is also taken by the British Admiralty in their "Manual of Naval Prize Law" of 1866.

The Imperial Government are of opinion that, in view of the passages in that Manual: "A vessel's destination should be considered neutral, if both the port to which she is bound and every intermediate port at which she is to call in the course of her voyage be neutral," and, "the destination of the vessel is conclusive as to the destination of the goods on board," they are fully justified in claiming the release of the "Bundesrath" without investigation by a Prize Court, and that all the more because, since the ship is a mail steamer with a fixed itinerary, she could not discharge her cargo at any other port than the neutral port of destination.

In view of what is stated above, I have the honour to request your Excellency, in accordance with instructions from the Imperial Government, that with the reservation of what may further be decided, to order the release of the "Bundesrath," and since she was seized more than a week ago and the Imperial Government have not yet been informed of the reasons for the seizure, I should be obliged if I could be favoured with a reply at your earliest convenience.

I have, etc.,
(Signed)

P. HATZFELDT.

No. 5.

The Marquess of Salisbury to Sir F. Lascelles.

Sir,

Foreign Office, January 4, 1900.

Baron von Eckardstein, from the German Embassy, called on me yesterday, and informed me that he had been instructed to address to me

a note with respect to the arrest of the "Bundesrath." I will make some observations in a separate despatch* upon the questions raised in that note; but I informed Baron Eckardstein that we were entirely unable to accede to his contention that a neutral vessel was entitled to convey without hindrance contraband of war to the enemy, so long as the port at which he intended to land it was a neutral port. Baron Eckardstein asked me whether it was not possible to allow the mail steamer go on bail, so as not to interfere more than was necessary with her voyage.

I said that I should be entirely in favour of that plan, if it were practicable, and were adopted under suitable conditions. But I added that I believed she was now in the hands of the Prize Court, which, of course, acted independently.

I am, etc.,
(Signed) SALISBURY.

No. 6.

Sir F. Lascelles to the Marquess of Salisbury.

(Telegraphic.)

Berlin, January 5, 1900.

Report has been received from German Consul at Durban stating that no contraband has been found on the "Bundesrath," although she has been searched for nine days. Baron von Richthofen said that public opinion here has been greatly excited by the seizure of the "Bundesrath" and the "General." The fact that the naval authorities had failed to discover contraband would seem to render their action unjustifiable; but the German Government maintain that, even if contraband had been discovered, England would have no right to interfere with neutral vessels going from one neutral port to another, and the task of preventing the transmission of contraband to the Transvaal would lie with the Portuguese Government.

When the war broke out, the Steamship Company disembarked some contraband of war at Dar-es-Salaam and Port Said in order to obviate any possible complication, and since then the Company has issued strict orders that contraband should not be embarked.

No. 7.

Count Hatzfeldt to the Marquess of Salisbury.

(Translation.)

My Lord,

German Embassy, London, January 5, 1900.

According to a communication received by the Imperial Government by telegraph from Aden the day before yesterday, a second mail-steamer of the German East African line, the "General," has now been stopped there, occupied by force by British troops, and ordered to land her cargo.

In accordance with instructions received, I have the honour to inform your Excellency of the above, and, expressly reserving any claims for compensation, to request that orders may be given for the immediate release of the steamer and her cargo, for that portion of her cargo which has already been landed to be taken on board again, and for no

* No. 13.

hindrances to be placed in the way of the ship continuing her voyage to the places mentioned in her itinerary.

I am further instructed to request your Excellency to cause explicit instructions to be sent to the Commanders of British ships in African waters to respect the rules of international law, and to place no further impediments in the way of the trade between neutrals.

I should be obliged if your Excellency would send me a reply at your earliest convenience.

I have, etc.,
(Signed) P. HATZFELDT.

No. 8.

Sir F. Lascelles to the Marquess of Salisbury.

(Telegraphic.)

Berlin, January 7, 1900.

In consequence of the capture of a third German ship, the "Herzog," I received a message again this evening from Count Bulow asking me to pay him a visit, the vessel having on board a deputation of the Red Cross Society. A list of the members of this deputation has already been furnished by me to your Lordship.

His Excellency, after repeating to me all he had said relative to the "Bundesrath" and the "General," informed me that fresh instructions had been sent to Count Hatzfeldt to press your Lordship for a reply to the complaint which had already been submitted. He said that his most earnest desire was that orders should be sent for the prompt release of the vessels, for the payment of compensation for losses which had been sustained, and for the prevention of the recurrence of similar incidents.

No. 9.

The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, January 7, 1900.

I have received two notes from German Ambassador, of a tone very unusual in diplomatic correspondence, respecting the arrest of the "Bundesrath" and the search of the "General."

We are pressing the authorities in Natal for prompt completion of investigation in case of the first-named ship, and making inquiry into the facts as regards the second.

The principle which we have maintained in regard to contraband of war is not that which the German Government supposes.

Both notes will be answered in due course under advice of the Law Officers of the Crown.

No. 10.

Sir F. Lascelles to the Marquess of Salisbury.

(Extract.)

Berlin, January 4, 1900.

With reference to my telegram of the 30th ultimo, I have the honour to report that, shortly before seven o'clock in the evening of that day, Count Bulow sent me a message by telephone, asking me to call upon him at once,

On my arrival at his house, his Excellency told me that he was most desirous to see me, in consequence of the seizure of the German mail steamer "Bundesrath" by an English man-of-war. The ship had been taken to Durban, and his Excellency hoped that orders would be sent to release her as soon as possible, if it should be found that she did not carry contraband of war. Count Hatzfeldt had been instructed to bring the case to your Lordship's notice, but Count Bulow begged me also to telegraph to your Lordship on the subject.

I replied that I had absolutely no information on the subject, but that I would telegraph at once to your Lordship. I asked his Excellency particularly whether his request was that measures should be taken for the speedy release of the ship if no contraband was found on board.

His Excellency answered in the affirmative, and said that he had received most positive assurances from the Company, and that he honestly believed that no contraband would be found.

No. 11.

Sir F. Lascelles to the Marquess of Salisbury.

(Extract.)

Berlin, January 5, 1900.

I called on Baron von Richthofen this morning, and found him pre-occupied on the subject of the seizure of German ships.

After a nine days' search at Durban, no single article of contraband had been found on board the "Bundesrath;" but the vessel was still detained, and Her Majesty's Government were still waiting for information from Durban to enable them to reply to the representations which the German Government had made to them. The failure of the British authorities to discover contraband on board the "Bundesrath" seemed to deprive them of any justification for their action.

The German Government maintained that even if contraband had been discovered, it would not have justified the British authorities in interfering with a neutral ship plying between two neutral ports. He cited the case of the "Springbok," with which I was not acquainted, as a proof that a British Court had affirmed this principle. It would be for the authorities of the neutral port to prevent the contraband reaching one of the belligerents, and surely Her Majesty's Government had the means of exerting sufficient pressure on the Portuguese authorities to prevent them from allowing contraband of war to reach the Transvaal, without capturing apparently innocent German ships, and detaining them for so long a time.

On leaving Baron von Richthofen, I drafted my telegram of this day's date, but before sending it I received a message from Count von Bulow, asking me to call upon him between six and seven o'clock this evening, and therefore delayed sending my telegram until I should see his Excellency.

I have in my telegram of this day's date reported to your Lordship the principal points of my conversation with Count von Bulow.

He believed that both in law and in fact the capture of the German ships could not be justified. He honestly believed the assurances of the Steamship Company that the captured vessels contained no contraband

of war, and, even if they had, the decisions of British Courts might be invoked to prove that the ships should not have been detained.

No. 12.

The Marquess of Salisbury to Sir F. Lascelles.

Sir,

Foreign Office, January 9, 1900.

Baron von Eckardstein called here to-day on behalf of the German Ambassador in connection with the seizure of the "Bundesrath." I told him that I could not undertake to arbitrate on any legal question under dispute, and could not express an opinion as to whether it would be desirable to do so until I saw precisely what the doctrine in controversy was; but that I thought that questions of indemnity, demurrage, or damages, if they arose, were very suitable for arbitration.

I told him the Admiralty had released the "General," and had suspended for the present examinations in the Red Sea on account of difficulties attaching to the decision of the accusation of carrying contraband of war at a place so far distant from the destination of the accused vessel.

I further informed him that I thought it quite possible the "Herzog" might be released, but I could give no promises on the point, as she was in the Prize Court.

I said we were considering how far we could abstain from arresting mail steamers of any nation, unless their culpability was flagrant, because the inconvenience caused by their arrest was undoubtedly great.

I stated that we were wholly unable to agree with the German Government in the alleged right of a neutral to transmit contraband to a belligerent through a neutral port, but that we entirely concurred in the importance of pushing these cases through with as much rapidity as possible, and we had given repeated instructions to that effect.

I am, etc.,

(Signed) SALISBURY.

No. 13.

The Marquess of Salisbury to Sir F. Lascelles.

Sir,

Foreign Office, January 10, 1900.

I transmit to your Excellency herewith the translation of a note* which I have received from the German Ambassador at this Court with regard to the seizure of the German steamer "Bundesrath" by Her Majesty's ship "Magicienne," on suspicion of carrying contraband of war destined for the South African Republics.

In this note Count Hatzfeldt states that the German Government, after careful examination of the judicial aspects of the case, are of opinion that proceedings before a Prize Court are not justified. They base this view on the doctrine that, according to the recognised principles of international law, no question of contraband of war arises in trade between neutral ports. In support of this argument they cite the view which they state "to have been taken by Her Majesty's Government in 1863 in the case of the seizure of the 'Springbok,'" as against the Judgment of the

* No. 4.

United States' Prize Court, and that which they consider to be taken "by the British Admiralty in their 'Manual on Naval Prize Law' of 1866."

Before examining the doctrine thus put forward by the German Government, it will be desirable to remove some errors of fact in regard to the authorities which they cite.

It is not the case that the British Government in 1863 raised any claim or contention against the Judgment of the United States' Prize Court in the case of the "Springbok." On the first seizure of that vessel, and on an ex parte and imperfect statement of the facts by the owners, Earl Russell, then Secretary of State for Foreign Affairs, informed Her Majesty's Minister at Washington that there did not appear to be any justification for the seizure of the vessel and her cargo, that the supposed reason, namely, that there were articles in the manifest not accounted for by the captain, certainly did not warrant the seizure, more especially as the destination of the vessel appeared to have been bona fide neutral, but that, inasmuch as it was probable that the vessel had by that time been carried before a Prize Court of the United States for adjudication, and that the adjudication might shortly follow, if it had not already taken place, the only instruction that he could at present give to Lord Lyons was to watch the proceedings and the Judgment of the Court, and eventually transmit full information as to the course of the trial and its results.

The Prize Court of the United States, in a long and considered Judgment, decreed confiscation both of the vessel and the cargo. The owners applied for the intervention of Her Majesty's Government, and forwarded in support of their application an opinion by two English Counsel of considerable eminence.

The real contention advanced in this opinion was that the goods were, in fact, bona fide consigned to a neutral at Nassau. It cannot, therefore, be adduced in support of the doctrine now advanced by the German Government. But Her Majesty's Government, after consulting the Law Officers of the Crown, distinctly refused to make any diplomatic protest or enter any objection against the decision of the United States' Prize Court, nor did they ever express any dissent from that decision on the grounds on which it was based.

The volume which is described in Count Hatzfeldt's note as "The Manual of Naval Prize Law of the British Admiralty," and from which Count Hatzfeldt quotes certain phrases as expressing the view of the Lords Commissioners on this subject, is, in fact, a book originally compiled by Mr. (now Sir Godfrey) Lushington, which was published under the authority of the Lords Commissioners as stating in a convenient form the general principles by which Her Majesty's officers are guided in the exercise of their duties; but it has never been asserted and cannot be admitted to be an exhaustive or authoritative statement of the views of the Lords Commissioners. The preface to the book states that it does not treat of questions which will ultimately have to be disposed of by the Prize Court, but which do not concern the officer's duty of the place and hour. The directions in this Manual, which for practical purposes were sufficient in the case of wars such as have been waged by Great Britain in the past, are quite inapplicable to the case which has now arisen of war with an inland State, whose only communication with the

sea is over a few miles of railway to a neutral port. In a portion of the Introduction the author discusses the question of destination of the cargo, as distinguished from destination of the vessel, in a manner by no means favourable to the contention advanced in Count Hatzfeldt's note. Moreover, Professor Holland, who edited a revised edition of this Manual in 1880, in a recent letter published in *The Times* has expressed an opinion altogether inconsistent with the view which the German Government endeavour to found upon the words of the Manual.

In the opinion of Her Majesty's Government, the passage cited from the Manual, "that the destination of the vessel is conclusive as to the destination of the goods on board," has no application to such circumstances as have now arisen.

It cannot apply to contraband of war on board of a neutral vessel if such contraband was at the time of seizure consigned or intended to be delivered to an agent of the enemy at a neutral port, or, in fact, destined for the enemy's country.

The true view in regard to the latter category of goods is, as Her Majesty's Government believe, correctly stated in paragraph 813 of Professor Bluntschli's "*Droit International Codifié*," as follows (I cite from the French translation of 1874, 2nd edition, of the work of this eminent German jurist):—

"Si les navires ou marchandises ne sont expédiés à destination d'un port neutre que pour mieux venir à l'ennemi il y aura contrebande de guerre et la confiscation sera justifiée."

Her Majesty's Government are unable therefore to agree that there are grounds for ordering the release of the "Bundesrath" without examination by the Prize Court as to whether she was carrying contraband of war belonging to or destined for, the South African Republics. But they fully recognise how desirable it is that this examination should be carried through at the earliest possible moment, and that all proper consideration should be shown for the owners and for the innocent passengers and merchandise on board of her. Repeated and urgent instructions have been sent by telegraph for this purpose, and arrangements have been made for the transmission of the mails.

Your Excellency will address a note to the German Minister for Foreign Affairs containing the above observations.

I am, etc.,
(Signed) SALISBURY.

No. 14.

The Marquess of Salisbury to Sir F. Lascelles.

Sir,

Foreign Office, January 11, 1900.

Baron von Eckardstein called on me yesterday, and in the course of conversation on the subject of the recent seizures of German mail steamers, informed me that in view of the protest which I had made against the position taken up by the German Government that there could not be any question of contraband in trade between neutral ports, they had decided to abstain from pressing or discussing their opinion for the present in order to facilitate a speedy and amicable settlement.

I am, etc.,
(Signed) SALISBURY.

No. 15.

Sir F. Lascelles to the Marquess of Salisbury.

(Telegraphic.)

Berlin, January 12, 1900.

I saw Baron von Richthofen this afternoon and read to him your Lordship's despatch of the 10th instant; I told him that I was going to embody it in a note which I would send to Count von Bulow.

In reply Baron von Richthofen remarked that even if for the moment the question of trade between neutral ports were put on one side, it was nevertheless maintained by the Imperial Government that as a preliminary search of the "Bundesrath" did not give any indication of there being contraband on board, there was no justification for the delivery of that vessel to a Prize Court.

No. 16.

The Marquess of Salisbury to Sir F. Lascelles.

(Extract.)

Foreign Office, January 13, 1900.

Baron von Eckardstein called at the Foreign Office yesterday and stated to Mr. Bertie, for my information, that the German Government had received with satisfaction the assurance which I had given him on the 10th instant that I would do everything in my power to avoid, if possible, the recurrence of such incidents as those of the German ships recently seized.

With regard to the question discussed between Baron von Eckardstein and myself as to a parallel of latitude down to which all ships should be exempt from search, the German Government would be greatly obliged if I could see my way to fix some point other than parallel 10, as that parallel appeared, in my opinion, not to be suitable owing to steamers when south of Mambasa hugging the Portuguese coast so close as to be within territorial limits.

No. 17.

The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, January 14, 1900.

I have given to Baron von Eckardstein, for transmission to Count Bulow, the following verbal message:—

"Orders have been given to discontinue the search of vessels at Aden.

"The question of the instructions that can be sent to British naval officers to show special consideration for mail steamers is under consideration. Orders have meanwhile been given that no German mail steamers shall be arrested on suspicion alone until the examination of the 'Bundesrath' is completed and the result known."

No. 18.

Sir F. Lascelles to the Marquess of Salisbury.

(Telegraphic.)

Berlin, January 15, 1900.

I have the honour to inform your Lordship that the instructions which have been sent to-day to Count Hatzfeldt have been communicated to me by Count Bulow through Baron von Richthofen.

His Excellency's most earnest desire is to obtain the following modifications in the statement made to Baron Eckardstein by your Lordship :—

Firstly, that the orders forbidding the arrest of mail steamships until the completion of the examination of the "Bundesrath" may be prolonged ; and,

Secondly, that the orders which have been issued for the discontinuance of the search of vessels at Aden may be made applicable to any place situated at a similar distance from the seat of war.

No. 19.

The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, January 16, 1900.

Baron von Eckardstein informed me to-day, with reference to the search of mail steamers for contraband of war, that considerable anxiety was expressed in Berlin that some arrangement should be come to on this question.

I said that there were many difficulties regarding this question, which I was ready to discuss with the German Government, but that orders had been given for the present that no more mail steamers were to be arrested on suspicion alone until further orders.

I observed that the term mail steamer could not safely be applied to any steamer that had a bag of letters on board, and that it required definition. We understood by mail steamers steamers of subsidized lines, and consequently owned by persons whom the German Government considered as respectable.

He further urged that we should extend the arrangement of giving up the examination of ships at Aden to all places equidistant with Aden from Delagoa Bay.

I said we did not object to this proposal.

With this information he appeared satisfied.

No. 20.

The Marquess of Salisbury to Sir F. Lascelles.

Sir,

Foreign Office, January 17, 1900.

I transmit to your Excellency herewith translation of a note* which I received on the 5th instant from the German Ambassador at this Court, stating that, according to a communication received by his Government, the mail steamer "General," of the German East African line, had been stopped at Aden, occupied by force by British troops, and ordered to land her cargo. Count Hatzfeldt proceeds to request that orders may be given for the immediate release of the steamer and her cargo, for that portion of her cargo which had already been landed being replaced on board, and for the vessel being permitted to continue her voyage to the places mentioned in her itinerary. His Excellency further requests that explicit instructions be sent to the Commanders of British ships in African waters to respect the rules of international law, and to place no further impediments in the way of trade between neutrals.

* No. 7.

I received with some surprise a communication from the Representative of a Power with whom Her Majesty's Government believe themselves to be on the most friendly terms—worded in so abrupt a manner, and couched in language which imputed to Her Majesty's Naval Commanders that they had shown a disrespect to international law, and placed unnecessary impediments in the way of neutral commerce. There is no foundation for these imputations.

I at once requested the Lords Commissioners of the Admiralty and the Secretary of State for India to make inquiries whether the facts were as reported to the German Government.

From reports which have reached Her Majesty's Government by telegraph the following appear to be the facts of the case.

Before the arrival of the vessel at Aden it was already known that she had on board among her passengers thirty-one men of German and Flemish nationality who had all the appearance of their being on their way to the South African Republic for the purposes of military service there. On her arrival, information reached the British Resident that there were suspicious articles on board destined for Delagoa Bay, and that boxes of ammunition were buried under the reserve store of coal. The Senior Naval Officer at Aden thereupon boarded her on the ground of strong suspicion of her carrying contraband of war destined for the enemy and commenced to search her.

The Lords Commissioners of the Admiralty on being informed of the detention of the vessel, telegraphed to the Senior Naval Officer that such detention on suspicion only was undesirable if the vessel carried mails, unless contraband of war was found on board. The Senior Naval Officer was at the same time called upon to carry out the necessary search as quickly as possible, and there can be no doubt that in this respect he did his utmost to avoid any unnecessary delay; the crew of Her Majesty's ship "Marathon," assisted by 100 coolies, having worked day and night. The vessel having arrived on the 4th January, he reported on the 6th that the search had been completed. The cargo was restored with the greatest possible rapidity and the vessel sailed on the morning of the 10th instant.

The Senior Naval Officer reported that he had found on board several large cases of rifle ammunition for Mauser, Mannlicher, and sporting rifles consigned to Mombasa; these were entered on the manifest, and he believed them to be destined bona fide as consigned. He had found also on board consignments of axle-trees for waggons and chloride of lime for Delagoa Bay, both of which appeared on the manifest. The captain of the vessel gave an undertaking that these should be handed over to Her Majesty's Consul at Delagoa Bay. At the bottom of the hold was a cargo of food for Delagoa Bay. Heavy machinery and boilers appear to have been stowed on the top of the store of coals in which it was reported that ammunition was concealed. The search for the cases, therefore, must have been conducted under great difficulties.

There seems reason to believe that among the passengers on board going to the Transvaal were a number of trained artillerymen, but there was no sufficient evidence as to their destination to justify further action on the part of the officers conducting the search.

Until they receive the detailed reports, which will reach them by mail,

Her Majesty's Government cannot decide whether the British naval officers in any respect exceeded the right of search accorded by international practice to belligerents. They recognise, however, that in the case of steamers carrying mails, that right should be exercised with all possible consideration, and only resorted to when the circumstances are clearly such as to justify the gravest suspicion.

They regret the inconvenience which has been caused on the occasion.

Your Excellency will read this despatch to the German Minister for Foreign Affairs and leave him a copy of it.

I am, etc.,
(Signed) SALISBURY.

No. 21.

The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.) Foreign Office, January 18, 1900.
"Bundesrath" and cargo released.

No. 22.

Sir F. Lascelles to the Marquess of Salisbury.

My Lord, Berlin, January 19, 1900.

Your Lordship's despatch of the 17th instant on the subject of the capture of the German mail steamer "General" reached me last night, and as I was aware that Count von Bulow was to reply to-day to an interpellation in the Reichstag on the subject of the seizure of German ships by Her Majesty's naval authorities, I called upon Baron von Richthofen this morning, and begged him to communicate the substance of your Lordship's despatch, and more especially the passage in which your Lordship animadverts on the abrupt language of Count Hatzfeldt's note of the 5th instant, before Count Bulow should make his speech, and at the same time to request his Excellency to give me an opportunity later of carrying out your Lordship's instructions to read the despatch to him and leave him a copy of it.

Baron von Richthofen argued that, in the opinion of the German Government, the action of Her Majesty's naval officers in arresting the German ships had, in fact, been a violation of international law and an undue interference with neutral commerce, to which I replied that Her Majesty's Government did not share this view, and as there was a difference of opinion on the subject, it seemed to me that the German Government were going very far in asking that definite instructions should be sent to Her Majesty's Naval Commanders before even an inquiry had been instituted into the merits of the case. It was evident that your Lordship resented the tone and language of Count Hatzfeldt's note, and I was anxious that this fact should be brought to Count Bulow's notice before he made his speech in the Reichstag.

At Baron von Richthofen's request, I left with him your Lordship's despatch, of which I had not then had time to cause a copy to be made, and I have no doubt that he communicated it at once to Count Bulow. He has now returned it to me, and I shall take an early opportunity

of formally carrying out your Lordship's instructions by reading it to Count Bulow, and leaving a copy of it with his Excellency.

I have, etc.,
(Signed) FRANK C. LASCELLES.

No. 23.

Sir F. Lascelles to the Marquess of Salisbury.

My Lord,

Berlin, January 20, 1900.

With reference to my telegram of the 15th instant, I have the honour to transmit to your Lordship herewith copy and translation of a speech which Count von Bulow delivered in the Reichstag yesterday, in answer to an interpellation bearing the signatures of members from all parts of the Imperial Diet, asking for information concerning the steps taken by the German Government in the matter of the recent seizures of German mail steamers by British ships of war.

Count von Bulow, after recapitulating the views of the German Government upon the question of the circumstances under which a belligerent ship has the right to stop a neutral vessel, announced that the "General," "Herzog," and "Bundesrath" had all been released by the British Government, after representations had been addressed to them by the German Government. His Excellency also sketched the outlines of the understanding come to between the two Governments with regard to the future stopping of German vessels.

I have, etc.,
(Signed) FRANK C. LASCELLES.

Inclosure in No. 23.

Speech by Count von Bulow in the Reichstag on January 19, 1900.
(Translation.)

The proposer of this motion laid stress at the commencement of his speech upon the profound concern which has been caused throughout the whole of Germany by the seizure of German steamers by British war-ships. Out of consideration for the legitimate agitation of public opinion, I have gladly expressed my readiness to reply to the interpellation which has just been made. On the other hand, the House will readily understand, if, in view of the gravity of the whole political situation, I confine myself to a strict statement of the questions involved. The facts of the case have been so admirably stated by the previous speaker that I have nothing to add to his remarks on this head. Before I deal with our attitude towards the events in question, I would wish to make the following observations with regard to the affair from the point of view of international law. I followed the learned exposition of the previous speaker with the greatest interest. But he himself laid stress on the fact that there are as yet no legal principles fixed and binding on all the Maritime Powers respecting the rights of neutrals to trade with a belligerent, or the rights of belligerents in respect of neutral commerce. Proposals have repeatedly been made to regulate by way of international agreements the disputed points of international law with regard to maritime warfare. Attempts at a settlement have so far invariably

failed, owing to the obstacles created by the divergent views of the different Powers. An endeavour was made to include this question in the deliberations of the Peace Conference at the Hague. The sole result was that the Conference gave expression to the wish that an attempt should be made by means of subsequent international Conferences to regulate, on the one hand, the rights and duties of neutrals, and, on the other, the question of private property at sea. The German Empire would not withhold its concurrence and support if a prospect were to arise of defining, more distinctly than heretofore, in conjunction with other Powers, the lines for an international settlement of the disputed points of maritime law. For the moment, however, the speaker was only too right when he observed that maritime law is still in a liquid, elastic, and imperfect state. There are still many gaps in maritime law, which, as matters now stand, are only too frequently apt to be supplemented by armed force at critical junctures—in other words, in the domain of maritime law the standard of might has as yet been by no means superseded by the standard of right. I should like to lay down the following propositions, drawn up in conjunction with other competent Departments, as a system of law which shall be operative in practice, and a disregard for which would, in our opinion, constitute a breach of international treaties and customs :—

1. Neutral merchant ships on the high seas or in the territorial waters of the belligerent Powers (apart from the right of convoy, which does not arise in the case in point) are subject to the right of visit by the warships of the belligerent parties. This undoubtedly applies to waters which are not too remote from the seat of war. No special agreement exists at present as regards mail steamers.

2. The right of visit is to be exercised with as much consideration as possible, and without undue molestation.

3. The procedure in visiting a vessel consists of two or three acts, according to the circumstances of each case : stopping the ship, examining her papers, and searching her. The two first acts may be undertaken at any time, and without other preliminary proceeding. If the neutral vessel resists the order to stop, or if irregularities are discovered in her papers, or if the presence of contraband is revealed, then the belligerent vessel may capture the neutral, in order that the case may be investigated and decided upon by a competent Prize Court.

4. By the term “contraband of war” only such articles or persons are to be understood as are suited for war, and at the same time are destined for one of the belligerents. The class of articles to be included in this definition is a matter of dispute, and, with the exception of arms and ammunition, is determined, as a rule, with reference to the special circumstances of each case, unless one of the belligerents has expressly notified to the neutrals in a regular manner what articles it intends to treat as contraband, and has met with no opposition.

5. Discovered contraband is liable to confiscation, whether with or without compensation depends on the circumstances of each case.

6. If the seizure of the vessel was not justified, the belligerent State is bound to order immediate release of ship and cargo, and to pay full compensation.

According to the above, and in view of the present practice of nations,

it would not have been possible to lodge a protest against the stopping on the high seas of the three steamers of the East African line, or against the examination of their papers. On the other hand, by the same standard, the seizure and conveying to Durban of the "Bundesrath" and "Herzog," and the discharging of the cargoes of the "Bundesrath" and the "General" were undertaken upon insufficiently founded suspicion, and do not appear to have been justified.

I should wish to take this opportunity for observing that we strove from the outset to induce the English Government, in dealing with neutral vessels consigned to Delagoa Bay, to adhere to that theory of international law which guarantees the greatest security to commerce and industry, and which finds expression in the principle that, for ships consigned from neutral States to a neutral port, the notion of contraband of war simply does not exist. To this the English Government demurred. We have reserved to ourselves the right of raising this question in the future, in the first place because it was essential to us to arrive at an expeditious solution of the pending difficulty, and secondly, because in point of fact, the principle here set up by us has not yet met with universal recognition in theory and practice.

I should like to sum up in the following words the position which we have taken up on the strength of the above theoretic view, which we believe corresponds with the general opinion of the civilised world. We recognise the rights of neutral vessels and neutral trade and traffic. We do not ignore the duties imposed by a state of war upon the ship-owners, merchants, and vessels of a neutral State, but we require the belligerents that they shall not extend the powers they possess in this respect beyond the strict necessities of the war. We demand of the belligerents that they shall respect the inalienable rights of legitimate neutral commerce, and we require above all things that the right of search and of the eventual capture of neutral ships and goods shall be exercised by the belligerents in a manner conformable to the maintenance of neutral commerce, and of the relations existing between friendly and civilised nations.

Proceeding from this principle we at once made a strong representation in London respecting the action of the British naval authorities. We demanded in the first place the immediate release of the steamers.

In compliance with our demand the steamers "General" and "Herzog" were released forthwith. The "Bundesrath" was released yesterday.

In the second place we demanded the payment of compensation for the unjustified detention of our ships and for the losses thereby incurred by the German subjects whose interests were involved. The obligation to payment of compensation has been recognised in principle by England, and the British Government have declared their readiness to give every legitimate satisfaction.

Thirdly, we drew attention to the necessity for issuing instructions to the British Naval Commanders to molest no German merchantmen in places not in the vicinity of the seat of war, or, at any rate, in places north of Aden. The English Government thereupon issued an instruction, according to which the stopping and searching of vessels shall in future take place neither in Aden nor at any point at an equal or greater distance from the seat of war.

Fourthly, we stated it to be highly desirable that the English Government should instruct their Commanders not to arrest steamers flying the German mail-flag.

The English Government hereupon issued an order that in future German mail steamers are not to be stopped and searched upon suspicion only. This order will remain in force until another arrangement has been arrived at between the two Governments.

Fifthly, we proposed that all the points in dispute should be submitted to arbitration. The English Government have expressed the hope that there will be no necessity for arbitration, but have declared their concurrence in the institution of a Tribunal, if necessary, to arbitrate upon the claims for compensation.

Lastly, the English Government have given expression to their regret for what has occurred. We cherish the confident hope that such regrettable incidents will not be repeated. We trust that the English naval authorities will not again proceed, without sufficient cause, in an unfriendly and precipitate manner against our ships.

The genuineness and honesty of the German Shipping Companies, which have again been demonstrated on this occasion in the case of the German East African line, ought to be a sufficient guarantee against this; a far greater should be found in the consideration due from one friendly State to another. It is just because we are honestly desirous to maintain good and friendly relations between Germany and England that we do not wish incidents to occur which are eminently destined to hamper the maintenance of such relations, which are only possible when founded on a basis of complete equality of treatment and mutual consideration. The German Empire, which for thirty years—since its first foundation—has so often proved how free it is from all aggressive tendencies, has the right to be treated in the most considerate manner by all the other States. The grateful circumstance that the present motion has been supported by the very large majority of this House is a fresh proof that whenever there is a question of vindicating the cause of law and the legal rights of Germans, there subsists that accord between this House and the Confederated Governments which lends a firm support to our foreign policy.

EXERCISE V.

CORRESPONDENCE RESPECTING THE CONSTITUTIONAL RELATIONS OF THE AUSTRALIAN COMMONWEALTH AND STATES IN REGARD TO EXTERNAL AFFAIRS.

No. 1.

Lieutenant-Governor Sir S. J. Way (South Australia)
to Mr. Chamberlain.

(Received 9.50 a.m., September 18, 1902.)

Telegram.

My Ministers request me to inform you that they have been requested by Commonwealth Government to furnish report to them as to conduct of

South Australian officials relative to refusing to arrest crew of Dutch vessel "Vondel," concerning which Governor-General was requested by you, at the instance of Foreign Office, to enquire and report result; but my Ministers hold that constitutional means of obtaining information on the matter is through the Governor of South Australia, and that Commonwealth Government have not jurisdiction as to conduct of South Australian officials. (While) declining to furnish report to Commonwealth Government, my Ministers are in immediate readiness to report to you, through me, if desired.

No. 2.

*Mr. Chamberlain to Lieutenant-Governor Sir S. J. Way
(South Australia).*

(Sent 12.55 p.m., September 19, 1902.)

Telegram.

Should be glad to have information desired by Dutch Government as to "Vondel," and also to have full statement of views of Ministers as to channel of communication in matters affecting external affairs and position of Consuls.

No. 3.

Acting Governor-General Lord Tennyson to Mr. Chamberlain.

(Received 11.25 a.m., September 22, 1902.)

Telegram.

Re "Vondel," Lieutenant-Governor of South Australia informs me that he has telegraphed to you refusal of his Government to report to you through my Responsible Advisers. My Ministers advise that case in point is within the provisions of Constitution in relation to first, external affairs; second, trade and commerce with foreign states; third, navigation and shipping. As treaty obligations involved my Responsible Advisers consider that they should have been originally approached by the Consular representative at Adelaide. They would be grateful if the Consular representatives could be advised to come to Governor-General directly in future through the Consul-General.

In view of refusal of Government of South Australia, Government of Commonwealth propose to appoint Royal Commission of enquiry into circumstances of "Vondel" incident; I presume there is no objection.

No. 4.

Mr. Chamberlain to Acting Governor-General Lord Tennyson.

(Sent 5.40 p.m., September 25, 1902.)

Telegram.

Referring to your telegram of 22nd September,* on receipt of telegram from Lieutenant-Governor, South Australia, informing me of attitude of

* No. 3.

his Government, I telegraphed to him as follows, in order to obtain information required without delay :—

Telegram begins: See No. 2. *Telegram ends:*

Presume Royal Commission could not compel witnesses attend and give evidence. Very desirable to have final decision as to proper channel of communication in such matters as soon as possible. Pending such decision by High Court, would not suggested instructions to Consuls in view of attitude of South Australian Government be likely to lead to delay and inconvenience in dealing with representations from Consuls?

As at present advised I agree with your Ministers, but desire to await statement from South Australian Government before giving definite expression of my views. Binding decision can, of course, only come from High Court.

No. 5.

Acting Governor-General Lord Tennyson to Mr. Chamberlain.

(Received 10.15 a.m., September 27, 1902.)

Telegram.

Government of South Australia publicly interprets your telegram* to them equivalent to your acceptance of their views. Government of Commonwealth, which has acted throughout at your request, much embarrassed. See copy of correspondence sent by post of 27th August. My Responsible Advisers request that you should send telegram for publication correcting statement of Government of South Australia.

My Ministers advise that their Royal Commissioners have power to compel witnesses (to) attend and give evidence. Delay need not arise. Consuls dealing with Commonwealth directly, as they now appeal to their Consul-General in all matters of importance.

No. 6.

Acting Governor-General Lord Tennyson to Mr. Chamberlain.

(Received September 29, 1902.)

Commonwealth of Australia, Governor-General, Melbourne,

Sir,

August 21, 1902.

With reference to your despatch of the 18th of April last,† I have now the honour to enclose, for your information, a copy of a letter, which I have received from the Acting Prime Minister, covering a copy of a correspondence which has taken place between the Government of the Commonwealth and the Government of the State of South Australia, on the subject of the arrest at Adelaide of the crew of the Dutch vessel "Vondel."

Dated 18th August, 1902.

I have, etc.

TENNYSON,
Acting Governor-General.

* No. 2.

† Not printed.

Enclosure in No. 6.

Department of External Affairs, Melbourne, August 18, 1902.

My Lord,

Referring to the despatch of the Secretary of State for the Colonies, dated 18th April, 1902, in which were transmitted to His Excellency the Governor-General, for the consideration and report of his Ministers, certain papers relating to the arrest at Adelaide of the crew of the Dutch vessel "Vondel," I have the honour to inform you that, as it was believed that the Government of South Australia were in possession of all the knowledge necessary to enable a report to be furnished, a copy of the Secretary of State's despatch, with enclosures, was forwarded to the Premier of South Australia on the 29th May.

As will be seen from copies of the letters which have passed between this Government and that of South Australia, which I forward herewith,* no acknowledgment of, or reply to, that communication was furnished.

On the 5th July the Premier of South Australia was reminded that this Government was anxious to furnish Mr. Chamberlain with the information asked for, at an early date. To that communication, also, no reply was received, and on the 28th July a further letter was sent, again forwarding copies of the Secretary of State's despatch and enclosures. In reply to that letter, one dated the 2nd August was received, and on the 6th idem I had the honour to inform Your Excellency in accordance with the reply which had been received from the Premier of South Australia to the effect that the matter was then in the hands of the Law Officers of that State, who had been asked to take immediate action.

A fresh communication, dated 13th August, was received in this Department on the 15th, and is included in the correspondence forwarded.* From this it will be seen that the Premier of South Australia considers that the Secretary of State has acted in an unconstitutional manner in communicating with the Governor-General of the Commonwealth on the subject referred to in his despatch. The reply made is also attached.

I shall be pleased if copies of the correspondence in this matter can be forwarded to the Secretary of State for the Colonies.

I have, etc.,

ALFRED DEAKIN.

His Excellency the Acting Governor-General of Australia.

No. 7.

Mr. Chamberlain to Lieutenant-Governor Sir S. J. Way (South Australia).

(Sent 12.20 p.m., October 1, 1902.)

Telegram.

Governor-General informs me that your Ministers have interpreted my telegram of 19th September† as equivalent to acceptance of their views. Should be glad if you could point out to them that my telegram intended only to avoid delay in obtaining information as to "Vondel," without

* Not given in this Exercise—[Authors].

† No. 2.

prejudice to question between your Government and Commonwealth. On general question my present views implied in originally asking Commonwealth Government for information, but pending receipt of views of your Ministers requested in my telegram of 19th September, I reserve further expression of opinion.

No. 8.

Mr. Chamberlain to Acting Governor-General Lord Tennyson.

(Sent 12.20 p.m., October 1, 1902.)

Telegram.

Referring to your telegram of 27th September,* following telegram sent to Governor, South Australia :—

Telegram begins : See No. 7. *Telegram ends.*

I would deprecate appointment of Royal Commission as likely to embitter discussion of question, and possibly lead to its being in some form brought before State Courts. Would it be possible to arrive at working arrangement with State Governments on such matters, pending final decision by High Court? Present disposition of State Governments seems to call for great caution in pressing rights of Commonwealth before it is in a position to enforce them.

No. 9.

Acting Governor-General Lord Tennyson to Mr. Chamberlain.

Received 2.35 p.m., October 3, 1902.)

Telegram.

My Responsible Advisers much obliged for your telegram of 1st October.† They do not propose any further action. Most anxious to avoid any irritation to the States. At their suggestion views are being exchanged, which will be forwarded shortly. They are quite content to place in your hands whole matter.

No. 10.

*Lieutenant-Governor Sir S. J. Way (South Australia)
to Mr. Chamberlain.*

(Received October 27, 1902.)

Sir, State Government House, Adelaide, September 25, 1902.

In continuation of the correspondence relating to the Dutch ship "Vondel," I have to acknowledge receipt of your cablegram of the 20th instant,‡ informing me that you would be glad to have the information desired by the Dutch Government, and also a full statement of the views of my Ministers as to the channel of communication in matters affecting external affairs and the position of Consuls.

2. I now enclose, as requested, a memorandum signed by Mr. Jenkins, the Premier, stating the views of himself and his colleagues on the general question mentioned in your cablegram.

* No. 5.

† No. 8.

‡ No. 2.

3. A report as to the matter complained of by the Dutch Government is being prepared with all possible despatch, and it is hoped it will be ready in time for next mail.

4. I telegraphed to His Excellency the Acting Governor-General on September 20th as follows:—

“My Ministers refuse to report through Commonwealth Government.

I telegraphed to Secretary of State for the Colonies to that effect 18th September, intimating that they were ready to furnish report direct to Secretary of State for the Colonies. I received answer from him stating that he would be glad to receive answer from us, and expression of the views of Ministers as to channel communication matters relating to external affairs and position of Consuls.”

5. To-day I have informed His Excellency that I am furnishing you with the report and statement of views which you desire.

I have, etc.,

S. J. WAY,

Lieutenant-Governor.

Enclosure in No. 10.

Memorandum from Ministers to His Excellency the Lieutenant-Governor.

Premier's Office, Adelaide, September 23, 1902.

In compliance with the request of the Right Honourable the Secretary of State for the Colonies that Ministers should submit a full statement of their views as to the proper “channel of communication” in matters affecting external affairs and the position of Consuls, that is, whether in such matters this Government should, as Ministers contend, communicate direct with the Imperial Government, or should do so through the Commonwealth Government, Ministers respectfully submit the following propositions in support of the views they take upon this question:—

1. With regard to all matters—

(A) Connected with Departments actually transferred,

(B) Upon which the Commonwealth Parliament has power to make laws and has made laws,

Ministers concede that the Commonwealth Government is the proper channel of communication with the Imperial Government.

Upon all other matters the relations which existed between the States and the Imperial Government before federation have been preserved by the Constitution.

The Commonwealth Bill of 1891 contained a clause requiring all communications between the Imperial Government and a State to be made through the Governor-General. But this clause was not adopted by the Convention of 1897-8 which framed the Constitution.

2. It seems to Ministers obvious from the practical side of affairs that the “channel of communication” with the Imperial Government must be one in which some power relative to the subject of communication actually flows; especially where the subject may require action for the protection

of Imperial interests. At present, as Ministers submit, no power exists in the Commonwealth Government regarding either "external affairs" or the position of Consuls.

3. The vague power granted to the Commonwealth to make laws with respect to external affairs (Constitution, Sec. 51, Sub-sec. xxix.) is one which is likely to be the subject of much contention; and in the interests of the State, Ministers do not feel justified in formulating any opinion as to the extent of authority which it may finally be found to confer upon the Commonwealth. It may or it may not mean that the Commonwealth has power to make laws to enforce Imperial Treaties, and to punish State Officers who violate such Treaties. But no such law has yet been made.

If a State Officer is charged with acting in contravention of any Imperial obligation of this kind the Commonwealth Government has no power to even call upon him for an explanation, much less to punish him if he has done wrong. The power to do these things remains at present with the State Government. It would be absurd to make the Commonwealth Government the "channel of communication" in matters in which they are powerless to act; and it would be an indignity to this Government, with whom, at present at least, lies the duty of maintaining Imperial Treaties within its borders, if it were compelled to approach His Majesty's Ministers through the medium of any other Government.

4. It is important to remember with regard to Treaties that the Commonwealth has no more Legislative power than the State.

The Bill of 1891 contained a power to legislate as to "external affairs and Treaties," and in the covering clause it was provided that all Treaties made by the Commonwealth should be binding, and these provisions were repeated in the Adelaide draft of 1897. But ultimately all reference to Treaties under the head of Legislative power was struck out.

It is true the Constitution gives the High Court original jurisdiction of "matters arising under any Treaty" (Sec. 75, Sub-sec. 1), and it has been suggested that this judicial power gives the Federal Government some kind of claim to be the "channel of communication" with the Imperial Government regarding the observance of Treaties in any State of the Commonwealth. This suggestion is, it is submitted, not well founded. If the claim of a Government to be the "channel of communication" can be based upon the jurisdiction possessed by its Courts, this Government has as good a claim to be the "channel of communication" as the Commonwealth Government.

There is no legislation which gives the High Court exclusive jurisdiction of "matters arising under any Treaty," and the State Courts have in such matters equal jurisdiction.

"State Courts may in the exercise of their ordinary and rightful jurisdiction incidentally take cognizance of cases arising under the Constitution the laws and Treaties of the United States."—
Kent Comm. 1, 397.

This doctrine is, it is submitted, as applicable under the Constitution of the Commonwealth as under that of the United States.

No agreement excluding the right of the State to control its own officers in their conduct regarding Imperial Treaties and to communicate direct

with the Imperial Government thereon, can be well founded upon the fact of judicial power in such matters having been conferred upon the High Court.

5. The same reasoning applies, *a fortiori*, to the contention of Ministers that in "matters affecting the position of Consuls" the Commonwealth Government should not be the "channel of communication" between this Government and the Imperial Government. Such matters are not within the Legislative power of the Commonwealth, and cannot in any way come within the executive control of the Commonwealth Government.

"Matters affecting Consuls or other representatives of other countries" are within the original jurisdiction of the High Court (Sec. 75, Sub-sec. ii.).

Such matters are also equally within the jurisdiction of the State Courts. But in the case of the Commonwealth, they do not—and without an alteration of the Constitution cannot—come within the grasp of the Legislative or Executive power. In the case of the State they do.

It would be humiliating to this State if in a matter concerning which the Commonwealth has no legislative or executive power, it was compelled to recognise the Commonwealth Government as the "channel of communication" with the Imperial Government. Nor would it be any accretion to the status of the Commonwealth Government if it were to be made a mere conduit pipe for the conveyance of information regarding matters in which it has neither power nor responsibility.

Ministers exceedingly regret that difficulty should arise in defining the respective positions of the Commonwealth and State Governments relative to the matters under discussion. They desire to be loyal to the Federal compact, and to raise no difficulties regarding mere forms of procedure. But these issues, as Ministers humbly believe, involve matters of substance, regarding which, unless otherwise directed by Parliament, they cannot depart from the views above respectfully set forth.

J. G. JENKINS,
Premier.

No. II.

Acting Governor-General Lord Tennyson to Mr. Chamberlain.

(Received November 3, 1902.)

Commonwealth of Australia, Governor-General,

Sir,

Melbourne, October 1, 1902.

In continuation of my telegraphic despatch of the 27th September,* I have the honour to transmit to you the accompanying copy of a further correspondence which has taken place between the Governments of the Commonwealth and South Australia, relative to the complaint of the Dutch Government regarding the ship "Vondel."

I have, etc.,

TENNYSON,
Acting Governor-General.

* No. 5.

Enclosure 1 in No. 11.

Premier's Office, Adelaide, September 3, 1902.

Sir,

I have the honour to acknowledge the receipt of your letter of the 19th August last upon the question of the arrest of the crew of the Dutch vessel "Vondel" at Adelaide.

With the greatest deference I am unable to agree with your view that there is no reason for objection upon Constitutional grounds to the method which the Right Honourable the Secretary of State has adopted in seeking information as to the conduct of Government Authorities in this State. I submit that the constitutional method of seeking such information is by direct request to this Government through His Excellency the Governor, and I regret that this Government should have been slighted, as I humbly conceive it has been slighted, by a departure from established and Constitutional methods.

In the result I have the honour to say that this Government cannot allow any of its officers to submit their conduct to enquiry by any other Government. I need not say that I shall be most willing to direct full enquiry into the circumstances of this case, should the Right Honourable the Secretary of State intimate to my Government through His Excellency the Governor that he desires that such enquiry shall be made.

I have, etc.,

J. G. JENKINS,
Premier.

The Honourable The Acting Prime Minister of the Commonwealth of
Australia, Melbourne.

Enclosure 2 in No. 11.

Department of External Affairs, Melbourne, September 26, 1902.

Sir,

I have the honour to acknowledge the receipt of your letter of the 3rd September, in reply to mine of the 19th August, relating to the enquiry which you were invited to undertake into the circumstances connected with the application of the Consul for the Netherlands in September, 1901, for assistance in the recovery at Adelaide of certain members of the crew of the "Vondel."

It is noted with regret that you conceive the Government of South Australia to have been slighted by the action of the Secretary of State in referring the question to this Government, and that you assert your determination only to comply with the request preferred by him, should he communicate with you through your Lieutenant-Governor.

You will not expect me to discuss the action of the Secretary of State, except so far as may be necessary to show that this Government were in no way parties to any trespass upon the rights of your State or upon the consideration due to your Government as its Executive. For that purpose, it will be necessary to shortly summarise the facts.

On the 8th April last the Ambassador of the Netherlands complained to the Imperial Government of a refusal of the local authorities at Adelaide to provide the assistance to which the captain of the ship named claimed

that he was entitled under Article 10 of the Anglo-Netherlands Convention of 1856. The Secretary of State for the Colonies transmitted these representations to the Governor-General with a request that they should be considered and reported upon by this Government. The same course has been pursued in a number of cases in which enquiries of various kinds have been sent through the Government of the Commonwealth to the Governments of the several States; some of them apparently for convenience only, others because of their subject matter. These have invariably been responded to by the States without demur, even when the subject of the enquiry has not been specifically within the Federal charter.

In this instance the matter sought to be investigated appears to me to lie clearly within the sphere of the Commonwealth. The fulfilment of Treaty obligations is obviously one of those "external affairs" peculiarly Federal, which could not be dealt with independently by each State without producing an intolerable condition of confusion prolific in international complications. "Trade and Commerce with other countries" and "Shipping" are also specifically placed under Commonwealth control. The inference, therefore, is, that in strictness any application by the Consul for the Netherlands made under the Convention of 1856 ought to have been directed to the Federal Government, and probably that anything done in consequence must be taken to have been done under its jurisdiction.

For these reasons among others, it appears to me that the application of the Secretary of State to the Governor-General was properly made to the Government responsible for and most concerned as to the validity of the course adopted in respect to the "Vondel." But these views were not pressed, all questions as to the form or channel of communication being waived in order that the information sought by a foreign Government might be secured without further delay. Now, and perhaps for some time to come, until the respective areas of Federal and State authority are more clearly defined, there must often be unintentional trespasses on either side. Hence your Government was simply invited to undertake whatever enquiry was necessary to enable us to reply to the Secretary of State, though up till now we have remained without any assurance of your compliance.

Yesterday, however, the Lieutenant-Governor of your State informed Lord Tennyson that, as desired by the Right Honourable the Secretary of State for the Colonies, he had requested your Government to furnish him, for transmission to Mr. Chamberlain, with a report on the matters complained of by the Dutch Government as to the ship "Vondel." As you are therefore about to furnish the information asked for in my letter of May 29th, it is unnecessary for this Government to take further action at present.

Noting that your Lieutenant-Governor has also requested a statement of the views of your Government "as to the channel of communication in matters relating to external affairs and the position of Consuls," I may be permitted to suggest that probably an exchange of views on these points between our Governments, might contribute to an earlier and more satisfactory agreement. Of course, it must be recognised that neither the Secretary of State for the Colonies nor our respective Administrations can

separately or by agreement increase or diminish our mutual rights or obligations where these are granted or necessarily implied in the Constitution of the Commonwealth.

I have, etc.,

ALFRED DEAKIN.

The Honourable The Premier of South Australia, Adelaide.

Enclosure 3 in No. 11.

Premier's Office, Adelaide, September 29, 1902.

Sir,

I have the honour to acknowledge the receipt of your letter of the 26th instant, in reply to mine of the 3rd instant, relating to the question of the complaint by the Netherlands Consul-General against South Australian officials in connection with the crew of the ship "Vondel."

I am unable, with the greatest submission, to agree with your opinion that the fulfilment of Imperial Treaty obligations is one of those "external affairs" contemplated by the Constitution as falling within the Federal power, and "which could not be dealt with independently by each state without producing an intolerable condition of confusion prolific in international complications."

As I construe the Constitution the "external affairs" contemplated by the Constitution are the "external affairs" of the Commonwealth, not those of the Imperial Government. It is not, as I believe, an "external affair" of the Commonwealth whether the officials of any particular State and particularly those of the judiciary of the State, do or do not properly construe the terms of Imperial Treaties and act in accordance therewith. On the contrary, it would, I think, be intolerable if the Commonwealth were to exercise any power of interference in such a matter. No "intolerable condition of confusion prolific in international complications" has heretofore arisen from each State having had the duty of fulfilling Imperial Treaties within its own borders, and your prophecy of the disaster which would follow the continued performance by the States of such obligations finds, I submit, no warrant in the history of Australia.

I accept with pleasure your suggestion that our respective Governments should further exchange views upon the points at issue, and in pursuance thereof I have now the honour to transmit to you a copy of a Memorandum* addressed to the Right Honourable the Secretary of State for the Colonies, which contains the views of this Government as to the "proper channel of communication" upon such matters as that now under discussion.

I have, etc.,

J. G. JENKINS,

Premier.

The Honourable The Acting Prime Minister, Commonwealth of Australia, Melbourne.

* Enclosure in No. 10.

No. 12.

*Lieutenant-Governor Sir S. J. Way (South Australia) to
Mr. Chamberlain.*

(Received November 17, 1902.)

Sir, Government House, Adelaide, October 16, 1902.

Referring to your cablegram of 2nd October,* stating that the Governor-General informed you that my Ministers interpreted your cablegram of 19th September† as equivalent to acceptance of their views, I have, as you requested, pointed out to them that your cable message was only intended to avoid delay in obtaining information as to the "Vondel" without prejudice to the question between this Government and the Commonwealth. This, I may observe, was their, and my, misunderstanding, subject to the following inadvertent error made by the Attorney-General, Mr. Gordon, before he had given full consideration to the effect of your message.

2. The only foundation for the supposition that my Ministers had fallen into such a misunderstanding was an interview by the reporters of the two Adelaide morning papers with Mr. Gordon, in which he undoubtedly fell into the misunderstanding to which you advert. I enclose a copy of the report‡ of the interview with a passage marked in red ink.

3. I also send herewith two leading articles§ on the subject, which appeared in the *Register* and *Advertiser* of 27th September.

4. I intend to take an early opportunity of submitting my own views on the subject for your consideration.

I have, etc.,
S. J. WAY,
Lieutenant-Governor.

No. 13.

*Mr. Chamberlain to Lieutenant-Governor Sir S. J. Way
(South Australia).*

Sir, Downing Street, November 25, 1902.

I have had under my consideration the Memorandum of your Ministers, forwarded in your despatch of the 25th September,§ in which they state their views as to the proper channel of communication in regard to matters arising in Australia affecting external affairs and the position of Consuls.

I fully recognise the desire of your Ministers to be loyal to the Federal compact, and to raise no difficulties in regard to mere forms of procedure, and I agree in their view as to the importance of the issues involved in this question.

My own views on the subject were indicated, as I have already pointed out in my telegram of the 1st of October last,|| by the fact that I addressed the Commonwealth upon the subject of the complaint of the

* No. 7. † No. 2. ‡ Not printed. § No. 10. || No. 7.

Dutch Government in the first instance, and though I have examined the Memorandum of your Ministers with the closest attention, I have not been able to find any sufficient reason to modify them.

It is due to your Ministers that I should state in as full and frank a manner as that in which they themselves have expressed their views the reasons which have led me to a conclusion different from that which commends itself to them.

In the first place it appears to me that the aim and object of the Commonwealth of Australia Constitution Act was not to create merely a new administrative and legislative machinery for the six states united in the Commonwealth, but to merge the six States into one United Federal State or Commonwealth furnished with the powers essential to its existence as such. Before the Act came into force each of the separate States, subject, of course, to the ultimate authority of the Imperial Parliament, enjoyed practically all the powers and all the responsibilities of separate nations. By the Act a new State or nation was created armed with paramount power not only to settle the more important internal affairs relating to the common interests of the united peoples, but also to deal with all political matters arising between them and any other part of the Empire or (through His Majesty's Government) with any Foreign Power.

That appears to me the obvious meaning of Section 3 of the Act, which declares that on and after a day appointed by Proclamation "the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia."

On that day Australia became one single entity, and no longer six separate States in the family of nations under the British Crown, and the external responsibility of Australia, except in regard to matters in respect to which a later date was fixed by the Constitution, vested immediately in the Commonwealth, which was armed with the paramount power necessary to discharge it.

The consequence is, that in respect of all matters declared by the Constitution Act to be matters of Federal concern, the immediate responsibility to His Majesty's Government rests upon the Federal Government. Whether the Federal Government and Parliament make special Federal provision for the discharge of any part of that responsibility, or are content to leave it for the time to the State machinery already in existence, is entirely a matter of internal arrangement, and does not warrant His Majesty's Government in ignoring the fact that in the creation of the Commonwealth Parliament has, in compliance with the will of Australia, devolved the responsibility upon the Federal authority.

The sphere within which His Majesty's Government should communicate with the Federal Government is co-extensive with the responsibility and power of the Commonwealth. There does not appear to be anything in the Constitution which would justify them in limiting it, as contended by your Ministers, to matters connected with Departments actually transferred, or matters upon which the Commonwealth Parliament has power to make laws, and has made laws. Nor can I accept the view that in all matters not connected with Departments transferred to the Commonwealth,

or upon which the Commonwealth Parliament has not legislated, the relations which existed between the States and the Imperial Government before Federation have been preserved by the Constitution.

The powers of the States have, it is true, been preserved, but the immediate responsibility to His Majesty's Government for their exercise in Federal matters has been transferred to the Commonwealth.

The Constitution has furnished the Commonwealth with paramount power in regard to such matters, power wider in its scope than that vested in any individual State, and with corresponding responsibility; the sphere of action possessed by the Commonwealth Executive extends over the whole area of that power and responsibility, and if the legislative or other machinery provided by the Commonwealth Parliament, or by the States Legislatures for the discharge of that responsibility is inadequate or defective, it is their duty to see that a remedy is provided, either by inviting the State Governments and Legislatures to do so, or by Federal action. The Constitution has, in fact, placed the Commonwealth as an intermediary between the Imperial Government and the States in regard to the matters assigned to it, and if His Majesty's Government were to correspond direct with the States in regard to such matters, it would be tantamount to ignoring the obvious intention of the Act to fix the final responsibility for them on the Commonwealth.

Unless the Federal Government is made the channel of communication for all Federal matters, it will obviously be impossible for it to judge whether the existing arrangements are suitable and sufficient, or whether any special provision is required for dealing with them.

The further argument that "from the practical side of affairs the channel of communication with the Imperial Government, must be one in which some power relative to the subject of communication actually flows, especially where the subject may require action for the protection of Imperial interests," appears to me to be based on the assumption that the power of the Commonwealth and its responsibilities are limited by the actual powers conferred for the time being on the Commonwealth Executive.

The illustration cited by your Ministers in the third paragraph of their Memorandum shows, however, that they are aware that in a State of a Federal or quasi-Federal nature, like the British Empire, the responsibilities of the Executive are not bounded by the powers with which it is for the time being armed. It is the Imperial Government that is immediately and ultimately responsible to a Foreign power if a State Officer in Australia, a Dominion or Provincial Officer in Canada, or an officer in any self-governing Colony violates, or acts in contravention of an Imperial obligation. But in the grant of self-Government to the Colonies, the power to call upon such an officer for explanation of his conduct or to punish him has been placed by Parliament in the hands of the local Executive. It has done so in implicit reliance on the co-operation and good will of the Colonial Executives, and in the confident faith that Imperial obligations are held as sacred by the people and the Ministers of the Crown in the Dominions of His Majesty beyond the Seas as they are by the people and Government of this country.

That confidence has been amply justified by the steadfast loyalty of the Colonies and their Ministers, and I have no doubt that in like manner in

the case of Australia when the change made by the Commonwealth Constitution Act is fully understood the position of the Federal authority as an intermediary will not in any way impair that loyalty or the cordiality with which any request for explanation or assistance has been met by the Governments of the several States now merged in the Commonwealth.

I do not gather that your Ministers wish to contend that the question which arose in regard to the "Vondel" was not a "Federal" matter, but that it only contends that as it was one in regard to which the State Executive could, in present circumstances, alone take action, application should have been made direct to them. That contention I have dealt fully with above, and it does not appear to be necessary to enter into the question of the precise meaning to be attached to the words "External affairs" in the Constitution Act; but I concur in the view of the Federal Government that the special provisions of Article 75 in respect to matters "arising under any treaty," and matters "affecting Consuls or other representatives of other countries," imply that such questions are of special Federal concern.

I regret that your Ministers should regard it as humiliating to them that communications on Federal matters should pass through the Federal Government. That feeling does not appear to be shared by the other State Governments, and I am confident that when your Government have further considered the position, they will loyally accept what was undoubtedly the will of Parliament and of the people of Australia.

The question is not one of administrative convenience, but of recognising and respecting the position assigned to the Commonwealth by the Federal Constitution.

I have, etc.,
J. CHAMBERLAIN.

No. 14.

Governor-General Lord Tennyson to Mr. Chamberlain.

(Received December 29, 1902.)

Commonwealth of Australia, Governor-General,

Sir,

Melbourne, November 25, 1902.

Adverting to your telegraphic despatch of the 1st of October last,*

Dated 21st November, 1902.

Dated 29th September, 1902.†

Dated 12th November, 1902.

I have the honour to transmit, for your consideration, a copy of a communication which I have received from my Prime Minister, covering a copy of a letter from the Premier of South Australia, and of a Memorandum by the Federal Attorney-General, on the subject of the proposed enquiry into certain circumstances connected with the arrest at Adelaide of the crew of the Dutch vessel "Vondel."

I have, etc.,
TENNYSON,
Governor-General.

* No. 8.

† See enclosure 3 in No. 11.

Enclosure in No. 14.

My Lord,

Melbourne, November 21, 1902.

With reference to former communications respecting the request by the Secretary of State for the Colonies that this Government should make enquiry into certain circumstances connected with the arrest at Adelaide of the crew of the Dutch vessel "Vondel," I have the honour to inform your Excellency that a letter dated the 29th September (copy herewith)* was received from the Premier of South Australia. That letter, together with a Memorandum, copy of which was enclosed, has received the careful attention of this Government, and my colleague, the Attorney-General, has prepared a minute, a copy† of which I forward herewith to your Excellency, which I desire to be considered as expressing the views of this Government on the matter. I shall be pleased if your Excellency will be so good as to forward that communication, together with a copy of this letter, to the Secretary of State for the Colonies, for his consideration.

While I am in general agreement with the views set out by Mr. Deakin, it is not necessary in the present case to push the contentions so ably expressed to their full length, however great a temptation to do so may be afforded by the unlimited contentions of the Government of South Australia.

The question now at issue is whether in matters relating to "External Affairs" arising in one State—for all such must arise in some State—the communications of His Majesty's Government should be addressed to the Governor-General for the consideration of his Ministers, or whether such matters are precisely in the same position as those purely domestic affairs of particular States on which the Secretary of State is admittedly right in continuing to communicate with State Governors.

It is conceded by the Government of South Australia that communications with the Governor-General with respect to matters concerning "External Affairs," which include the relations of the Commonwealth generally with the Government of the United Kingdom, flow in their proper channel when so addressed, if the Commonwealth has already legislated on the subject to which they relate: and the distinction is drawn that such communications are misdirected if sent to the Governor-General before the Commonwealth has legislated. It seems to me that this is a total misconception of the end and functions of the Federal Union.

If the Constitution did not expressly give power to the Commonwealth to legislate on "External Affairs," the Commonwealth, nevertheless, would hold, irrespectively of any express grant, the power to legislate on subjects inseparable from the notion of Federal Union. If this were not so, it would scarcely be possible to conceive of this as the "indissoluble Federal Commonwealth" which the Imperial Parliament and the Australian people have declared it to be.

Considerations are here involved which do not depend on any form of words. The Commonwealth is something more than the addition of a seventh legislative authority, with such executive power merely as

* See enclosure 3 in No. 11.

† Not given in this Exercise—[Authors].