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INDEXING  
AND  
PRÉCIS WRITING

G. B. BEAK

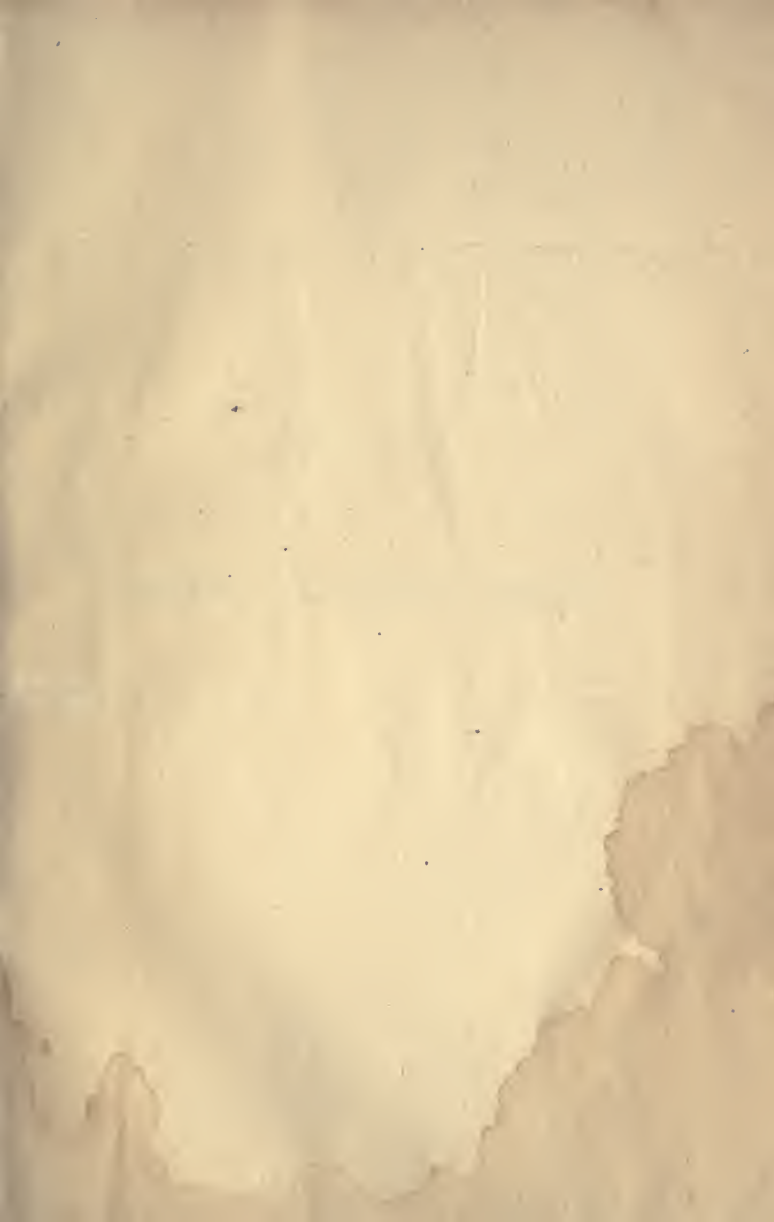
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INDEXING AND PRÉCIS WRITING



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INDEXING  
AND  
PRÉCIS WRITING

BY

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AUTHOR OF

"A COMPENDIOUS GERMAN READER," "THE AFTERMATH OF WAR," ETC.



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GENERAL

*M.C.*




## NOTE

I AM not aware that the present volume differs materially from other text-books on the same subject, although it will possibly be found to cover a somewhat wider field than usual, and a Key is available for purposes of reference. I propose to make, however, no apology for another addition to précis literature, because I believe that the study of précis writing deserves more attention than it now gets.

I desire to express my deep sense of obligation to the Controller of His Majesty's Stationery Office for permission to reproduce official documents, to the Editor of the *Times* for the Police Court Reports and other material taken from its columns, and to those authors or their representatives who have very kindly consented to the quotation of passages from their works.

G. B. BEAK.

OXFORD, 1908.



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## CHAPTER I.

### 1. INTRODUCTORY.

THE history of Précis Writing is practically impossible to trace with any exactitude, for no records, apparently, of its original adoption and gradual growth exist. The art is clearly one of comparatively recent origin and the outcome, presumably, of strictly modern conditions. Not to go further afield than the United Kingdom, the Foreign Office, both on account of its wealth of correspondence and its particular method of conducting that correspondence, was undoubtedly the first Government Department to adopt précis writing, and still remains the office in which it is most practised.

The appointment of Précis Writer, which to-day is virtually equivalent to that of Private Secretary, was first officially recognised during the reign of Queen Anne, by which time it was probably realised that the Secretary of State for Foreign Affairs could not possibly himself wade through all the original documents with which he was called upon to deal. But for at least a century and a half subsequent to the Hanoverian Succession the Chief Foreign Secretary and even the Monarch were in the habit of perusing in full the more important despatches. Although memoranda were invariably drawn up for her information, the *Letters of Queen Victoria* go far to show that Her late Majesty was not always content with a summary or *résumé* of official documents, but preferred in many cases to consult the documents themselves.

Lord Palmerston again usually struggled with original reports, unless their illegibility was extreme, when he

called for either a 'readable copy' or a précis of them. In his minutes, which were written in a bold, clear hand, with a capital letter for every noun, he frequently criticised both the style and the handwriting of his subordinates :

"Mr. B— W— seems to think that Secretaries of State have nothing else to do but to read his despatches, admire his long sentences, his multitude of words, and his never-ending remarks. It is highly desirable that he should be more pithy and concise."

"These Consuls are too bad; there is hardly one of them that writes a decent hand and with readable ink. P. 29/1/51."

"Reading Mr. R—'s handwriting is like running penknives into one's eyes. P. 21/4/64."<sup>1</sup>

But précis writing was always practised and its value clearly recognised. Lord Clarendon, for instance, on quitting office in 1866, addressed a letter of thanks to the Clerks of the Foreign Office, in which he expressed his regret that he had not become "personally acquainted with those gentlemen who had from time to time furnished such valuable memoranda for his information and guidance."

Presumably, Secretaries of State to-day have not to cope with some of the difficulties of which Lord Palmerston complained. Good ink is plentiful and inexpensive. Handwriting, both good and bad, has been largely superseded by the introduction of the typewriter. Nowadays typewritten reports have become the rule not only at the centre, but also on the outskirts of the British Empire. Reports, even from lower grade officials and whether clearly written or the reverse, are seldom read before being typed or printed. In the colonies the native clerks have learned to use the type machine; in the equatorial forest and in the Central African bush the click of the typewriter is as familiar to the native ear as the click of the rifle; carriers have come to realise that the white man's 'book juju' (typewriter) must be borne with as much care as his 'beef juju' (firearms).

The rapid advance, however, of mechanical invention, which has rendered the task of Secretaries of State lighter

<sup>1</sup>The Minutes quoted and many others, and also Lord Clarendon's letter of thanks which follows, will be found in *Recollections of the Old Foreign Office*, by Sir Edward Hertslet, K.C.B.

in one way, has been accompanied with a still more rapid advance in the mass of documents with which they have to contend. With this result, that the art of précis writing has become, and is still becoming, one of ever-increasing importance.

Upon this importance it is unnecessary to dilate at length. Confined in the first instance to Government Offices, the application of précis writing has been extended notably to commerce, law and journalism; in fact there are few departments of life in which a knowledge of this subject will not prove of service. In business as in Government Departments précis writing has been adopted as a time-saving device, and its importance in this connection was recently emphasised on the London stage. In *Simple Simon*, at a critical moment in the play the 'Juggernaut,' rushing into his city office and hurling on to the table a bundle of documents, tells his chief clerk to 'epitomise' them. When we read that Sir Ignorant Fees, K.C., has been 'instructed' by Messrs. Rookem and Stowit, we may conclude that Counsel has been furnished with a précis of his case which he may or may not have read before going into Court. Précis writing enters largely into literary, historical and secretarial work, and a knowledge of it may be regarded as indispensable for the journalistic profession. A large portion of modern so-called literary and dramatic criticism is really précis of a most slipshod character, for the majority of the critics of to-day, having no canons to go by, confine themselves to giving the contents of a book or the plot of a play. The popular conception of journalism as the art of making bricks without straw, of scribbling to fill space, is only partly true. While sometimes the language of the journalist is profuse, involved and ornamental; at others it must be concise, lucid and simple. More especially is this the case when summaries of news, parliamentary debates, public speeches and law evidence are in question. Examples of all of these are included in the present volume, and further models may be found daily in the columns of the *Times*. It is by means of these summaries that the general reader, who has not time to go through

his paper from beginning to end, is enabled at a glance to glean the gist of what is happening in the world.

Adopted originally as a time-saving device, it is only quite recently that the value of précis writing as a means of mental training has come to be recognised. The art was long practised in different professions before being given a place in our educational system. Yet, ignoring the question of practical utility, its value is unquestionable, for it involves not only the exercise of sound judgment and true discrimination, but also the study of language and the cultivation of style. While perhaps there is no language which is more expressive and more beautiful than this English tongue of ours, there is assuredly no other language which is so barbarously and callously abused by those who write and speak it. We have too long been accustomed in the study of other languages to neglect our own or to adopt the roundabout method of translation instead of the direct means which précis writing will be found to afford. The careful study and practice of précis will serve to reveal not only the wealth and beauty of our language, but also its marvellous adaptability. It is with the object of directing attention to this latter point that examples of general literature have been included in this volume, and it will be observed that, although they all write equally pure English, each author quoted possesses a style which is peculiarly his own.

Many people read a great deal; few ever endeavour to sum up mentally what they have read. With his characteristic insight, Lord Rosebery in a speech on some occasion somewhere warned his hearers against desultory reading, against reading without method and without a definite object. Casual and indiscriminate reading is a most alluring and frequently a most pernicious pastime, unless the reader makes a point of summing up mentally what he has added to his store of knowledge. Perhaps there is no better safeguard against the danger indicated by Lord Rosebery than the cultivation of what, for the want of a better term, may be called the 'précis' habit of mind. The man who has acquired this habit by



practising précis writing in his youth is unlikely to drop it in later life.

But, putting aside its intrinsic value, the examinations for which a knowledge of précis writing, with or without indexing, is now required, are sufficiently numerous to command the careful attention of both instructors and students. The examinations in question include the following: Diplomatic and Consular Services; the Indian and Home Civil Services (Post Office Supplementary Clerks, Assistants of Customs and Excise, Assistant Surveyors of Taxes, etc.); the London University Matriculation, the Central Welsh Board, the Society of Arts, the Chartered Institute of Secretaries.

## 2. INDEXING.

Many of the hints to be given will be found to be equally applicable to both indexing and précis writing, but, even at the risk of repetition, for the sake of convenience and in order to avoid confusion, the two subjects will be taken separately.

A. *Index defined.* An index, which is also known as a docket, schedule, or abstract, is the arrangement of despatches, letters, or other documents, forming a connected correspondence on some particular subject, in tabular form and chronological order, giving briefly and distinctly the essence or substance of *each* of the documents dealt with.

The point to be borne in mind is that *each* document must be treated *separately*.

B. *Official Instructions.* The following official instructions to candidates are generally prefixed to the majority of public examination papers:

“Having read the accompanying correspondence—(1) Make an index of the several letters and other papers. The index should deal separately with every letter or document whether covering or enclosed. It should contain the date of each letter or document; 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 index are: (a) to give the main subject of each letter or document, omitting everything else; (b) to do this briefly, distinctly, and in such a form as readily to catch the eye.”

These instructions are sufficiently clear, and they are usually accompanied by a specimen index and ruled form. Experience has repeatedly shown, however, that the majority of candidates for examination either fail to grasp fully their meaning or else place a wrong interpretation upon them. It has, therefore, been found necessary to treat the subject of indexing in greater detail, and to indicate more fully what is essential and what is not essential to the compilation of a satisfactory index.

*C. Rules for Indexing.* The following rules, or rather hints, have been drawn up with the view of enabling the student to avoid the more common mistakes which the unpractised index writer is liable to make, and their careful study at the commencement is calculated to save time in the long run.

*Subject-matter and Method.* The first and golden rule for both Indexing and Précis Writing is to grasp thoroughly the subject-matter of the correspondence in question. Select carefully what is essential, and be equally rigid in rejecting what is unimportant. This may appear at first sight somewhat difficult when, as is frequently the case, the mass of documents to be indexed is considerable and runs to great length. On examination, however, official correspondence will prove easy, simple and brief.

All official letters, and nearly all business letters, are characterised by a uniformity which soon becomes familiar; they are similar in style and in logical arrangement. It is customary to acknowledge the receipt of a letter in the first sentence of the reply to it, to state the gist of its contents, then to give a summary of the point at issue, while the closing paragraphs will sum up, in brief and sometimes forcible but always polite language, the question under consideration, or convey instructions and the decision of the Department concerned in connection with it.

Short cuts are not to be recommended, and the student should make a point of assimilating the whole correspondence before commencing to compile his index. In ordinary examinations, however, the time allowed, although ample for the practised hand, is not more than sufficient for the beginner; the candidate should keep an eye on the

clock ; should he find himself getting behindhand, he may be reminded that, as a rule but not invariably, a satisfactory index of a letter may be gathered from the first paragraph of the reply to it.

Generally speaking, the convention of one letter, one subject—and that, consequently, no letter should deal with more than one subject—is strictly adhered to in official and business correspondence. But the convention may be broken, and in this event the student will have to decide which is the predominating subject and introduce the less important by participial or subordinate clauses. Much has been written about the difficulties of indexing and précis writing, but for examination purposes the exercise of a certain amount of common-sense is the chief essential. In actual practice, however, it frequently happens that the point which to all intents and purposes is the most essential to-day may be the least essential to-morrow, and *vice versa*. Unless the writers of the original letters express clearly what they intend to say, they may mislead the index or précis writer, on whose wording possibly a policy may be based or an important decision arrived at.

To select the salient points of a correspondence is, it must be repeated, the main essential. Without this selection everything else is useless. Before beginning to write, therefore, the student should go through, either rapidly or carefully as the time given may permit, the whole of the correspondence in order to get a clear idea of its general purport and the relative importance of its various parts. If he fails to do this at the commencement, he will probably discover later that he has given undue prominence to some unimportant detail, while omitting some essential point. He must first obtain a true perspective, and, having done this, he will then proceed to take the letters separately in their order, allotting to each its true significance, and thus compile his index.

*D. Form and Uniformity.* The actual form which the index to a correspondence will assume is clearly indicated in the official instructions which have already been quoted. A specimen index and ruled form are usually provided at most examinations ; but the student may prefer, for the

sake of convenience and neatness, to draw up his own form. In the latter event he may observe that an ordinary sheet of foolscap is eight inches in width, and that it should be divided into four columns as follows :

- a. Column 1 is half an inch wide for the serial number of the despatch or enclosure.
- β. One and a half inches are allowed for the date of the letter, *i.e.* the date of sending it. If it is necessary to quote the date of receipt, this can be noted in brackets underneath the preceding date.
- γ. The third column is two inches wide for the names or designations of the correspondents. In this column should be copied, below the name of the addressee, any special note on the nature of the document, such as (telegram), (translation), (confidential), (extract).
- δ. Four inches will then remain for the fourth column, in which will be inserted the subject-matter of the document.

It is thus that we arrive at the form on page 9.

The specimen index given is typical of ordinary official correspondence, and it will serve to illustrate the following remarks.

In the first place, every index must have a title, of which the usual form is: 'Index of correspondence relating to' (here insert subject of correspondence in question).

With regard to the first column, the letters arranged chronologically according to date of receipt will be numbered accordingly. If further reference to any letter is subsequently made this will be done by quoting its number only, *e.g.* 'Enclosure in No. 1,' NOT 'Enclosure in letter of 11th October, 1906.'

In the second column the day of the month should precede the name of the month, thus, 11th October, 1906, is better than October 11th, 1906. The insertion in this column of the name of the place whence a letter is written is optional, but is usually omitted. If a document be undated, the word 'undated' or the letters 'N.D.' (no date) should be inserted.

## INDEX OF CORRESPONDENCE

RELATING TO THE HOLDING OF

PROTESTANT MISSION SERVICES AT THE THEATRE ROYAL, MALTA.

Serial No.	Date.	Correspondents.	Subject-Matter.
1.	11th October, 1906 (Received Oct. 16.)	The Governor of Malta to The Secretary of State for the Colonies.	Transmitting a memorial from the Archbishop of Malta to the King, praying that His Majesty will withhold his approval to the proposed in- sertion in the Royal Instruc- tions of a clause relating to liberty of conscience and re- ligious worship.
Enclosure 1 in No. 1.	9th October, 1906.	The Archbishop of Malta to The King (Translation).	Memorial referred to in No. 1.
2.	27th October, 1906 (Received Nov. 1.)	The Governor of Malta to The Secretary of State.	Forwarding copy of a reso- lution passed at a public meeting, protesting against the imposition of a law placing the Roman Catholic religion in Malta on a footing of equality with those of all other creeds.
Enclosure 2 in No. 2.	Undated.	The Secretary of the Meeting to The Governor of Malta (Translation).	Resolution referred to in No. 2.
3.	3rd November, 1906.	The Secretary of State to The Governor of Malta.	Directing that the Arch- bishop be informed that His Majesty has given no direc- tions on the memorial and resolution enclosed in No. 1 and No. 2 respectively, inas- much as there is nothing in the new Royal Instructions in any way inconsistent with the full protection of the Roman Catholic religion in Malta.

The designations or offices of the correspondents in column 3 are more important than their names. Strictly speaking, no surnames should appear, but it is very usual to find them in an index of Consular correspondence, and again where the writer is a well-known man, *e.g.* Mr. Balfour, Sir Edward Grey. But even in this case confusion may occur, because the same individual may hold different portfolios in different administrations. In consular correspondence, certainly, it is of more importance to know the locality of a consulate than the name of the consul. Custom, however, counts for a great deal; most official documents are published primarily for the information of Parliament, and only indirectly for that of the general public. Consequently, it is futile to lay down a hard and fast rule, and the student must use his own judgment as to whether he employs names or titles, remembering always that clearness is essential, and that he should adhere to the same designation throughout.

It need hardly be remarked, perhaps, that the fourth column will generally prove to be the most important of the group, for it should contain the gist of each letter. It is probably the only column which will present any difficulty. The initial words of the fourth column will be either a Present Participle or the third person singular of the Present Indicative. Either of these forms is equally admissible, although the former is to be preferred. Whichever form the student may elect to adopt, however, he must be careful to retain throughout. In this, as in other respects, an index should be characterised by uniformity.

Moreover the initial words should be appropriate to the subject-matter and to the relative position of the writer and the recipient. The Head of a Department, for instance, commands, directs, approves, sanctions; a subordinate reports, submits, informs, replies and so on. The Secretary of State for Foreign Affairs does not submit a proposition for the approval of a Consul, nor does an Ambassador 'dissent from' a policy laid down by the Secretary of State. The list of words given below, although by no means an exhaustive one, will probably be found sufficient for ordinary cases.

A document should be cited or referred to by its index number alone and not by its date, writer or contents. For instance, the index to a later document may consist simply of a reference to an earlier one in the same correspondence, and may run somewhat thus: 'Furnishing information asked for in No. . . .' 'Replying to queries raised in No. . . .' 'Repeating substance of No. . . .' and so on.

A LIST OF THE MORE USEFUL INTRODUCTORY VERBS.

Acceding to.	Informing.
Acknowledging receipt of.	Instructing.
Acquainting.	Intimating.
Admitting.	Mentioning.
Advising.	Noting.
Affirming.	Observing.
Agreeing to.	Offering.
Allowing.	Opposing.
Announcing.	Ordering.
Apprising.	Praying.
Approving.	Pressing for.
Asking.	Proposing.
Calling for.	Protesting against.
Calling on.	Querying.
Commanding.	Questioning.
Communicating.	Recommending.
Complaining of.	Rectifying.
Concurring in.	Referring to.
Corroborating.	Reminding.
Criticising.	Replying.
Declining.	Reporting.
Demurring to.	Requesting.
Denying.	Sanctioning.
Desiring.	Stating.
Directing.	Submitting.
Dissenting from.	Suggesting.
Drawing attention to.	Summarising.
Enclosing.	Transmitting.
Enjoining.	Urging.
Enquiring.	Verifying.
Epitomising.	Warning.
Forwarding.	Welcoming.
Granting.	Withdrawing.

E. *Enclosures.* In official correspondence it frequently happens that an enclosure is of greater importance than the letter in which it is transmitted. For instance, a Consul will sometimes forward the report of a Vice-Consul, merely stating very generally the subject of such report, but without giving the gist of it or criticising its contents. Each of the large Government offices is divided into several departments, and the correspondence between these various departments is conducted in the form not of letters but of minutes. These minutes are usually extremely brief and to the point, couched in the simplest language and shorn of that formal phraseology which is frequently regarded as the main characteristic of official letters. Huge batches of correspondence, enveloped in what are commonly known as 'jackets,' are circulated and initialled with such remarks as 'passed for information,' 'forwarded for information and favour of return,' etc., etc., and sent back with 'seen,' 'read,' 'sanctioned,' etc., etc., as the case may be. A minute is seldom lengthy and its phraseology is usually hackneyed, but to an officer a terse official phrase is as full of meaning as a formula to a mathematician.

The importance of enclosures, then, is such that they are given in an index the same prominence as ordinary letters, although, naturally, they will be numbered differently. Enclosures must therefore be indexed separately as such and not as necessarily forming part of the letter in which they are transmitted. In the first three columns they will be kept absolutely distinct. In the fourth column care must be taken to avoid indexing enclosures twice, first as a portion of the letter in which they are contained and secondly by themselves.

F. *Brevity.* The space used for the index of a letter must necessarily depend largely upon its greater or less prolixity. In this connection much stress has frequently been laid upon the importance of adhering strictly to what is commonly known as the Five Line Rule, which requires index-writers not to use more than five lines in column iv. for the index of any one document. A more nonsensical rule was never discussed, and my only purpose in referring to it is to condemn it. Its unsoundness consists in this,



that, while it handicaps large writing, it can easily be defeated by writing small. It would be safer to lay down a rule that the index of no one letter should exceed a certain number of words.

Again, too great an insistence on brevity may be attended with disastrous results. As a recent writer on the subject has pointed out: "Brevity is useless when to be brief is to be superfluous; lucidity is of no avail when it is tantamount to obscurity regarding the essential points of the correspondence; while proficiency in the art of putting the matter in such a form as readily to catch the eye is positively worse than the want of it when the matter so put is irrelevant." In indexing there is a false brevity and a true one, and whether the student arrives at the one or the other will depend largely upon his ability to select the salient point of each document. Brevity is essential, but it is useless without completeness and lucidity, and it must not be ungrammatical. A single sentence, either simple or complex, should as a rule suffice for the index of any one document. "Brevity is to be obtained, firstly, by the careful selection of the true point of the letters and the rejection of non-essentials, and, secondly, by the expression of the true point in a condensed manner." Ambiguity must be avoided, and the wording should be such as to render misapprehension impossible.

The necessity of brevity in indexing is obvious, from the very form of the index itself; but it may be observed that, when an index only is required, it is nearly twice as full as when a *précis* is to be added.

### 3. RULES FOR PRÉCIS WRITING.

A. A *précis*—which is derived from the Latin *præcidere*, to cut short, and from the French *précis*, precise, and which is sometimes termed a memorandum, narrative, or summary—is usually defined as the generalisation in narrative form, giving with great conciseness the salient features only, of a series of events which have already taken place.

Outside the exact sciences, definitions, so far from being helpful, frequently tend to obscure, expand or distort the

thing which it is sought to define. With regard to the definition given above, it is obviously incomplete, for a précis may be applied to future and fictitious circumstances as well as to events which have already occurred. Again, although it will be written in the past tense when ordinary documents, law evidence and general literature are in question, the present or future tense should be used in epitomising estimates and future events, such, for instance, as a projected campaign or the contemplated promotion of a company.

It is probably useless to insist on an exact definition of the term précis. Its fundamental characteristic is its narrative form, and it is important to observe that this narrative must be consecutive, distinct, readable and strictly to the point.

B. *Official Instructions.* The following remarks, which are usually prefixed to Civil Service examination papers, should be carefully noted :

“ You are desired to write out in your own words a Memorandum or Précis of the proceedings described in the following letters or telegrams.

“ The object of the précis (which should be drawn up not letter by letter, but in the form of a narrative without marginal references) is to enable anyone who may not have time to read the original letters to grasp with ease all the leading features of what passed.

“ 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 readable and consecutive shape, expressed as distinctly as possible, and as briefly as is compatible with completeness and distinctness.

“ Attention should be paid to spelling, handwriting, grammar and style.”

C. *Subject-matter and Method.* The student's attention is again directed to a rule already given in connection with indexing. He is again reminded that he must grasp fully the contents of the correspondence with which he has to deal, that he must master thoroughly the subject-matter. A recent writer<sup>1</sup> on the subject has given so excellent a summary of the mental processes involved in the writing of

<sup>1</sup> *Précis and Précis Writing*, by A. W. Ready, B.A.

a précis that I shall make no apology for quoting him : " You have to master a quantity of information ; you have to master it in a very short space of time ; you have to sift and examine, to admit and reject ; you have to be alert in judgment and prompt in decision. When the subject-matter has been assimilated, rectified and put into form, you have to express the result in a narrative of a peculiar character strictly circumscribed and limited, and denuded of the exuberance of an original composition."

Before putting his pen to paper the student must read, mark, learn and inwardly digest, the whole of the correspondence. Having acquired a general idea of its subject, he will then proceed either to mark carefully the important points or to strike out the non-essentials. By a gradual process of selection and weeding out, he should eventually arrive at the quintessence of the documents, and he will then proceed to write his précis. In the first instance he should compile a rough copy or preliminary précis, and in this he need not be too careful of brevity. The final copy or final précis, however, will contain the pith, and only the pith, of the whole correspondence. There are few writers who can compile a précis at sight without omitting some essential, and the beginner is advised to adopt the following method : *α*. Glance rapidly through the whole correspondence to get a general idea of its subject and contents ; *β*. Read the correspondence carefully, and jot down notes or mark important passages. *γ*. From these notes or marked paragraphs write a rough précis. *δ*. Verify the rough copy, and from it compile the final précis.

*D. Form.* Every précis should commence with a title similar in form to that employed in indexing, thus : 'Précis of correspondence relating to, etc.'

A précis is not a syllabus or a programme, but a continuous, consecutive, readable narrative. Its order will be chronological ; the events which come first in point of time will be given first. The writers of the correspondence are unimportant, as also the method of correspondence, whether by telegram, interview or letter. The précis should begin with the date of the year in which the events to be recorded took place and with a brief statement of the subject-matter.

The main theme should then be developed gradually and naturally, subsidiary facts being worked in in their relative importance.

The paragraphing of a précis will depend upon the number of subjects dealt with or the breaks in the narration of the main theme. When the exercise consists of a report or minutes of evidence, the facts and information relating to each subject must be arranged in paragraphs chronologically, and not necessarily in the order in which they appear in the documents under consideration.

The student need hardly be cautioned, perhaps, that in the compilation of a précis no alteration of fact and no expression of opinion on his part are admissible. He must never allow his own thoughts to appear; he must never correct a statement however erroneous it may be; he must never offer any comment however helpful to the solution of the point at issue. He must not add to, or subtract anything from, the events related and the opinions expressed in the correspondence itself.

When both an index and a précis of certain documents are required, the index should be compiled before any attempt is made to write the précis. While the index gives the substance or pith of each document separately, the précis is an abridgment or summary of the whole correspondence. It might be imagined, therefore, that the précis would simply prove to be a glorified index. The student is again warned against this not uncommon error. A précis must never be a mere synopsis or list of headings, but a plain, simple, consecutive narrative. It is almost impossible to compile a satisfactory précis of a correspondence from its index, and recourse should be had to the original letters themselves.

*E. Brevity.* In accordance with the official instructions already quoted, a précis should be 'as brief as is compatible with completeness and distinctness.' In ordinary cases a précis of a correspondence should not exceed in length one-twentieth of the correspondence itself. When one subject alone has to be treated it will not be found difficult to confine the précis within the limit indicated. In the case of two or more separate subjects they may be dealt

with in different paragraphs, but their inter-relation must be shown without, however, confusing them.

Brevity can only be acquired by practice. A précis should not be overcrowded with facts, and the student will frequently have to decide which of several details to accept and which to refuse. Adjectives and adverbs will, of course, be sparingly used. The narrative must be plain and straightforward; it should be a mere record of facts in a language divested of all verbose adornment. The space allowed is strictly limited, and this limit involves a rigid suppression of the ornamental; the language should be like gold from which the encompassing sand has been washed. There must be lucidity of construction combined with a precision of expression, calculated to produce no blurred effect in the mind of the reader, who should be enabled to grasp the meaning of the précis without effort.

F. *Style.* And yet, when due attention has been paid to brevity and the précis has been written within the limits prescribed, the language must not be halting and slipshod. The précis must not only be brief and distinct, it must also be grammatical, readable and, if possible, interesting. Each sentence must be grammatically constructed. In the development of the main theme there should be an easy transition in both thought and expression from one point to another. The sentences must be so connected as to produce an easy flow and certain rhythm of language.

The précis writer will probably unconsciously adopt the style of the correspondence with which he is dealing, and to this there is no objection. In the case of official documents the style will be formal; in that of commercial correspondence it will be rather conversational in character. In both cases due regard must be paid to simplicity and clearness and care taken to avoid circumlocution, pleonasm, tautology and verbosity.

It is obvious that for proficiency in précis writing a knowledge of language is a primary requisite. The words allowed are few, and they must therefore be the best possible. The student should have a copious vocabulary from which to select if he is to express his meaning with the necessary clearness, brevity and precision. In this

connection the use of short words of Teutonic origin is to be preferred to the employment of those which have been introduced from the Romance languages. In précis writing a knowledge of synonyms will be found particularly useful, while the terse official phrase, even if hackneyed, is peculiarly expressive.

The younger student must take care to spell correctly ; the more advanced student should be careful to adhere to conventional spelling, however unscientific he may consider it to be.

Punctuation is of considerable importance, and the proper use of stops is a safeguard against confusion and misapprehension. Long sentences should be avoided and, while an even flow of language must be preserved, the words should be arranged more with a view to clearness than to cadence.

## CHAPTER II.

### EXERCISES AND SOLUTIONS.

#### CORRESPONDENCE RELATING TO THE HOLDING OF PROTESTANT MISSION SERVICES AT THE THEATRE-ROYAL, MALTA.

No. 1.            *The Governor to the Secretary of State.*

(Received October 16, 1906.)

The Palace, Valletta, October 11, 1906.

MY LORD,—I have the honour to forward to your Lordship, for submission to the King, the accompanying memorial addressed to His Majesty by His Grace the Archbishop, Bishop of Malta, praying that His Majesty may be pleased to withhold his approval of the proposed amendment to the Royal Instructions, referred to in paragraph 4 of your Lordship's despatch of the 15th August last.

I have, etc.,

CHAS. M. CLARKE,  
Governor.

(Translation.)

Enclosure in No. 1.

To His Majesty Edward VII., by the Grace of God King of the United Kingdom of Great Britain and Ireland, Emperor of India, etc., etc.

YOUR MAJESTY,—The Right Honourable the Secretary of State for the Colonies, Lord Elgin, in a despatch from Downing Street, dated the 15th August last, and published in the English newspapers only recently, informs His Excellency the Governor of these Islands that the circumstances connected with the mission services held in the Theatre-Royal at Malta, during last May, by the Rev. John M'Neill, have directed the attention of His Majesty's Government to the general question of the treatment

of different religious denominations in these islands ; and that, therefore, His Lordship proposes to advise Your Majesty to issue Royal Instructions amending the present Instructions by the insertion of the following clause :—

“It being our intention that all persons inhabiting Our said Island should have full liberty of conscience and the free exercise of their respective modes of religious worship, We do hereby require Our said Governor and Commander-in-Chief to permit all persons within Our said Island to have such liberty, and to exercise their respective modes of religious worship, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.”

YOUR MAJESTY,—In my capacity of Bishop of this Diocese, and, consequently of spiritual Head of the whole Island, I permit myself to humbly ask leave to bring to Your Majesty's knowledge that no severer blow can be struck at the religious and civil sentiments of this population, which has ever been most loyal to the Crown, than the approval of the proposed clause regarding the liberty of religious worship in this Island, after a hundred years and more that the Island has been under the Government of Great Britain from whom it has always received reiterated and solemn promises of protection of the Catholic Religion—promises, the existence of which has been recognised by the present Government, and admitted recently by the Under Secretary of State for the Colonies.

YOUR MAJESTY,—I venture to hope that Your Majesty will dispense me from enumerating the reasons why the whole Island felt a severe shock when the said despatch was first announced. Your Majesty will allow me to note that, here in Malta, the right of exercising religious worship in public has, for more than a century, been reserved exclusively to the Catholic Church, and this has been admitted by nearly all the Governors of the Island each and every time that my predecessors and myself have felt it our duty to remonstrate whenever a minister belonging to another Church has attempted to perform some act of religious worship in public.

May Your Majesty, therefore, allow me to make a humble, yet earnest prayer, in the name of the whole population which I represent, that Your Majesty may not be pleased to give Your Royal sanction to the clause proposed by Your Majesty's Secretary of State for the Colonies.

Yours, etc.,

P. ARCIVESCOVO,  
Vescovo di Malta.

Malta, October 9, 1906.



No. 2. *The Governor to the Secretary of State.*

(Received November 1, 1906.)

The Palace, Valletta, October 27, 1906.

My LORD,—I have the honour to enclose, herewith, copies of the resolution passed at the public meeting of the 14th instant, which I have been desired by the President and Secretary of the meeting to forward to your Lordship, for submission to His Majesty.

I have, etc., CHARLES M. CLARKE,  
Governor.

Enclosure in No. 2.

*Translation of Resolution.*

Resolved—

That it is the opinion of this meeting that, as the Maltese have proclaimed and respected, ever since 1802, the principle of religious toleration, as appears from the "Declaration of Rights of the Maltese" made by the National Congress on the 15th June, 1802 (Article 8), the imposition with which we are threatened by His Majesty's Government, in a despatch of His Majesty's Principal Secretary of State for the Colonies addressed to His Excellency the Governor on the 15th August last, of a law placing on a footing of equality the rights of the religion of the Maltese population, the Roman Catholic and Apostolic religion, which has always been dominant in these Islands, with those of all other creeds, is an unprovoked and unnecessary act of violence, prejudicial to the rights of the Maltese, who, unconquered, placed their country and themselves under the protection of the British Crown; contrary to the explicit and implicit promises given by Great Britain in the name of the Sovereign, in the Proclamation of General Thomas Graham of the 19th June, 1800, in that of General Henry Pigot of February, 1801, in that of the Royal Commissioner Charles Cameron of the 15th July, 1801, as well as in the Notification of Governor Sir Thomas Maitland of the 5th October, 1813, and other Acts, and in violation of the fundamental principles of English liberty, the sentiment of the population having in no way been consulted; and, therefore, this meeting formally and energetically protests against such imposition, respectfully praying His Majesty the King to spare this further insult to the loyalty of the Maltese people towards the British Crown.

No. 3. *The Secretary of State to the Governor.*

Downing Street, November 3, 1906.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 11th ultimo, forwarding a memorial addressed to His Majesty by His Grace the Archbishop of Malta, praying

that His Majesty may be pleased to withhold His approval of the proposed amendment to the Royal Instructions, and of your despatch of the 27th ultimo, forwarding copies of a resolution to a similar effect passed at a public meeting on the 14th ultimo.

2. I have to request you to inform the Archbishop, and the President and Secretary of the meeting that the petition and resolution have been laid before the King, and I am commanded by His Majesty to state that he has been pleased to give no directions thereon, inasmuch as there is nothing in the Additional Instructions now passed under the Royal Sign Manual and Signet, in any way inconsistent with the full protection of their religion, which has always been enjoyed by the Roman Catholics of Malta.

I have, etc.,

ELGIN.

No. 4. *The Governor to the Secretary of State.*

(Received November 12, 1906.)

The Palace, Valletta, November 7, 1906.

MY LORD,—I have the honour to transmit to your Lordship, together with an English translation, the accompanying memorial which I have been desired by the Members of the Cathedral Chapter of Malta to forward to your Lordship, for submission to His Majesty.

2. With reference to the last paragraph of the memorial, it is only necessary to point out that the principle of equal religious rights for all subjects of His Majesty is no new one, even in Malta, inasmuch as it was laid down in Clause 39 of Her late Majesty's Instructions to Mr. More O'Ferrall, dated the 27th October, 1847, and in paragraph 7 of Lord Grey's despatch of the 26th November, 1847, which was published in the Malta Government Gazette of the 5th January, 1848.

I have, etc.,

CHAS. M. CLARKE,  
Governor.

(Translation.)

Enclosure in No. 4.

To His Majesty Edward VII., King of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, etc., etc., etc.

MAY IT PLEASE YOUR MAJESTY,—We the undersigned Canons of the Cathedral Church of Malta cannot but feel deeply pained on learning the intention (of His Majesty's Government) to place the religion of this people—eminently Roman Catholic Apostolic—on a footing of equality and parity with all other creeds within the limits of this Island.

This people, which spontaneously placed itself under the

British flag, has always, up to the present time, seen its religion—established by the Apostle Paul—privileged and pre-eminent in this Island, not only under various other denominations, but also under the 100-years' rule of unconquered Albion, in accordance with the desire manifested ever since this people gave itself to the British Throne, and with the solemn promises made by His Britannic Majesty's representatives on different occasions.

The suppression of this privileged position cannot but expose this Island to unpleasant surprises in the future exercise of its public worship, especially if, at any time, the latter were to come into conflict, or were simultaneous with, the public exercise of other creeds.

Now, therefore, we, the members composing the Chapter of the Cathedral—the Chapter to which he belonged who was the Head of the Maltese people when this Island spontaneously placed itself under the British Flag—respectfully appeal to Your Majesty, praying you to take into serious consideration our profound grief and entreating Your Majesty not to sanction the law in contemplation relating to the freedom of public worship in our Island.

And petitioners, etc.

Aula Capitolaris,

25th October, 1906.

SALV. GAFFIERO, CAN. VES. AUSILIARE.  
 GIOVANNI CANCO. PENIT. EBEJER.  
 GIUS. CANCO. CANTORE MERECIECA.  
 ORAZIO CANCO. ARCIPRETE GRIMA.  
 FRANC. SAV. VASSALLO ARCIDIACONO.  
 E. M. CAN. DEBONO CASSIA, D.D.  
 VINC. CAN. CARUANA OATTO, D.D.  
 S. CAN. GRECH.  
 ANTONIO CAN. TESORIERE CORDINA.  
 PAOLO R. CAN. FARRUGIA.  
 G. BATTA CAN. BUHAGIAR.  
 DEBONO CAN. LUIGI, D.D.  
 LUIGI CAN. TEOLOGO ATTARD.  
 LUIGI CAN. FARRUGIA.  
 GIUS. CAN. CARUANA DINGLI.  
 PANZAVECCHIA I. CAN. CAP.  
 CAN. G. ROSSI.  
 CAN. C. AZZOPARDI.  
 FRANCESCO CAN. VELLA.  
 ANTONIO CAN. PSAILA.  
 MICHELE CAN. CIAPPARA.  
 LUCA CAN. ZAMMIT.  
 I. CAN. FORMOSA.

No. 5. *The Secretary of State to the Governor.*

Downing Street, November 24, 1906.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 7th November, forwarding a memorial to His Majesty from the Cathedral Chapter of Malta on the subject of the position of the Roman Catholic Church in Malta.

2. I have to refer you, in reply, to my despatch of the 3rd November, in which I communicated to you His Majesty's reply to a previous memorial of a similar character.

I have, etc., ELGIN.

No. 6. *The Governor to the Secretary of State.*

(Received November 27, 1906.)

The Palace, Valletta, November 20, 1906.

MY LORD,—With reference to Your Lordship's despatch of the 3rd inst., I have the honour to transmit, for your information, the accompanying copy of a letter which I have received from the Archbishop, Bishop of Malta, in reply to a letter addressed to His Grace on the 10th instant, in accordance with Your Lordship's instructions.

I have, etc., CHAS. M. CLARKE,  
Governor.

(Translation.) Enclosure in No. 6.

Archiepiscopal Palace, Valletta, November 14, 1906.

SIR,—I have received your esteemed letter of the 10th inst. In reply, I cannot but express my deep regret, and that of my parishioners, at the liberty of religious worship which has been sanctioned in these islands against all our expectations by the Government of Great Britain, after a century and more, during which the exercise of religious worship in public has been exclusively reserved to the Roman Catholic religion.

I have, etc., P. ARCIVESCOVO, VESCOVO DI MALTA.

To His Excellency the Governor of Malta.

## INDEX OF CORRESPONDENCE

RELATING TO THE HOLDING OF

PROTESTANT MISSION SERVICES AT THE THEATRE ROYAL, MALTA.

Serial No.	Date.	Correspondents.	Subject-Matter.
1.	11th October, 1906 (Received Oct. 16.)	The Governor of Malta to The Secretary of State for the Colonies.	Transmitting a memorial from the Archbishop of Malta to the King, praying that His Majesty will withhold his approval to the proposed insertion in the Royal In- structions of a clause relating to liberty of conscience and religious worship.
Enclosure 1 in No. 1.	9th October, 1906.	Archbishop of Malta to The King (Translation).	Memorial referred to in No. 1.
2.	27th October, 1906 (Received Nov. 1.)	The Governor of Malta to The Secretary of State.	Forwarding copy of a reso- lution passed at a public meeting, protesting against the imposition of a law placing the Roman Catholic religion in Malta on a footing of equality with those of all other creeds.
Enclosure 2 in No. 2.	Undated.	Secretary of Meeting to The Governor of Malta (Translation).	Resolution referred to in No. 2.
3.	3rd November, 1906.	The Secretary of State to The Governor of Malta.	Directing that the Arch- bishop be informed that His Majesty has given no direc- tions on the memorial and resolution enclosed in No. 1 and No. 2 respectively, inas- much as there is nothing in the new Royal Instructions in any way inconsistent with the full protection of the Roman Catholic religion in Malta.

Serial No.	Date.	Correspondents.	Subject-Matter.
4.	7th November, 1906 (Received Nov. 12.)	The Governor of Malta to The Secretary of State.	Transmitting a memorial from the Cathedral Chapter of Malta, praying the King not to sanction the proposed alteration of the Royal In- structions.
Enclosure 3 in No. 4.	25th October, 1906.	The Cathedral Chapter of Malta to The King (Translation).	Memorial referred to in No. 4.
5.	24th November, 1906.	The Secretary of State to The Governor of Malta.	Acknowledging receipt of No. 4 and referring in reply to No. 3.
6.	20th November, 1906 (Received Nov. 27.)	The Governor of Malta to The Secretary of State.	Enclosing copy of a letter from the Archbishop of Malta expressing deep regret that religious liberty has been sanctioned in the island.
Enclosure 4 in No. 6.	14th November, 1906.	The Archbishop of Malta to The Governor of Malta. (Translation).	Letter referred to in No. 6.

## PRÉCIS OF CORRESPONDENCE

RELATING TO THE HOLDING OF

PROTESTANT MISSION SERVICES AT THE THEATRE ROYAL, MALTA.

For upwards of a century the exercise of public worship in Malta had been exclusively reserved to members of the Roman Catholic Church, when, in 1906, the British Government decided, by means of an amendment to the Royal Instructions, to grant to all religious denominations in the island liberty to exercise their respective modes of religious worship.

The Roman Catholics, both at a public meeting and through their Cathedral Chapter, protested against this decision, on the ground that it was an infringement of their

rights, and petitioned the King to withhold his consent to the proposed amendment.

His Majesty was advised, however, to give no directions on this petition, inasmuch as the amendment contained nothing in any way inconsistent with the full protection of the Roman Catholic religion.

### THE DRUCE CASE: CHARGE OF PERJURY.

At Bow Street, yesterday, before Sir A. de Rutzen, who again sat specially, Mary Robinson, *alias* Mary Ann Robinson, was charged, on remand, with committing wilful and corrupt perjury in the evidence which she gave in the Druce case before Mr. Plowden at Marylebone and Clerkenwell Police Courts.

Sir Charles Mathews (instructed by Mr. Sims, of the Treasury) appeared on behalf of the Director of Public Prosecutions. The prisoner was not legally represented.

Chief-inspector Dew, of Scotland Yard, who arrested the prisoner at her flat in Sisters Avenue, Clapham, on January 17, was recalled for the purpose of producing the documents, etc., which he found in the prisoner's possession. The first put in was a certified copy of the prisoner's birth certificate, showing that she was born at East Hill, Wandsworth, on May 24, 1841, the daughter of James Webb, a butcher, and Ann Webb, formerly Voyce.

A woman who was sitting alone at the back of the Court then rose and asked the Magistrate if she might be allowed to see the brooch before "the lady was put away." She mentioned that she was rather deaf.

Sir Charles Mathews.—Perhaps that may account for it. We have not arrived at any brooch yet.

The witness next produced a certified copy of a marriage certificate reciting that the prisoner in the name of Mary Ann Webb was married to William Robinson, a butcher, at Leeds, on March 17, 1862, her father being described as a police superintendent; the birth certificate of the prisoner's son, James Henry Webb Robinson, dated September 27, 1866; the death certificate of Kate Ellen Robinson, who died at Lead Hill, Worksop, on August 6, 1870, aged six; the birth certificate of Frederick William Robinson, who was born at the same address in May, 1872. The registration of that birth was carried out by the prisoner herself, and the witness had had photographs taken of her signature in the register. He had since compared it with the prisoner's signature to her depositions taken at the hearing of the Druce case, and to the best of his belief they

were written by one and the same person. The witness also put in a photograph showing the prisoner with two of her children. He said he obtained it from the prisoner's sister, Mrs. Woollaby.

The woman who had previously interrupted the proceedings rose and made some inaudible remark.

Mr. Newton (the magistrate's clerk) asked if she had anything to do with the case.

Inspector Dew.—Not that I am aware of. She thinks she is entitled to some millions of money.

Continuing his evidence, the witness produced a declaration made by the prisoner in relation to a fire which occurred at her residence, Kent House, Thomas Street, New Brighton (N.Z.), on February 20, 1906. In her claim she set out her losses as follows:—Books, £127; pottery, £220; plate, £44 10s.; clothing, £77 11s.; and pictures, £1,820.

Sir Charles Mathews observed that the importance of that document was that everything of value was said to have been destroyed.

The witness said that from receipts which he had found the prisoner appeared to have obtained the full amounts of her policies—namely, £100 from the Sun Fire Insurance Company, and £400 from the Liverpool and London and Globe Insurance Company in respect of that fire.

#### THE PRISONER AND THE CLAIMANT.

The following draft of a letter found at the prisoner's flat was also put in and read as follows:—

“Nov. 27, 1906.

“To Mr. Druce. Sir,—You are the grandson of the fifth Duke of Portland without a doubt. I myself was secret correspondent, and he himself acknowledged to me when ill, and thought his end had come, that he was both Druce and Duke of P.; that he had children, who could not for certain reasons (things that had happened in the family) be brought to the front by himself. I can positively declare that Druce and the Duke of Portland were one man. I knew Mr. Druce personally when a girl, through my mother and aunt (1861 and 1862). In 1868 I again met Mr. Druce as Duke of Portland, in company with Mr. Dickens in Sherwood Forest, Welbeck Abbey, and remembered him well. My aunt had already told me the man I had to deal with was known by these two names. As correspondent to the duke (I then lived in Worksop) I received letters under cover addressed Mr. Druce, etc. These were from the Continent and were sent to me by Mr. Dickens to be given to the Duke of P. at some appointed place. All letters addressed



to the Duke of Portland were delivered to him at the abbey. You will hear by this mail from Mr. Harper, a Christchurch solicitor, a lot of news. The *Lyttleton Times* received a cable dated October 30, that the Druce case was settled financially and no more would be heard of the case. This news I hear from Mr. Harper. A man from Liverpool visited the Baker Street Bazaar, 1869, month August. The Duke of P. was in London at that time, both at the beginning and end of the month."

The inspector also produced the letter, which was a reply to the above, dated from 65 London Wall, London, E.C., January 11, 1907 :—

"Mrs. Robinson, Rironi, Falsgrove Street, Sydenham, Christchurch, New Zealand. Dear Madam,—I am greatly pleased at receipt of your letter of November 27 last, the contents of which are of the utmost importance to the matter in hand. It is quite untrue, and there is no foundation for the statement, that the case has been settled financially or any other way beyond the fact that certain inquiries were made in Melbourne of the relatives of the claimant, which would indicate in the minds of our opponents there had arisen the possibility that at some future date a proposition for a settlement might be inevitable. We know nothing of any suggestion of settlement arising either from them or from us, so that you may take it definitely and distinctly that the case is proceeding and will be heard in the Courts, it is to be hoped, at a very early date. There will, however, be plenty of time to enable you to personally attend and give evidence of the facts set forth in your letter, and you could hardly fail to appreciate how vital it is to the interests of the claimant that you should do so. Knowing nothing of you personally or of your circumstances, it is difficult for me to forecast what may be your attitude towards a proposition that you should so personally attend in London to give evidence, but I sincerely trust that any personal inconvenience which such a course may involve you in will be considered as something which you, in justice, should undertake, in order to furnish what no other than yourself is able to furnish—that is, the facts that you relate in your letter. You may rest assured that any expense which you may be involved in by making the journey, either by way of passage money or expenses connected with the passage, the relinquishment of any employment upon which you may be engaged, or the disturbance to your domestic or household arrangements or business affairs, will be liberally compensated for in return for your undertaking the fatigue and upset of such a journey. If you are required to remain in

London for any length of time your convenience will be similarly considered. I am not yet in receipt of any communication from Mr. Harper, the solicitor, of Christchurch, whom you mention, and pending such information as his letter may convey there are a great many questions which naturally arise upon the reading of your letter and in respect to which I have no doubt you could furnish full details and most valuable information. I must content myself, however, for the present with awaiting the receipt of Mr. Harper's letter, which I sincerely hope will come to hand next week. If it does not, you must allow me, in my letter next mail, to put to you a series of questions which it is desired you should answer whenever you may be called upon to give evidence. . . . I am quite at a loss to understand why your endeavours to get into communication with Mr. Druce met with so little success. It may be that you addressed them to the solicitors engaged in the former litigation, who would no doubt be unwilling to assist the present claim which is in opposition to that originally set up by Mrs. Anna Maria Druce. I wired you yesterday, as per copy enclosed, the intention of the wire being that you should estimate the expenses necessarily incurred in your attending in London to personally assist me with your intimate knowledge of the duke's affairs, and enable me to test the accuracy of a number of statements which I have from others respecting same. If you reply to that telegram fixing an amount, I shall, of course, infer from the reply that you are willing on payment of that amount to attend in London as desired. If not, let me again urge upon you that in a matter of such enormous importance it would not be right for you to allow any consideration of personal convenience to stand in the way of elucidation of the real facts of the case, and I trust that you will take this view of the matter. Of course, if you find any insuperable objection to making the journey to London, I shall have to content myself with asking you to attend your solicitor, Mr. Harper, and enable him to place your statement before a commissioner specially appointed by the English Court for that purpose. The expenses involved in this proceeding will be very much less than that necessarily involved in your making the journey, but the result will be nothing like so satisfactory to the real nature of the inquiry. I put my appeal to you, therefore, on higher grounds than those of the personal interest of the claimant. The facts of the Druce-Portland case have long ceased to be a matter for personal concern, and have become a subject of such great public interest and involve so many individuals in serious consequences one way or the other that I feel sure you will look at the matter as one of abstract justice

and act accordingly. I have the honour to remain, Yours obediently."

The witness said that that letter was unsigned, but the address from which it was dated was at that time the office of G. H. Druce (Limited). He next produced several telegrams which were sent to the prisoner in New Zealand. The first, dated Jan. 10, 1907, and received in Christchurch (N.Z.) next day, ran :—

"What amount money required? Pay all necessary expenses for you to come home as soon as possible. Wire date of departure and steamer. Case now proceeds. GEORGE HOL-LAMBY DRUCE."

The next was dated Jan. 31, 1907 :—

"Received your letter last mail to the satisfaction of all concerned. All papers connected with your evidence absolutely must come. You must maintain absolute secrecy everything relating to the subject referred to. Take every possible care books and papers. COBURN."

Another telegram was sent from London to Montevideo on March 4, 1907 :—

"Mary Robinson, passenger, s.s. Rimutaka. Will meet you at Plymouth and give you my card. Take no notice of any one. GEORGE DRUCE."

On March 28 the following telegram was sent to the prisoner at Plymouth :—

"Am sorry unable to meet you as promised. Have deputed my solicitor, Mr. Kimber, to do so with Mr. Coburn, who will present you with my card. Hope the documents quite safe and remain in your custody. DRUCE."

Receipts were also put in showing that from May 18 down to about the end of September the prisoner received £3 19s. a week, the money being generally paid by Mr. Kimber, and once or twice by Mr. Druce. There was also a letter from Mr. E. Kimber, the prisoner's former solicitor, as follows :—

"15, Walbrook, E.C., London, May 7, 1907.

"Dear Miss Robinson,—I have this afternoon been served by the New Zealand Shipping Company with notice of an application by them to the Commercial Judge for the speedy trial of your action against them for the recovery of the lost letters of Mr. Charles Dickens and the late Duke of Portland to you. In one aspect of the case this would be advantageous, but in another it will be disadvantageous, unless we can get out of them the grounds of their defence, which it may be possible to do. However, I will speak to you about this when I have the pleasure of seeing you.—Yours faithfully, E. KIMBER."

The next document was a letter from Mr. Kimber to Messrs. Oswald, Smith & Hanson, the prisoner's personal solicitors:—

"Dear Sir,—I duly received yours of the 21st inst. I will request that a cheque be sent to Miss Robinson at once. Will you be good enough to remind her that she has not answered several of my letters, especially the last, in which I told her the importance of getting the brooch and the ring valued by a jeweller. This is for the purpose of exposing Avory's slander."

[It will be recalled that at the hearing of the Druce case Mr. Horace Avory described the brooch as a twopenny-halfpenny one.]

#### DIARIES AND DOCUMENTS.

The witness said that he also found at the prisoner's flat notes of a sort of diary which the prisoner kept in New Zealand: "Feb. 4.—Received large parcel. Found two booklets of the same firm. Feb. 6.—Go to Mr. Harper, and deliver to him the letter and booklets; also copy of letter and journal. Wanted to know whether money was sure. Harper looked very much worried, as though he had had a fright. Lodgings visited by a detective making inquiries. Three other men making a survey of the premises."

The next document produced was a note which, in the opinion of the witness, was in Mr. Kimber's handwriting: "Miss R. was not surprised at what Mr. Dickens told her in Hyde Park, because she said she heard a great many things from the workmen. What were these things? Anything about Resurrection, or something else." The next was the draft agreement between the Druce Company and Mary Robinson as follows:—

"(1) To pay Mrs. Eldred the money she requires of the Druce Company for my shelter in her house and the food she has supplied me with since I was taken there by Druce, until I am removed from 54 Talbot Road, Bayswater."

Sir Charles Mathews mentioned that Mrs. Eldred was the landlady of that address.

The agreement continued:—

"(2) That I am removed from this place, 54 Talbot Road, to more quiet apartments or small cottage, where my nervous system may get proper rest. The rent to be paid by the Druce Company.

"(3) That wages are required for my assistance to the company's solicitor and for information to him, and for the use of my journal. My board and travelling expenses must be paid for me at the rate of £3 3s. weekly."

"(4) At the final of the Druce Company's trial an equal pro-

portion of money is to be paid to me, by the same proportion as will be paid to all others connected with the case, according to the value of their work."

The witness said he also found a copy of the *Idler* for November, 1906, which contained an article on the fifth Duke of Portland, and his brothers and sisters, by "One Who Knew Them"; also fourteen picture postcards with views of Worksop and its neighbourhood; an envelope containing Sissons's penny illustrated guide to the Dukeries, addressed to the prisoner, with the postmark October 26, 1907; a small engraving taken from a book of Gadshill Place, near Rochester, Kent, the residence of Charles Dickens until his death; White's Year-Book for Worksop, 1906, containing a chronicle of the important events connected with the neighbourhood for many years past; a pencil memorandum dealing with the geographical position of Colombo and a short history of the place.

Sir Charles Mathews observed that Colombo was the place where the prisoner's daughter, Miss Maud O'Neil, was said to have been born.

The witness next handed in a pencil memorandum apparently of Charles Dickens's movements as follows:—"November.—Arrived in Boston, 1867. Had reception more than cordial, for it was his second visit. Made a great success with his readings and covered a lot of country, and the fatigue and excitement excessive. He made more friends than money. He arrived in England May, 1868, better, as he said, for the sea voyage. People said he looked seven years younger. In October following he commenced to travel and start his readings. Thinking the old ones would not do to rely upon, he tried a few new ones. But the strain was great. In February, 1869, he was back in London reading at St. James's Hall and the district until the middle of April. His health failed and he rested. In 1870, from January to March, he gave twelve farewell readings, the last on March 15, at St. James's Hall, the readings selected being 'The Christmas Carol' and 'The Trial Scene from Pickwick.'" Another memorandum read:—

"In the prints you sent to me I can truthfully say they are both good of the same man, one in a disguised form, the other in a more natural. I knew them both in their true colours too well to forget their faces. The eyes and the forehead are the same. I have seen the fifth Duke of Portland without a beard, with a short beard, and a long one. Mr. Druce in his short beard was as I saw him when 11 years of age. He then carried on the Baker Street Bazaar. When 11 years of age and travelling with my aunt, who was a friend of Mr. Druce's, we met him frequently. He always took a great deal of notice of me on

account of my father being killed in the American war. I distinctly remember being in his company for the first time. It was at Tunbridge Wells. His beard attracted my attention. It was so beautifully groomed, and such a striking likeness in the forehead and eyes to my aunt that people thought they were related to each other. April 26.—Richmond, Surrey, Star and Garter.—Mr. Druce was here with ——. May, 1868.—Boston, Dickens. October, 1868.—Welbeck, Dickens. February, March, 1869.—Dickens in London somewhere. April, 1869.—A copy certificate from Mr. Dickens. July, 1869.—Mr. Dickens better; writing a book; wrote badly. Mr. Druce said Dickens failing fast. October.—Mr. Dickens seemed much better for his rest. December, January, February, 1870.—Letters from Mr. Dickens to Mr. Druce and myself. March.—Mr. Dickens in London. . . . April 1.—Mr. Dickens near Hyde Park; looks very ill. Would be in or near London until end of May.”

#### MISS ROBINSON'S "REMINISCENCES."

The next was a letter to the prisoner from Mr. E. Kimber, dated from 15, Walbrook, E.C., London, December 6, 1907:—

“Dear Miss Robinson,—Would you like to give some of your reminiscences of Charles Dickens to the publishers, Messrs. George Newnes (Limited)? If so, I will give them your address. I did not like to do so without communicating with you. It might do you good. Both Sir George and Lady Newnes have been in Court on the Bench, and I have strong reason to believe that they sympathise both with you and the case. They are friends of two of my daughters. Yours faithfully, EDMUND KIMBER.”

Another letter addressed to “W. Gadsby” at Welbeck, which was also among the prisoner’s possessions, was read:—“I intended to have written to you yesterday. Of course, you may go the day Lord Harewood desires. You had better not, I should think, move your family. You may do as you please till you have seen for certain whether you will suit Lord Harewood, since, if not, you may come back to me. With regard to your conduct, my advice is that you keep a regular register of everything of consequence which comes under your observation. Be particularly careful never to state a fact you are not certain of or give an opinion which is not founded on a fact and the plain consequence of that fact. When your memory fails you, or you have not good reasons for an opinion, say so at once.—TITCHFIELD.”

## ALLEGED LOVE LETTERS.

The witness also produced a proof of the prisoner's evidence in which it was recorded that she had been the mistress of the fifth Duke of Portland ; that in 1876 the duke gave her £5,000 in bank notes at Aberdeen, and that the duke had given her other money upon the interest of which she was now living at the date that that proof was taken. There was also a proof of Miss O'Neil, which described her as the companion of Miss Robinson and stated that she was born in Colombo. Also copies of three letters purporting to have been sent to the prisoner by the fifth Duke of Portland. The first ran :—

“My dearest Mary,—I remember this, that, though you were not the wife of my youth, you are the joy of my life. You are the most worthy of all my earthly comforts. You possess what I most admire in a woman—sweetness and cheerfulness, mixed with kindness of manner. For your study I recommend some of the most useful parts of mathematics. In my eye, they are a special object of interest. . . . Farewell, my dearest, from your affectionate and dearest friend, JOHN C. S. BENTINCK, Welbeck Abbey, 1874.”

In reply to Sir Charles, the witness said that he believed the Duke of Portland succeeded to the dukedom in 1854.

Sir Charles Mathews.—Notwithstanding that, the letter is signed “John C. S. Bentinck.”

The second letter was read as follows :—

“My dearest Mary,—You will see me in Richmond some of these fine mornings. I feel lost here alone. I cannot live without your presence. The smallpox is in and near the neighbourhood of Worksop ; therefore you must remain where you are at present. I should never forgive myself if anything happened to you through that dreadful disease. From your most affectionate friend, JOHN CAVENDISH SCOTT BENTINCK, Welbeck Abbey, March, 1871.”

The third letter ran :—

“Dearest Mary,—I shall see you in course of a few days ; so be prepared. I cannot stay any longer. Your affectionate and ever-loving friend, JOHN BENTINCK, February, 1870.”

The witness also produced the following letter which purported to have been written by Charles Dickens in March, 1869 :—

“Dear Mary,—You will be watched. Every word you say will be weighed in the balance against you. You must be tight-fisted and hard as a grindstone, and then you will succeed in throwing them off guard. If you act in this manner, you will be

the means of saving a deal of trouble and anxiety to Resurrection. You may thank God there are no Mrs. Gamps in the affair as general news-letters.—Yours faithfully, CHARLES DICKENS.”

Sir Charles Mathews.—I pause here to ask you, inspector, since this search of yours the prisoner, at her own wish, has seen you and made a statement, has she not ?

The witness.—Yes, she has, Sir Charles.

And has confessed to you that the evidence she gave in the witness-box was false ?—Yes.

And that these letters in her handwriting were concocted by her ?—So far as the Duke of Portland was concerned.

Yes.—Did she say she had received the original of the letter purporting to come from Mr. Dickens ?—Yes.

But you can find no trace of it ?—No.

#### A DRAFT DOCUMENT AND DEPOSITION.

The witness went on to say that he also took possession of the following draft document from among the prisoner's papers:—

“July 21, 1907. Mr. Kimber, Dear Sir,—I remember something which my second journal contained. The pith of it is this—it was told to me by the fifth Duke of Portland, regarding his boyish days as he called them.—The reason I took the name of Druce was through being introduced to a man of that name by some gentlemen friends. The man was interesting. I believe he was Irish. He was a navy agent, and had a wife, whom he called Judy. Our visits to his house were frequent and rowdy. We made our way to the hall through under passage, etc. Now after a lot of trouble and searching Miss O'Neil and myself have discovered the following places:—The door of the underground passage in a back yard. The vault of the navy agent, Druce, and his wife, Judy. Grave of the lady who was the wife of the physician who lived at Bury St. Edmunds at that time.”

Sir Charles Mathews then read from a document, which was headed “Deposition of Miss Mary Robinson.” It stated that she was 56 years of age ; that she was born in Richmond, Virginia, U.S.A., where her father was a tobacco planter ; that her first acquaintance with Thomas Charles Druce was in April, 1862, when she was introduced to him at the Star and Garter Hotel, Richmond. The document concluded :—“I kept and still have in my possession a diary, in which I recorded many things about my meetings with him, and what I had to do for him.” Counsel pointed out that that was only a draft document. In the “information” which the prisoner swore before Mr. Plowden she gave a different version of her first acquaintance



with T. C. Druce—namely, that it was in December, 1861, that she was first introduced to him, at Tunbridge Wells. The statement as to her diary was also altered to the following:—“I kept, and am able to produce, a diary, in which I recorded many things about my meeting with him, and what I had to do for him, and the dates I have furnished are taken by me from the entries in that diary.” There was also a letter from Messrs. Oswald, Smith, and Hanson advising the prisoner to call on Mr. Kimber, and inform him in what respect her first proof was incorrect, and two letters from Mr. Perry Allen, an American attorney, acting on behalf of Mr. Robert Caldwell, in which he enclosed a copy of the prisoner's diary. The letter advised the prisoner to have the original document placed in a safe deposit vault.

The prisoner was then remanded till Monday, Sir Charles intimating that he would then have to recall Inspector Dew to produce further documents.

In reply to the magistrate, the prisoner said she had nothing to ask the witness.

## PRÉCIS OF EVIDENCE

GIVEN IN THE

DRUCE PERJURY CASE, ON FEBRUARY 19, 1908.

On February 19, 1908, at Bow Street, the charge of perjury against Mary Ann Robinson in connection with the Druce case was further investigated.

Chief Inspector Dew, of Scotland Yard, produced a number of documents found in the prisoner's possession at the time of her arrest—among them certified copies of her birth certificate (showing that she was the daughter of James Webb, butcher, and was born at Wandsworth in 1841), and of her marriage to William Robinson, butcher, at Leeds, in 1862. The witness said that since the documents had been examined the prisoner had seen him by her own wish, and had confessed that her evidence was false.

The prisoner was again remanded.

## MR. BALFOUR IN THE CITY.

The City of London Conservative Association yesterday entertained Mr. Balfour and Sir F. Banbury, the members of Parliament for the City, at luncheon in the Merchant Taylors' Hall.

Sir Joseph Dimsdale presided; and among those present were Lord Lansdowne, Lord Valentia, M.P., Lord Aldenham, Lord Middleton, Sir R. Finlay, K.C., Lord Duncannon, the Hon. H. C. Gibbs, Lord Addington, Sir H. Kimber, the Hon. Evelyn Hubbard, Sir R. Hermon-Hodge, Sir J. Lawrence, the Hon. Claude Hay, M.P., Mr. C. S. Gordon Clark (Master, Merchant Taylors' Company), Mr. W. Hayes Fisher, the Hon. L. A. Brodrick, Sir J. Whittaker Ellis, Sir J. H. Puleston, Mr. Prichard Jones, Sir F. Dixon-Hartland, M.P., Sir Forrest Fulton, K.C., Sir C. Kinloch Cooke, Mr. F. S. Hanson, Sir T. Birkin, Major E. F. Coates, M.P., Sir G. W. Truscott, Mr. W. Keswick, Mr. J. C. Czarnikow, Mr. A. C. Cole, Mr. J. S. Sandars, Mr. W. M. Short, Sir G. Woodman, Mr. R. Davies, Major W. Bridges Webb, Mr. H. W. Russell, Sir J. J. Runtz, Sir J. Purcell, Mr. H. Seymour Foster, Mr. George Alexander, Mr. A. Cohen, Mr. J. W. Domoney, Mr. A. Moseley, Sir H. Homewood Crawford, Mr. Luck (hon. treasurer, City of London Conservative Association), Mr. E. G. Simmonds, Mr. Percival Hughes, Mr. R. M. Sebag Montefiore, Mr. H. J. Waterlow, Mr. A. F. Blades, Mr. J. F. Rawlinson, K.C., M.P., Sir T. Jackson, Captain Swinton, Sir T. Brooke-Hitching, Sir J. Roper Parkington, Mr. W. W. Grantham, Mr. G. Glanfield, Mr. W. J. Galloway, Mr. Millar Wilkinson, Mr. Baddeley, Mr. J. L. Sayer, and Mr. Pearce Morrison. A number of ladies, among whom were Lady Lansdowne and Lady Dimsdale, entered the hall after the luncheon and listened to the speeches from the gallery.

After the loyal toasts had been drunk,

The Chairman, in proposing that of "The Representatives of the City of London in Parliament," said that in Sir Frederick Banbury they had a member who was no novice to Parliamentary life, and who was entirely conversant with Parliamentary procedure. (Laughter and cheers.) It was to a large extent owing to his experience that he was able to stop, if not to kill, a great deal of what now was erroneously called legislation in the twentieth century. In Mr. Balfour they had an ideal member. (Cheers.) For many years East Manchester had the honour of claiming him as her representative. It was owing to the ingratitude of East Manchester and the self-abnegation

and patriotism of Lord Aldenham (cheers), then Mr Alban Gibbs, who had long represented the City of London in Parliament as successor to his revered and ever to be lamented father, that they were able that day to greet Mr. Balfour as senior member for the City of London. But Mr. Balfour was a great deal more than a mere member of Parliament. He was the trusted leader (cheers) of the great Imperial party of this country. He was a politician and he was also a great statesman—terms which were by no means synonymous. They had seen politicians, little more than Parliamentary hacks, climb to the highest position in the State, and yet possess no grain of statesmanship. Vituperation and abuse were not statesmanship. To pander or to be pliable to the demands of the demagogue or the stump orator was not statesmanship. A statesman was he who realised that he was the trustee of the Empire, and that, though his span was short and his life but few years comparatively, and a mere cipher in the history of our country, yet that he was determined to place at least something that would live on that great superstructure which had been built up by generations of our forefathers, and which stood firm upon the foundation laid by the forethought, the courage, and the determination of our ancestors. It was because Mr. Balfour possessed those qualities, because throughout his whole public career he had shown single-mindedness and been actuated by patriotism, and had the highest and most lofty aims in view that he could sit to-day in his proud position with the consciousness that he was the trusted leader of that party which comprehended Conservatives, Unionists, and the flower of the Liberal party. (Cheers).

Mr. Balfour, who was received with loud cheers, said, in response : In the speech which you have just listened to you have heard me described, among other eulogistic epithets, as an ideal member for the City of London. (Cheers.) I need hardly say that I do not quarrel with even the most extravagant eulogies which the kindness of my friend on my left may give me on an occasion like this, when I have an opportunity of meeting so many of those to whom I owe my present position in the House of Commons. I cannot help contrasting the present state of the party at the moment at which I am now addressing you with the state of that party when I last spoke in this hall to an audience, I have no doubt, largely identical with that which I am now addressing. At the moment when my friend and relative, Lord Aldenham, had given me the opportunity, in the darkest hours of the party fortunes, to represent this great constituency, I had to address them on the present position of public affairs. We did not foresee at that time, and we could

not foresee, any such incident as that to which your chairman has referred—the Mid-Devon election. (Cheers.) We may have believed, I myself most firmly did believe, that many months would not elapse before those who possessed the power, and still possess the constitutional power in the State, would have shown to the people of this country of what stuff they were made. (Laughter.) It was morally certain that the time could not be far distant when there would be some violent revulsion of feeling from that which had made itself manifest at the general election; but we could not then foresee the position which we now have before us; nor could we in anticipation draw the lessons which we now can draw from what has occurred, and is occurring, before our eyes throughout the country. I am not going to triumph over the results of the by-election; I have seen a great deal of such triumphing in my time, sometimes on one side and sometimes on the other. I prefer to wait till the final result shall make itself felt, when the country again returns to those paths of sober wisdom which for so many years characterised it. (Cheers.)

But we may surely say, at all events, of the Mid-Devon election, that it has for us, and for every constituency in the United Kingdom, lessons that ought not to be forgotten. The plainest, most obvious of those lessons is the deep interest which the great controversy on fiscal reform has excited in all classes of the electorate. (Cheers.) The speeches delivered in the Mid-Devon election were mainly devoted to that great theme. It was before the constituency in every town, in every village, and every hamlet throughout its extent. And when we see so great a poll, so large a number of the electors recording their opinion with that controversy full in their minds, and with the result that we know—namely, that a seat which from time immemorial had been a Radical seat became a Unionist seat, that a seat which had been Radical in the great reaction after Mr. Gladstone's Home Rule experiment in 1895, which had remained Radical in the time of what is called the war fever in 1900, in 1908, when that party had been in power with an unexampled majority for only two years, reversed its traditional opinions—when all these things are obvious, plain on the surface of the facts, the moral to be drawn is one which no man, however blinded, can avoid drawing. (Cheers.) I do not dwell upon it, it is so manifest that he who runs may read, and the observer whose natural feelings or prejudices may make him most recalcitrant to drawing the obvious moral has only got to survey the facts of the case to see what that moral really is. I would rather dwell for a moment upon the less manifest and obvious morals of the Mid-Devon election. One of these is that if you

have a good candidate—and we had an excellent candidate—if he works hard—and ours worked admirably—if he has got a good organisation, and the organisation has been brought thoroughly up to date—in these circumstances there is no seat, however apparently hopeless, which there is not a prospect of winning. (Cheers.) There is a third moral I would draw, and that is that the party wins when it works together. (Renewed cheers.) In the constituency of Mid-Devon, as in other constituencies, there are different shades of opinion upon this fiscal question, which, as I have told you, was the one before the constituency at every meeting on both sides throughout the whole period of the election ; but, though there were, as might be expected, different shades of opinion, every member of the Unionist party, so far as I know, worked, and worked strenuously and hard, to produce the result, the ultimate effects of which will, I think, be felt through the whole course of the present Session, will modify every speech made on the Government side, will strengthen all those who have great interests to defend, and will put in their true proportion and value all the threats and all the bluster of which we have heard quite sufficient during the last two or three years. (Cheers.) I hope that that union which has produced these admirable results in Mid-Devon will be extended to every constituency in England, Scotland, and Ireland ; and if it is, believe me when I say that its fruits elsewhere will not be less admirable than those of which we have had practical experience during the last few weeks.

But there is a fourth lesson to be drawn from the Mid-Devon election. There has been a fourth factor in the great success which we have there obtained. We owe our thanks, not merely to our candidate, to our organization, to the members of the party who have so loyally supported them ; we owe our thanks to the Prime Minister and the present Government, who have done so much in the last two years to assist us. (Laughter.) When I spoke in this hall two years ago, I think, almost to a day, it was after the present Government had taken office, after their success at the polls was assured, but before they had composed their first King's Speech, or shown, either to Parliament or to the country, what manner of men they were. They had all the advantages which inevitably attach to the unknown, they were the centre, they were the object of fears on our part, they were the object of hope on the part of vast bodies of the electorate. And as our fears were from the nature of the case indeterminate, so the hopes of the other side were necessarily vague. They had told us, if you remember, during the course of the general election nothing clear and specific as to the policy they meant to pursue. Everything was cloudy, as foggy as the

atmosphere in which I am now addressing you. (Laughter.) It had not, and could not have, taken any clear and determinate shape; and, if I rightly understand the policy, the very judicious policy, of the present Prime Minister and his colleagues, they thought that the less they said of a definite and precise character about their intentions the better, and the larger licence they left to their followers to make very precise and very determined misrepresentations about their political opponents the more likely they were to obtain a great electoral success. The result, we all know, was that there was literally nothing concrete before the country except the lies placarded all over the constituencies (cheers), which, no doubt, had their intended effect. But while it is, in certain circumstances, quite easy to win an election upon mendacious placards, it is not so easy to retain the favour or admiration of your countrymen when you have either got to live up to your placards, which they have attempted to do with very moderate success in South Africa, or to devise some clear and concrete policy which is to satisfy all the vague aspirations of which they have been deservedly or undeservedly the centre. We have had two years of them. The fog which enveloped their policy when I last spoke to you in this hall has been dissipated, we know their methods, and we know their object. Their methods, indeed, have been clothed, naturally enough, in very gorgeous language, they have been justified in very pompous phrases, we have been told that they are the true apostles of social reform, we have been told that to them, and to them alone, do the great mass of our countrymen look for some legislative amelioration of their lot. But when all these fine professions can be analysed in the light of experience we see, what I think has been manifest over the whole history of their party—namely, that professions of social reform are nothing more than the rather thin cloak under which they make an attack on the classes or the interests against whom they happen to have some political animosity. It is not in order to benefit the mass of the community that this or that measure is brought forward; the measure is brought forward, not to benefit those to whom it looks, but to injure those with whom it deals. If you study their land legislation, if you study their proposals about local taxation, if you study their whole method of dealing, let us say, with the Chinese labour question in South Africa, if you study their methods of dealing with education, or their methods of dealing with the Government of Ireland, the same strain runs through the whole web and woof of their policy. It may have no logical or internal coherence, it may be based upon no principles of sound statesmanship, but it has always this peculiarity, that

while very little qualified to benefit anybody, it is always very well devised to injure somebody. (Cheers.) The people whom it is desired to injure are almost always those particular interests who, they chose to think, are inimical to their particular complexion of party politics.

I remember that one of the points which I touched upon two years ago was the obscurity which hung over the intentions of the Labour party, who are so important a factor in the present political situation, so large an element in that vague support which his Majesty's Government obtain in Parliament. At that time the Labour party had made no declaration of policy, so far as I know. They were occasionally in collision electorally with the Government, they were occasionally in electoral collusion with the Government, but they had made no clear announcement as to the view of social reconstruction which they went into Parliament in order to further. If I rightly understand what has happened in the last 36 hours that obscurity is now wholly dissipated. We know exactly where we are; and the Labour party, or the large majority of the Labour party, have now definitely, in their own language, hoisted the red flag. They have announced themselves as advocates of a scheme of social reconstruction which has found advocates, indeed, in many countries, but which has been carried out in none (cheers), which would carry with it, not merely the ruin of the great commercial centre in which I am speaking, which would not only bring to an end the great enterprises of which your chairman has to-day spoken in terms of justifiable pride, which would not only destroy our commercial, financial, and manufacturing position among the nations of the world, but which would, in my opinion, be the greatest calamity that has ever happened in the world, not to the rich, but to the poor. (Cheers.) We have difficulties, inevitable difficulties, before us in connexion with these problems of social reform, because most of us are agreed I think in this room—at all events I quite clearly and definitely hold the opinions for myself—that social reform is part of the programme of the party to which we belong (cheers), and that you cannot lay down those clear-cut and definite formulæ dear to the hearts of our grandfathers, by which they limited, in this direction or in that direction, the activity of the State. I do not believe in these formulæ, I regard them as unscientific, I regard them as impossible to carry out in these days, mischievous if you could carry them out. I do not deny, I never have denied, that they had great conveniences from the legislator's point of view, and I do not deny that their practical abandonment by the great body of public opinion in this country, to whatever party it belongs, is

going to be a source of difficulty, and of confusion even, in the politics of the future. But this, I think, is clear, this, I think, is definite, this, I think, is a doctrine to which every man, at any rate every man who belongs to our party, may give his unqualified absolute adhesion; it is that the greatness of a country, its industrial position, its wealth, its productive power, its inventive power, will depend in the future, do depend in the present, have depended in the past, upon private initiative. (Cheers.) You will never get a bureaucracy, or a Government, or a Parliament, however you constitute it or reconstitute it, you will never get trade unions, you will never get labour representatives, you will never get any collection of men to do that for the promotion of productive enterprise which is now done by individual initiative. And you will never have individual initiative carried to its most effective limits unless you give that security to the results of enterprise which it used to be thought it was the primary duty of a Government to give (cheers), but which it now seems it is one of the subsidiary duties of a Government to destroy. What folly from this point of view have the present holders of power been guilty of! They turn from one interest, from one section of their supporters, to another, and they try to throw to each in turn some agreeable sop which may ensure their allegiance and their loyalty, little reflecting how much injury is done to the community as a whole by that which pleases some particular and irresponsible section. I will not go into such questions, it is not the occasion. I spoke in this constituency before on education; I am not going into education, although I could illustrate from that theme to any extent this passion for injuring opponents and this total indifference to the great cause of education—which is nominally, I suppose, the motive of all our educational proposals. I will not touch on that, but I will take one other illustration of the broad proposition I was advancing.

Here is a Government who bring in a Bill for Scotland touching on the rating of ground values, as they are called in Scotland. It is a Scottish Bill, and therefore does not obviously and directly affect English or Irish interests. It is a Bill which imposes no tax, and therefore immediately and obviously frightens no one, or at all events anybody may say it will have no consequences except the cost and labour of framing a new system. I do not believe the Bill will ever pass; but what has it done by merely being brought in, and by being defended by members of the Government on principles which destroy the whole sanctity of contract? What has happened, of course, is what you would expect to happen, that without benefiting a



single soul, without putting a penny in the pocket of a single ratepayer, without the smallest advantage, public or private, to any citizen or subject of his Majesty, they have lowered the whole value of one of the safest and most desirable securities that at present exists—securities of a kind in which the widow and the orphan, the insurance office, the benefit society, all the societies which deal with thrift and promote thrift, were in the habit of investing. All those have been touched, and the security of all diminished, not by legislation, but by an attempt at legislation foredoomed to failure, foolish in its principles, foolish in its claims, indefensible on any known theory of property, and which, therefore, I cannot conceive will ever receive the sanction of the Legislature, but which, even if it never passed, has been sufficient to shatter credit in one of its departments. Well, that is only one instance, but it is a specimen of what a Government will do under no responsible leadership, following no very well-defined principles, and depending for its support upon a left wing which shades insensibly but rapidly into that body of socialistic opinions who have just hauled up their flag and mean to fight under the piratical colours of general spoliation. Do not suppose that considerations like these were absent from the minds of those who voted in the Mid-Devon election. Depend upon it the present Government have, in their short tenure of office, already succeeded in spreading throughout a large body of opinion, partly neutral opinion, partly non-neutral and favourable to themselves, a feeling of doubt, of mistrust, of scepticism as to the character of their policy, which will silently affect every election in the kingdom.

I myself believe that there is little room now in the political constitution of this country for the old-fashioned Liberal who, in his time, has done great service for the State. The Liberals were a leading power in an important period of transition; but the course of events has practically destroyed all the differences, never perhaps very great, which separated them from the party to which we belong, and we are now tending towards a different arrangement of political forces, a rearrangement of political forces in which the Unionist party must indeed be the leading element and member upon one side, though not the only one; and on which our Socialistic friends, who have just hauled up their flag, will doubtless be the militant force upon the other. Between the two ideals of social construction which those two bodies of opinion represent is to be the great fight in the future. Both are agreed, as I understand it, that it is the duty of Parliament to do its best for every class in the community, and that the theories of unrestricted competition which were once the favourite doctrine of the Radical party, though they

never were the favourite doctrine of the Tory party—both sides admit that this doctrine of the unrestricted play of free competition in every sphere of social life is one which you cannot maintain untouched. But though there is an agreement to that extent between these two parties of the future, there remains that profound and impassable gulf of which I spoke a few moments ago, that gulf which divides those who on the one side think that the main object of the attention of the social reformer should not be so much the production of wealth as its distribution, who think, therefore, that the State in its corporate capacity must take over all the means of production and all the methods of distribution; and those on the other side of the gulf who agree with us in this room that, if you want to consider the material welfare of the community, your gaze should be fixed primarily and essentially upon the production of wealth, that unless you have something to divide the question of distribution falls into the background, and that the production of the wealth itself, according to all that experience and all that reason teaches us, is a production which never can be carried to its highest perfection unless you bring to the service of humanity all that science can teach, all that enterprise can give, all that can be done, and done only, by people who are ready to take risks, who are ready to suffer if they fail, and who must be allowed to profit if they succeed. (Cheers.) That is a theory which, as I think, must lie at the basis for all time of every great successful and productive community. Be your social legislation what it may, turn your attention as closely as you like to the great and beneficent task of ameliorating the lot of the less fortunate members of the community, at the basis of it all, and for the benefit of all, there must be that security of property, that recognition of the value of independent effort, on which all successful societies have hitherto been based, and on which, as long as human nature remains what it is, successful societies must be based in the future. (Loud cheers.)

Sir F. Banbury also responded to the toast.

The toast of "The Chairman" was proposed by Mr. Balfour, and Sir J. Dimsdale briefly responded.

## PRÉCIS OF MR. BALFOUR'S SPEECH.

### ON CURRENT POLITICS.

On January 23, 1908, Mr. Balfour and Sir F. Banbury, the members for the City of London, were entertained by the City Conservative Association at luncheon in Merchant

Taylor's Hall. Sir Joseph Dimsdale presided, and proposed the health of the guests.

Mr. Balfour, in reply, dwelt on the lessons of the Mid-Devon election. The plainest and most obvious of these lessons was the deep interest which the great controversy of fiscal reform had excited in all classes of the electorate. The measures of the Government were based on no broad principle of sound statesmanship, and while little qualified to benefit anybody, they were very well qualified to injure somebody.

The members of the Labour Party had now definitely hoisted their red flag, and announced their advocacy of a scheme of social reconstruction which, if it were realised, would be the greatest calamity that had ever happened, not to the rich, but to the poor.

After further criticising the policy of Ministers, Mr. Balfour contended that there was now little room in our political constitution for the old-fashioned Liberals. We were tending towards a rearrangement of political forces, in which the Unionist party must be the leading element on the one side, and the Socialists would doubtless be the militant force on the other.

#### HAMLET REVISITED. 1897.

The worst of the application of the long-run system to heroic plays is that, instead of killing the actor, it drives him to limit himself to such effects as he can repeat to infinity without committing suicide. The opposite system, in its extreme form of the old stock company playing two or three different pieces every night, led to the same evasion in a more offensive form. The recent correspondence in the *Morning Post* on the stage as a Profession, to which I have myself luminously contributed, has produced the usual fallacious eulogies of the old stock company as a school of acting. You can no more prevent contributors to public correspondences falling into this twenty-times-exploded error than from declaring that duelling was a school of good manners, that the lash suppressed garrotting, or any other of the gratuitous ignorances of the amateur sociologist. The truth is, it is just as impossible for a human being to study and perform a new part of any magnitude every day as to play Hamlet for a hundred consecutive nights. Nevertheless, if an actor is

required to do these things, he will find some way out of the difficulty without refusing. The stock actor solved the problem by adopting a "line": for example, if his "line" was old age, he acquired a trick of doddering and speaking in a cracked voice; if juvenility, he swaggered and effervesced. With these accomplishments, eked out by a few rules of thumb as to wigs and face-painting, one deplorable step dance, and one still more deplorable "combat," he "swallowed" every part given to him in a couple of hours, and regurgitated it in the evening over the footlights, always in the same manner, however finely the dramatist might have individualised it. His infamous incompetence at last swept him from the reputable theatres into the barns and booths; and it was then that he became canonised, in the imagination of a posterity that had never suffered from him, as the incarnation of the one quality in which he was quite damnably deficient; to wit, versatility. His great contribution to dramatic art was the knack of earning a living for fifty years on the stage without ever really acting, or either knowing or caring for the difference between the "Comedy of Errors" and "Box and Cox."

A moment's consideration will show that the results of the long-run system at its worst are more bearable than the horrors of the past. Also, that even in point of giving the actor some chance of varying his work, the long-run system is superior, since the modern actor may at all events exhaust the possibilities of his part before it exhausts him, whereas the stock actor, having barely time to apply his bag of tricks to his daily task, never varies his treatment by a hair's-breadth from one half-century to another. The best system, of course, lies between these extremes. Take the case of the great Italian actors who have visited us, and whose acting is of an excellence apparently quite beyond the reach of our best English performers. We find them extremely chary of playing every night. They have a repertory containing plays which count as resting places for them. For example, Duse relieves Magda with *Mirandolina*, just as our own Shakespearian star actors used to relieve Richard the Third and *Othello* with *Charles Surface* and *Son Felix*. But even with this mitigation no actor can possibly play leading parts of the first order six nights a week all the year round unless he underplays them, or routines them mechanically in the old stock manner, or faces a terrible risk of disablement by paralysis, or, finally resorts to alcohol or morphia, with the usual penalties. What we want in order to get the best work is a repertory theatre with alternative casts. If, for instance, we could have "Hamlet" running at the Lyceum with Sir Henry Irving and Miss Ellen Terry on Thursdays and Saturdays, Mr.

Forbes Robertson and Mrs. Patrick Campbell on Wednesdays and Fridays, and the other two days devoted to comedies in which all four could occasionally appear, with such comedians as Mr. Charles Wyndham, Mr. Weedon Grossmith, Mr. Bouchier, Mr. Cyril Maude, and Mr. Hawtrey, then we should have a theatre which we could invite serious people to attend without positively insulting them. I am aware that the precise combination which I have named is not altogether a probable one at present ; but there is no reason why we should not at least turn our faces in that direction. The actor-manager system, which has hitherto meant the star system carried to its utmost possible extreme, has made the theatre so insufferable that, now that its monopoly has been broken up by the rise of the suburban theatres, there is a distinct weakening of the jealous and shameless individualism of the last twenty years, and a movement towards combination and co-operation.

(GEORGE BERNARD SHAW—*Dramatic Opinions and Essays.*)

### PRÉCIS OF "HAMLET REVISITED."

The long-run system undoubtedly tends to stultify the art of acting. It is wrong to suppose, however, that the old stock company had not even a more deleterious effect on that art. The remedy for the present unsatisfactory situation lies in the establishment of a repertory theatre with alternate casts of our most talented *artistes*. Although the adoption of this remedy is for the moment highly improbable, the invasion of the monopoly of the actor-manager system by the rise of the suburban theatres points to greater combination and co-operation in the future.



## CHAPTER III.

### OFFICIAL CORRESPONDENCE.

#### EXERCISE No. 1.

#### CORRESPONDENCE RELATING TO A PROPOSED COLONIAL CONFERENCE IN 1907.

No. 1. NEWFOUNDLAND.

*Governor Sir Wm. MacGregor to Mr. Lyttelton.*

(Received December 2, 1905.)

Government House, St. John's, November 18, 1905.

SIR,—With reference to your despatch of 16th October, I have the honour to inform you that my Ministers agree in principle to the institution of the contemplated Joint Commission.

I have, etc., WM. MACGREGOR.

No. 2. CANADA.

*Governor-General Earl Grey to Mr. Lyttelton.*

(Received 7.50 p.m., December 5, 1905.)

Telegram.

Referring to your telegram of 29th November, Responsible Ministers have no objection to Colonial Conference being held in 1907 instead of 1906.

No. 3. NATAL.

*Governor Sir H. E. M'Callum to the Earl of Elgin.*

(Received 11 a.m., December 22, 1905.)

Telegram.

December 22. No. 1. Referring to your telegram, 29th November, Ministers are agreeable to postponement of next Colonial Conference until 1907.

## No. 4. CAPE COLONY.

*Governor Sir W. F. Hely-Hutchinson to Mr. Lyttelton.*

(Received December 23, 1905.)

Government House, Cape Town, December 6, 1905.

SIR,—I have the honour to transmit to you the document specified in the annexed schedule.

I have, etc., WALTER HELY-HUTCHINSON.

Date.	Description of Document.
6th December, 1905	<i>Minute from Ministers.</i>  Date of meeting of the next Colonial Conference.

Enclosure in No. 4.

(Minute.) *Ministers to Governor.*

Prime Minister's Office, Cape Town, December 6, 1905.

In acknowledging the receipt of His Excellency the Governor's minute of the 30th ultimo, transmitting a copy of a telegram from the Right Honourable the Secretary of State for the Colonies, dated the 29th idem, relative to the date of meeting of the next Colonial Conference, Ministers have the honour to state in reply that they are desirous that the Conference should meet in the year 1906, due consideration being given, however, to the wishes and necessities of the various Colonial Governments in regard to the actual date of assembly.

T. W. SMARTT.

## No. 5. AUSTRALIA.

*Governor-General Lord Northcote to the Earl of Elgin.*

(Received 7.50 a.m., December 23, 1905.)

Telegram.

Referring to your telegram of 29th November, Colonial Conference, Government have no objection to postponement, 1907.

## No. 6. NEWFOUNDLAND.

*Governor Sir Wm. MacGregor to Mr. Lyttelton.*

(Received December 28, 1905.)

Government House, St. John's, December 8, 1905.

SIR,—With reference to your telegram of the 29th November, I have the honour to inform you that my Ministers are of

opinion that it would be advisable to postpone the meeting of the Colonial Conference till 1907.

I have, etc., WM. MAGGREGOR.

No. 7.

NEW ZEALAND.

*Governor Lord Plunket to the Earl of Elgin.*

(Received 7.40 a.m., January 26, 1906.)

Telegram.

Following telegram received from Premier :

*Begins* : Government of New Zealand see no objection to postponement of Imperial Conference of Prime Ministers until 1907, but would prefer that it should be held at an early date in that year.

No. 8.

*The Earl of Elgin to the Governors of Self-Governing Colonies.*

Telegram.

(Sent February 19, 1906.)

Referring to my predecessor's telegram of 20th November, and to your reply, His Majesty's Government propose that Colonial Conference should meet early in March, 1907, as it seems impossible to arrange a meeting conveniently this year. I shall be glad to learn that this date will suit your Prime Minister.

Despatch follows by mail.

No. 9.

*The Earl of Elgin to the Governors of Self-Governing Colonies.*

MY LORD,

Downing Street, February 22, 1906.

SIR,—My predecessor, in his telegram of the 29th November last, suggested that it might be advisable to postpone the Colonial Conference until the year 1907, since it was not possible for the Prime Ministers of the Australian Commonwealth and of New Zealand to attend a Conference in 1906 if it was held later than in the spring, and it did not then appear to be practicable to make preparation for a Conference by that time.

2. I have now the honour to enclose, for the information of your Ministers, copies of the replies received from the several Colonies, from which it will be seen that while the Cape Ministers desired that the Conference should meet this year,



the other Governments agreed to postponement until next year, and the Government of New Zealand expressed a hope that the meeting might take place early in the year.

3. I accordingly informed you, in my telegram of the 19th instant, that His Majesty's Government proposed that the Conference should meet early in March, 1907, and added that I should be glad to learn if that date would be convenient to your Prime Minister.

4. My predecessor communicated to your Government, in his despatch of 7th December last, the Parliamentary Paper containing the correspondence with various Colonial Governments arising out of his despatch of 20th April, which dealt with certain proposals respecting the organization of future Colonial Conferences. I do not feel myself called upon to adopt the recommendation of those proposals; but in view of the expressions of opinion received from the Colonies I think that it will be desirable that the scheme should be freely discussed when the Conference meets.

5. It will much facilitate the proceedings of the Conference by enabling full preparation to be made beforehand, if your Government will communicate to me, so as to reach me not later than the 1st of September next, a statement as to any subjects which they desire to be discussed, and as to any resolutions which they wish to submit to the Conference.

6. I will address you in due course as regards the subjects which His Majesty's Government may wish to bring before the Conference.

7. His Majesty's Government feel every confidence that the next Conference, like those which have preceded it, will help to increase the good understanding and cordial feeling which exist between the Governments of the various self-governing communities of the Empire.

I have, etc., ELGIN.

No. 10.

NEW ZEALAND.

*Governor Lord Plunket to the Earl of Elgin.*

(Received 7.50 a.m., April 27, 1906.)

Telegram.

Colonial Conference. My Responsible Advisers, whilst aware that Governments of self-governing Colonies will be invited to submit proposals for consideration at Conference, would be glad to know whether proposals concerning fiscal matters and preferential trade throughout Empire will be admitted.

No. 11. NEW ZEALAND.

*The Earl of Elgin to Governor Lord Plunket.*

(Sent May 12, 1906.)

Telegram.

Referring to your telegram of 27th April, any proposals regarding fiscal matters which your Prime Minister may wish to bring forward will be submitted to Conference, in accordance with my despatch of 22nd February.

No. 12.

*The Earl of Elgin to the Governors of Self-Governing Colonies.*

(Sent 2.45 p.m., May 12, 1906.)

Telegram.

Referring to my despatch 22nd February, I have now ascertained by communication with all the Colonies concerned that the date for Colonial Conference most acceptable to all Premiers, having regard to the varying conditions involved in the meeting of their Legislatures, will be April 15th next, in place of the previous suggestion of a date early in March. I have, therefore, much pleasure, on behalf of His Majesty's Government, in inviting your Prime Minister to attend the Conference on 15th April.

## EXERCISE No. 2.

### CORRESPONDENCE RELATING TO SUEZ CANAL DUES.

No. 1. *Board of Trade to Foreign Office.*

Received July 7.

Board of Trade, July 6, 1906.

SIR,—I am directed by the Board of Trade to transmit to you, for the information of Sir E. Grey, the accompanying copy of a letter from the Colonial Office, forwarding a despatch from the Governor-General of Australia, suggesting that His Majesty's Government should use their influence to secure a reduction in the charges imposed by the Suez Canal authorities.

The Board have informed the Colonial Office that the transit dues of the Suez Canal Company were reduced on the 1st January last to the extent of 75 centimes, but I am to suggest,

for Sir E. Grey's consideration, that the British Directors of the Company may be asked for their observations on this communication.

I am, etc. (Signed) WALTER J. HOWELL.

Inclosure 1 in No. 1.

*Colonial Office to Board of Trade.*

Downing Street, June 27, 1906.

SIR,—I am directed by the Earl of Elgin to transmit, for any observations the Board of Trade may have to offer thereon, the accompanying copy of a despatch from the Governor-General of Australia, suggesting, at the instance of his Ministers, that His Majesty's Government should, in the interests of inter-Imperial trade and immigration, use their influence to secure a reduction in the charges imposed by the Suez Canal authorities.

I am, etc. (Signed) H. BERTRAM COX.

Inclosure 2 in No. 1.

*Governor-General Lord Northcote to the Earl of Elgin.*

Sydney, May 15, 1906.

MY LORD,—I have the honour to inform your Lordship that my Ministers have recently been making inquiries with a view to considering measures for the improvement of the present means of transport between Australia and Great Britain, for the purpose of the encouragement of trade and the carriage of immigrants at cheap rates.

2. In the course of inquiries the important question has arisen as to the route followed by steam-ships trading between England and Australia, the voyage viâ the Cape of Good Hope involving a delay of several days as compared with that viâ the Red Sea and the Suez Canal.

3. It has been learned that many shipowners are deterred from taking the shorter route by reason of the very heavy charges which are imposed by the Suez Canal authorities. Shipowners are compelled either to increase their rates for passage and freight by adding the Canal dues, or else to take the longer but less expensive course round South Africa. As every shortening of the voyage between Great Britain and Australia is valuable to shippers of perishable and other products, especially in certain seasons, my Ministers are anxious that no means shall be left untried to induce the ships to use the Suez Canal.

4. Seeing that the Canal dues enable shareholders to receive a dividend of 28 per cent., my Ministers are of opinion that the time has arrived for the reconsideration of the existing rates, and possibly for a substantial reduction therein, and they

suggest that, on behalf of Australia, as well as of all other British possessions lying to the east of Egypt, the influence of the British Government might be employed in procuring concessions which would have an early and material effect on inter-Empire trade, as well as upon the volume of traffic which will pass through the Canal.

I have, etc. (Signed) NORTHCOTE.

No. 2. *British Suez Canal Directors to Sir Edward Grey.*

(Received September 4.)

Paris, August 31, 1906.

SIR,—In conformity with the instructions contained in your despatch of the 13th ultimo, we have the honour to submit, for the information of the Secretary of State, the following observations.

We have perused the inclosures which are forwarded in the despatch, and have given special attention to the letter in which the Governor-General of Australia invokes the employment of the influence of the British Government to procure concessions in the way of a reduction of the existing rates of dues on vessels passing through the Suez Canal.

Lord Northcote's Ministers adduce four reasons in support of a reduction of the Tariff.

1. That shipowners are deterred from taking the shorter route on account of the very heavy charges.
2. That the dividends now paid amount to 28 per cent.
3. That the inter-Empire trade would be beneficially affected.
4. That the volume of traffic through the Canal would be increased.

Although these points have been discussed in considerable detail in previous correspondence between the Foreign Office and ourselves, we will again review the arguments briefly.

1. With regard to the first statement, the statistics of navigation by the Canal route present incontrovertible evidence that during the thirty years in which it has been in existence the number of ships which have made use of it has greatly and, with the exception of minor fluctuations, steadily increased, viz., from 2,000,000 tons net in 1876 to 13,000,000 tons in 1905.

Although it might reasonably be supposed that this six-fold increase was in the main due to the reductions which have been made in the tonnage rates, little or no relation in the way of cause and effect can be traced between them, while the increased traffic appears to be proportionate to the growth of the maritime commerce of the world in a very exact measure.

Paradoxical as it may appear, we are assured by many large shipowners that, although reductions in the Tariff are welcomed

by them, these reductions have practically no effect in increasing the Canal traffic, or in diverting from the Cape to the Canal route any material amount of tonnage. Far more importance is attached by them to the widening and deepening of the Canal than to any reduction in the charges for its use.

It cannot therefore be maintained that the charges are deterrent, as alleged, but we have always supported their reduction, and we would point out that the dues, which were originally, in 1869, fixed at 10 fr. per ton, and raised to 13 fr. per ton in 1874, have by successive stages been reduced to 7 fr. 75 c. per ton, at which rate they now stand. The last reduction of 75 centimes per ton was conceded as recently as from the 1st January of this year, and followed on a reduction of 50 centimes per ton made on the 1st January, 1903, amounting to a total reduction by 14 per cent. of the Tariff during the last three years.

2. While the present dividend of 28 per cent. on the 500-fr. share is an undoubted sign of the great prosperity of the enterprise, we cannot regard it as a proof that its profits are exorbitant. The arrangement which admits of this result was agreed to between the shipowners and M. Ferdinand de Lesseps in 1882, neither party at the time anticipating its realization. It must be borne in mind that from 1869 to 1870 the shareholders only received a yearly dividend of 5 per cent.; from July 1871 to July 1874 the dividend was passed and replaced by a certificate for 85 fr., which was subsequently paid. From that date to July last the average of the dividends has been 16 per cent., but from the formation of the Company to the present date it has only amounted, in round figures, to 12½ per cent., and, owing to the large increase in the market value of the shares, the return to the purchasers for some years has ranged between 3 and 4 per cent.

It is manifest that the body of shareholders is interested in maintaining the growth of the dividend, and that their voting-power at a general meeting would most probably be exercised in favour of further increase (with the exception, of course, of the British vote, which very inadequately represents the proportion of shares held by His Majesty's Government). We are, however, still hopeful that a method of adjusting the partition of surplus revenue, more acceptable to the clients of the Company, may be eventually arrived at.

It must not be forgotten that the Company spends every year large sums on the improvement of the Canal, and that a scheme of important works is being carried out with a view, on the one hand, to widen the Canal, which will enable the passage to be made more quickly; and, on the other, to deepen it, which

would enable a large number of vessels to carry more cargo, and thus increase their freight-carrying capacity. If further sacrifices were asked and obtained from the shareholders the result would probably be a delay in carrying out the work of improvement, if not its entire cessation, a result known to be quite contrary to the wishes of the shipowners.

3. That the inter-Empire trade would be beneficially affected is, no doubt, a very valid reason for both the Home and Colonial Governments to press for further reductions; but these would obviously have a precisely opposite effect upon the foreign rivals of our maritime commerce through the Canal, and it would be futile to urge this argument upon our Continental colleagues.

4. It has often been alleged that the volume of traffic through the Canal would increase on a reduction of tariff; but this contention is not wholly borne out by the facts, for the reasons that we have already assigned. While we do not altogether deny that some slight increase of volume has followed reductions of tariff, the only conspicuous result is a diminution of receipts. This is especially apparent in the present year, when the tariff has just been reduced by 75 centimes. The consequent loss would, at the present date, have amounted to at least £400,000, if the traffic had not been considerably increased by the return to Europe, through the Canal, of the Russian troops engaged in the Far East.

The Board of Trade, having been kept fully informed by the Foreign Office of all the somewhat complicated conditions affecting Suez Canal tariffs, will be in a position to give its views upon the points raised by Lord Northcote in his despatch. While we cordially agree in the general aspirations of the Australian Government, we have, as the representatives of the financial interests of His Majesty's Government, to protect the large revenue which now accrues to the Exchequer; and we submit that any further reductions of the tariff would practically amount to a subsidy to ships using the Canal, at the cost, to a great extent, of pecuniary loss to His Majesty's Government.

We have, etc. (Signed) H. AUSTIN LEE.  
JOHN C. ARDAGH.  
H. T. ANSTRUTHER.

No. 3. *Foreign Office to Board of Trade.*

Foreign Office, September 12, 1906.

SIR,—With reference to your letter of the 6th July last, I am directed by Secretary Sir E. Grey to transmit to you, to be laid

before the Board of Trade, the accompanying copy of a despatch from the British Directors of the Suez Canal Company,<sup>1</sup> in connection with the request of the Governor-General of Australia that His Majesty's Government should use their influence to secure a reduction in the charges imposed by the Canal authorities.

A copy of this despatch has also been communicated to the Treasury, and Sir E. Grey would request that the reply to the Governor-General of Australia should be deferred until the Lords Commissioners have had the opportunity of expressing their views on the subject.

I am, etc. (Signed) F. A. CAMPBELL.

No. 4.

*Foreign Office to Treasury.*

Foreign Office, September 12, 1906.

SIR,—I am directed by Secretary Sir E. Grey to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying copy of a despatch from the British Directors of the Suez Canal Company, in connection with the request of the Governor-General of Australia that His Majesty's Government should use their influence to secure a reduction in the charges imposed by the Canal authorities.

A copy of this despatch has also been communicated to the Board of Trade, but Sir E. Grey has requested that that Department should defer making any reply to the Colonial Office pending the receipt of their Lordships' views on the subject.

I am, etc. (Signed) F. A. CAMPBELL.

No. 5.

*Treasury to Foreign Office.*

(Received October 2.)

Treasury Chambers, October 1, 1906.

SIR,—I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Campbell's letter of the 12th ultimo, inclosing copy of a despatch from the British Directors of the Suez Canal Company on the subject of the Australian Government's request that the influence of His Majesty's Government may be used to secure a reduction in the charges imposed on traffic through the Canal.

In reply their Lordships direct me to acquaint you, for the information of the Secretary of State for Foreign Affairs, that they concur in the views expressed by the Directors, and that

<sup>1</sup>No. 2.

a reply to the Australian Government in that sense would meet with their approval.

While my Lords are in full sympathy with the object of the Commonwealth Ministers, they do not think that anything would be gained by the attempt to pursue that object without due regard to the interests of those who have a purely financial concern in the affairs of the Canal.

I am, etc. (Signed) E. W. HAMILTON.

No. 6. *Board of Trade to Foreign Office.*

(Received October 17.)

Board of Trade, October 16, 1906.

SIR,—With reference to your letter of the 11th instant, transmitting a copy of a letter from the Treasury respecting the Australian Government's request that the influence of His Majesty's Government may be used to secure a reduction in the Suez Canal dues, I am directed by the Board of Trade to state, for the information of Sir E. Grey, that they propose to send a copy of the despatch from the British Directors of the Suez Canal Company which accompanied your letter of the 12th ultimo to the Colonial Office, and to communicate to that Department the substance of the Treasury letter, with an intimation that the Board, having regard to all the circumstances of the case, acquiesce in the views expressed therein.

The Board will be glad to be informed whether Sir E. Grey concurs in this proposal.

I am, etc. (Signed) WALTER J. HOWELL.

No. 7. *Foreign Office to Board of Trade.*

Foreign Office, October 18, 1906.

SIR,—I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 16th instant respecting a reduction of the Suez Canal dues, and to state that he concurs in the proposal of the Board of Trade as expressed therein.

I am, etc. (Signed) E. GORST.

No. 8.

*The Earl of Elgin to Governor-General Lord Northcote.*

Downing Street, October 31, 1906.

MY LORD,—I have the honour to transmit, for the information of your Ministers, the accompanying copy of a letter<sup>1</sup> from

<sup>1</sup>No. 2.



the British Directors of the Suez Canal Company regarding the charges imposed by the Suez Canal authorities.

I am informed that the Lords Commissioners of the Treasury and the Board of Trade concur in the views expressed by the Directors, and that although they are in full sympathy with the object of your Ministers, they do not think that anything would be gained by an attempt to pursue that object without due regard to the interests of those who have a purely financial concern in the affairs of the Suez Canal.

I am, etc. (Signed) ELGIN.

### EXERCISE No. 3.

#### CORRESPONDENCE RESPECTING THE TENURE OF LAND IN FIJI.

No. 1. *The Governor to the Secretary of State.*

(Received April 2, 1906.)

Government House, Suva, Fiji, February 20, 1906.

MY LORD,—I have the honour to transmit for your information a copy of an agreement<sup>1</sup> between the Government of Fiji and the Colonial Sugar Refining Company, Limited, for the completion of a road and tramline between the districts of Ba and Lautoka and Nadi, and to report, as follows, on the circumstances which have led up to the agreement.

2. Towards the end of 1904 the Colonial Sugar Refining Company invited the consent of the Government to the construction by the Company of a road and tramline, to connect existing roads, between Ba and Lautoka, partly through Government and Native Lands, and partly through land under Crown Grant to certain private individuals. To this proposal the Government was willing to consent, and obtained the consent of the Natives, but nothing further was done in the matter pending the settlement of negotiations between the Company and the other owners of land through which the road must pass.

3. In July, 1905, the Company again addressed the Government, stating that it had been unable to come to terms with three European landowners, viz., Messrs. Smart and Pfluger and Dr. Hallen, and it made the request that the Government

<sup>1</sup> Not printed.

should exercise its right of resuming the land required on the ground that the road was not merely necessary for the Company's operations, but that the construction of the thoroughfare and the provision, as I shall presently explain, of a tram service for passengers and goods, gave the undertaking the status of a very advantageous public purpose.

4. It may be useful here briefly to explain the general conditions which have given rise to the undertaking which is the subject of this agreement. The Colonial Sugar Refining Company, Limited, the largest sugar exporting company and perhaps the most important commercial factor in the prosperity of the Colony, besides its mills on the Rewa, on the south side of Viti Levu, and at Labasa in Vanua Levu, now owns two large mills at Rarawai and Lautoka, both on the north coast of Viti Levu. It is with these two latter mills, and the long coast land, some 45 miles long, from which these derive their supply of cane, that we are here concerned. Rarawai, the older of the two mills, is on the Ba river and nearly at the eastern end of this particular stretch of cane land; Lautoka is some 27 miles to the westward; and the cane land, with some more or less inconsiderable breaks, extends some 18 miles further westward to Nadi. These mills are fed with cane produced not only on the many plots of the Company's own land scattered from end to end of the area, but also to a large and increasing extent with that produced on many pieces of privately owned land scattered amongst the Company's holdings. A system of tramlines, the private property of the Company, connects the estates—both the Company's and others—lying round Rarawai, with that mill; and a similar tramline runs from Teidamu, *i.e.*, the eastward extremity of the present Lautoka cultivation, past Lautoka mill and on some 23 miles beyond to Nadi. The use of these two tramlines is to carry to the respective mills all cane, whether grown by the Company or by others. The two lines are, however, not connected, there being a gap of some 18 miles between the end of the Rarawai system and Teidamu on the Lautoka system; and the object of the Company is for its own business and that of its cane-growing clients to connect the two. A track, partly good and partly very bad, but never worthy of the name of road, runs through the whole district, and the object of the Government is to get both a good road and a tram service open for the use of the public, both those resident within the district and those having occasion to pass through the district to the parts beyond. The Agreement which I am now forwarding will give both those advantages, and will without doubt tend greatly to the general development of that part of the country.

5. The Company undertakes to make a roadway for foot or vehicular traffic, including drains, 20 feet wide, a grass track for cattle 20 feet wide, and a track 23 feet wide upon which it is to be allowed to lay down a tramline. It is to provide suitable bridges or culverts as required, and to hand over the road, when completed to the satisfaction of the Commissioner of Works, to be proclaimed as a public thoroughfare, the tramline, except where it passes over the bridges, being set apart for the use of the Company, who, however, bind themselves to run certain special passenger trains for the use of the public, and for the conveyance of the goods of the public.

6. Provision is made in the first clause of the Agreement that Government shall reserve such land and acquire such native land as may be necessary for the purpose indicated; and clause 9 provides that the Company shall pay reasonable compensation for damage that may be caused to crops by the carrying out of the project. Arrangements have been made to acquire the native land, estimated in all at 70 acres, as may be required, at a cost of £1 per acre, and the necessary notification of resumption of the area required for the road has been published in the *Royal Gazette*, and given to the landholders concerned.

7. I must add that Mr. Smart protested against the resumption of that portion of his land necessary for the road, and that he saw me personally on the matter. Messrs. Pfluger and Hallen have also made formal protest to the same effect. But after very careful consideration, both personal and on several occasions in Executive Council, I am of opinion that it is greatly for the public interest that the Crown should, in this case, exercise the right, specially reserved to it in the Crown Grants to these persons, to resume such of the land as is necessary for this public purpose; and I am certain that the estates of the protestants will benefit as will the rest of the district.

8. I trust the Agreement will meet with your Lordship's approval.

I have, etc.,

EVERARD IM THURN.

No. 2. *The Governor to the Secretary of State.*

(Received December 10, 1906.)

Government House, Suva, Fiji, October 26, 1906.

MY LORD,—I have the honour to transmit for the signification of His Majesty's pleasure, two sealed and seven plain copies of Ordinance No. XVI. of 1906, "An Ordinance to amend the Law relating to the Acquisition of Land by the Crown," together with the explanatory report<sup>1</sup> thereon by the Attorney-General.

<sup>1</sup> Not printed.

2. It is my duty to add that in Legislative Council the Ordinance met with the unanimous opposition of the Elected Members, whose prayer that His Majesty may not assent to it is transmitted by this mail, that the two Native Members voted against it, and that I promised the Elected Members that no action would be taken under the Ordinance until your reply to their petition has been received.

3. The Ordinance is, in my opinion, very desirable owing to the peculiar circumstances of this Colony where almost all the land is vested in the natives, and such of it as has been alienated is in the hands of a very few Europeans. The Government has practically no land at its disposal for settlement purposes, and, although so far little difficulty has been experienced in dealings between the Government and the natives, dealings between the natives and Europeans and European landowners and others have not been so fortunate. A reference to my despatch of 20th February will serve to illustrate the kind of difficulty to which I refer. The proposal of the Colonial Sugar Refining Company to erect a new section of tramline between their Ba and Lautoka Estates and thus to complete the tramline which will shortly serve some 70 miles of that coast, was nearly thrown out owing to the attitude adopted by European landowners, and was only carried out by the interposition of Government, which acquired the land for the purposes of a road and upon the land so acquired allowed the company to make the road and to erect a tramline available for public use.

4. The procedure adopted in the case cited was not, it seemed to me, unexceptionable, in that the land resumed for a public road was also put to other purposes, which, though serving a purpose very useful both to the Colony at large and to the travelling public, might possibly be described as not actually a public purpose in the strict sense of those words. A similar case might arise at any moment, and I consider the Governor in Council would be amply justified in using the powers conferred by the present Ordinance if the parties failed to come to an agreement.

5. To turn now to the question of native lands. The natives possess, as your Lordship is aware, vast areas of land which they do not and cannot utilise except by lease or sale to non-natives, and it is only within the last few months that they have been allowed to sell their lands or that any great demand has been made for acquisition of these lands. But attention has now been drawn to the Colony, and applications in large numbers are being received from settlers desiring to come here; and, unless the Colony is to remain undeveloped, means must be taken to ensure their getting land on reasonable terms. In

most cases little difficulty is experienced ; but, as applications increase and the natives realise that from them only can land be obtained, I am by no means sure that they will not retard settlement by refusing to accept lower prices for land in remote districts and unsuited for cane-growing, than they demand and receive in and around the sugar centres.

6. I should like here to say that I am satisfied that the votes of the two Native Members of Legislative Council against the Ordinance meant little but were solely due to the prompting of the European Members ; and in this respect it is somewhat interesting to note that at least one of the European Members at a subsequent stage of the same sitting declared in favour of at any rate restricting the operation of the Ordinance to Native lands only.

7. A proposal has been mooted by a private company to lay a railway between Suva and Rewa. Such an undertaking would very greatly and directly benefit the Colony ; but if the proposal were finally adopted, both by the Government and the Company, it could, I am convinced, acquire the land on sufficiently reasonable terms, only if the powers conferred by the present Ordinance were exercised by the Government.

8. I cannot conceive that the Governor in Council will, in any case, use the powers conferred on him in any arbitrary manner : and land can be acquired under the Ordinance only upon payment of compensation to be fixed as in the case of land acquired for public purposes, *i.e.*, that the market price, or possibly a somewhat higher rate would be fixed by the arbitrators appointed by the two parties or failing agreement by them, by the Supreme Court.

9. Having given due consideration to the matter and to the views of the Elected and Native Members, I recommend that His Majesty be not advised to exercise his powers of disallowance in respect of the Ordinance.

I have, etc.,                      • EVERARD IM THURN.

Enclosure in No. 2.

AN ORDINANCE TO AMEND THE LAW RELATING TO THE  
ACQUISITION OF LAND BY THE CROWN.

[L.S.]

*I assent.*

EVERARD IM THURN :

24th October, 1906.

Be it enacted by the Governor with the advice and consent of the Legislative Council as follows :—

1. This Ordinance may be cited for all purposes as “The Acquisition of Lands Ordinance 1906.”

2. In "The Crown Acquisition of Lands Ordinance 1878" and "The Native Lands Acquisition Ordinance 1905" the expression "public purposes" shall be deemed to include any undertaking proposal or policy which may appear to the Governor in Council desirable as directly benefiting the Colony.

Passed in Council this sixteenth day of October in the year of our Lord one thousand nine hundred and six.

No. 3. *The Governor to the Secretary of State.*

(Received December 10, 1906.)

Government House, Suva, Fiji, November 3, 1906.

MY LORD,—I have the honour to transmit a copy of a formal protest from the Honourable the Elected Members of the Legislative Council, against assent being given to Ordinance No. XVI. of 1906, "An Ordinance to amend the Law relating to the Acquisition of Land by the Crown," and to invite reference to the remarks on the subject contained in my despatch of the 26th ultimo.

I have, etc.,

EVERARD IM THURN.

Enclosure in No. 3.

*From the Elected Members of Council to His Excellency the Governor.*

(Dated October 17, 1906.)

Subject:—THE ACQUISITION OF LANDS ORDINANCE, 1906.

YOUR EXCELLENCY,—We, the undersigned, the whole of the elected members of the Legislative Council of the Colony of Fiji, present at a meeting of that Council on the 16th day of October, 1906, have the honour to protest against the passing of the Bill intituled "An Ordinance to amend the law relating to the acquisition of land by the Crown," on the ground that adequate provision has already been made by the Ordinances referred to in the second section of the said Bill for the acquisition by the Crown of all land that may be legitimately required.

We beg to request that this protest be sent to the Right Honourable the Secretary of State for the Colonies with a copy of the shorthand notes of the debate on the Bill, and request that your Excellency will inform him that the two native members of the Council on its debate voted against the Bill.

We have, etc.,

HENRY MARKS.

JAMES B. TURNER.

A. ADAIR COUBROUGH.

S. L. LAZARUS.

W. McRAE.

No. 4. *The Secretary of State to the Governor.*

Downing Street, January 28, 1907.

SIR,—I have the honour to inform you that His Majesty will not be advised to exercise his powers of disallowance with respect to Ordinance No. 16 of 1906, of the Legislature of Fiji, shortly intituled "The Acquisition of Lands Ordinance, 1906," of which a transcript accompanied your despatch of the 26th October last.

2. The powers given by the Ordinance to the Governor in Council are, however, very wide, and might be exercised to facilitate schemes which are, in fact, of a purely private nature. They should not, I think, be exercised without considerable caution for such purposes, and I shall be glad if you will in every case refer to me, for approval, before employing them for the acquisition of land to be used in undertakings which, though they may be of public utility, are also in the interest of private persons or companies.

3. I have received the protest of the Elected Members of the Legislative Council, which was forwarded in your despatch of the 3rd November, and shall be glad if you will cause them to be informed in reply that similar powers to those given by the present Ordinance have been conferred upon the Governor in Council in other colonies, and that they will not be exercised to facilitate schemes which are, in fact, of a purely private nature without previous reference to the Secretary of State.

I have, etc., ELGIN.

## EXERCISE No. 4.

### CORRESPONDENCE RELATING TO LABOUR IN THE TRANSVAAL MINES.

No. 1.

*The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 5.8 p.m., December 15, 1905.)

Telegram.

December 15. No. 1. With reference to the last paragraph of Mr. Lyttelton's telegram of 27th October,<sup>1</sup> in which it was suggested that it would be good policy for the mine owners voluntarily to stop importation for the next six months, but to

<sup>1</sup>Not printed.

which no reference was made in your telegram of the 4th December,<sup>1</sup> have you any observations to make upon the point?

For what numbers of coolies have licences been issued up to the present date?

Please telegraph your reply as soon as possible.

No. 2. *The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 2.45 p.m., December 19, 1905.)

Telegram.

December 19. No. 2. Matter most urgent. My telegram of 15th December, No. 1. Please let me know at once total number of Chinese for importation of which permission has been given, as well as numbers arrived or at sea, in addition to those reported up to end of October.

No. 3. *Governor the Earl of Selborne to the Earl of Elgin.*

(Received 11.50 a.m., December 20, 1905.)

Telegram.

December 20. No. 1. Matter most urgent. Your telegram 19th December, No. 2, only just received.

Numbers asked for are as follows :—

Total number now on the Rand	-	-	-	47,241
Now on their way here	-	-	-	Nil
Asked for and in respect of whom licences to import been granted	-	-	-	14,700

---

Total - - - 61,941

I have not had time to ascertain what steps have been taken in China in connection with the licences which have been granted in the way of provisional recruiting and chartering of ships or what expenditure this involves.

Referring to your telegram 15th December, No. 1, my impression is mine owners would be most unwilling to stop importation as they have recently gone to enormous expense in development work, the whole of which will be thrown away if they do not get labour supply sufficient to make production keep pace with development.

<sup>1</sup>Not printed.



No. 4. *The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 6.30 p.m., December 20, 1905.)

## Telegram.

December 20. No. 1. With reference to your telegram, No. 1, of 20th December, His Majesty's Government consider that the experiment of the introduction of Chinese labourers should not be extended further until His Majesty's Government can learn through an elected and really representative Legislature the opinion of the Colony, and the Cabinet has accordingly decided that the recruitment, embarkation, and importation of Chinese coolies shall be arrested, pending decision as to grant of Responsible Government.

It is desired that every available step should be taken to prevent shipment from China of the 14,700 mentioned in your telegram under reference. Please confer with your Law Officers and telegraph whether by revocation of licences under Section 29 of Foreign Labour Importation Ordinance or otherwise this can be promptly effected.

No. 5. *The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 7 p.m., December 21, 1905.)

## Telegram.

December 21. No. 2. Referring to my telegram of yesterday. In coming to their decision His Majesty's Government had before them and took into consideration the following circumstances and facts :—

From the beginning the importation of Chinese labour was regarded as an experiment and was accepted by His Majesty's late Government as necessary to meet a serious shortage of labour. Chinese labour was permitted as a supplement to, not as a substitute for, Kaffir labour, and it was necessary for His Majesty's Government to be assured that the numbers introduced were within the powers of supervision and control of the Transvaal Government. Mr. Lyttelton on more than one occasion desired to be specifically assured on this point. The report of Mr. Evans, the late Superintendent of Foreign Labour, bearing date February, and published to Parliament, stated that about 55,000 would apparently complete the requirements of the mines which have decided to work with Chinese labour and that this number would arrive by the end of July or August. After that an occasional ship would suffice unless circumstances altered or the unforeseen occurred.

On your arrival you found, on inquiring into matters, that a

new system required to be introduced for the better control of the labourers under which summary jurisdiction could be exercised by the Superintendent and a larger number of Inspectors who are conversant with the Chinese language.

An amending Ordinance was accordingly passed, with Mr. Lyttelton's approval, giving the necessary magisterial powers to the Superintendent and Inspectors. Mr. Lyttelton has impressed the need for special caution in working the new system with regard to the deduction of fines from wages and with regard to the collective fine. The new arrangement, which came into force after 19th September, is therefore on its trial, and cannot be pronounced to be a full success until further time has elapsed and its administration tested.

Uneasiness was caused on the Witwatersrand by the lawless acts of certain wandering bodies of Chinese in August and September; these occurrences caused a Boer deputation, with General Botha at its head, to wait upon Sir Arthur Lawley and to represent that the Chinese should be sent back to their native country.

Sir A. Lawley, in reply to the deputation, assured them that the Government had taken steps to exercise sufficient control, and pointed out that the repatriation of the Chinese would bring about a grave financial and commercial crisis.

I understand that you are fully satisfied that there is no reason to apprehend any serious trouble in the future arising from desertions and lawless acts.

But it is clear that there are indications of local opposition to the importation.

The real wishes of the majority of the inhabitants of the Transvaal in regard to the importation, or as to any limitations or restrictions by which it should be confined, have not yet been authoritatively expressed and cannot be ascertained until an elective Legislature has been called together.

Native labour has largely increased since January, 1904, when it was represented to His Majesty's late Government that a grave financial crisis would ensue unless immediate relief was afforded by Chinese labour. The numbers then were 75,000, and are now 96,000, practically on a level with the numbers in 1899 at the time of maximum gold production before the war took place. In addition there are now on the Rand over 47,000 Chinese.

While reserving their opinion and freedom of action in the whole matter, His Majesty's Government consider, as I telegraphed to you yesterday, that the experiment of the introduction of Chinese labourers should not be extended further until they can learn the opinion of the Colony through an elected and

really representative Legislature, and they have accordingly decided that recruiting, embarkation, and importation of Chinese coolies shall be arrested, pending a decision as to the grant of responsible Government to the Colony. They are not prepared, in all the circumstances, to be responsible for further importation.

His Majesty's Government trust that the inhabitants of the Transvaal will recognise that they have felt it their duty to take this step deliberately and after a careful review of the situation.

No. 6. *The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 6 p.m., December 22, 1905.)

Telegram.

[*Answered by Nos. 11 and 14.*]

December 22. No. 1. I await your reply to my telegram of 20th December, No. 1.

I shall be glad if, in connection with the steps required for arresting importation, you will inform me, as soon as you can obtain particulars, what licences for ships have been granted in accordance with Clause 4 of the instructions to the Emigration Agents and how many ships have been chartered in connection with the recruitment and embarkation of the further 14,700 labourers; also to what extent recruiting has taken place.

I think it would be expedient to suspend issue of fresh licences for shipping or recruitment, and, in case of those already issued, to suspend or otherwise endeavour to prevent further action, pending decision of His Majesty's Government as to steps to be taken in regard to the 14,700 for whom importation licences have been issued.

No. 7. *Governor the Earl of Selborne to the Earl of Elgin.*

(Received 3.21 p.m., December 23, 1905.)

Telegram.

December 23. No. 1. Licences for the introduction of 13,199 coolies have been issued by Lieutenant-Governor since 27th October. On 26th October a meeting took place between Superintendent Foreign Labour and Chamber of Mines, at which Chamber gave notice that applications for licences for introduction of 16,199 coolies would be made and the Superintendent promised to support them. Formal applications were made by individual mines which required the coolies

later, and the licences for 13,199 were formally issued to them on various dates between 12th November and 18th November. The case of the remaining 3,000 coolies is still outstanding. The application for their importation was made by the Randfontein Estates, Limited, one of the Robinson Group, on 18th November. The licence was actually signed by the Acting Lieutenant-Governor on the morning of 20th December before your telegram of that date was received. In view of your telegram the licence has not yet been handed over to Mr. J. W. S. Langermann the Boer representative and Managing Director of the Robinson Group, but I do not see how this case can fairly be treated differently from the others in justice to the parties concerned.

No. 8.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 2.12 p.m., December 23, 1905.)

Telegram.

December 23. No. 2. My telegrams, No. 1, 20th December, and No. 1, 23rd December. Apparent discrepancy between figures given in the two telegrams is explained as follows: The 14,700 of the first telegram includes the 3,000 coolies for the Randfontein Mine, the licence for which has not been handed over as explained in the second telegram, but it does not include 1,499 coolies who have already arrived out of the total of 16,199 mentioned in my second telegram and which were included in the 13,199 licences issued between 12th November and 18th November.

No. 9.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 10.45 p.m., December 23, 1905.)

Telegram.

December 23. No. 3. Immediately on receipt of your telegram of 20th December, No. 1, I referred the following question to the Attorney-General of Transvaal Sir Richard Solomon "what powers have the Governor or Lieutenant-Governor under the Foreign Labour Importation Ordinance, 1904, to revoke licences for importation of labourers already issued?" The opinion I have received from him to-day is as follows:—

*Begins:* Under Section 7 of the said Ordinance the Lieutenant-Governor may subject to its provisions grant a licence to

any person to introduce labourers into this Colony to perform unskilled labour only in the exploitation of mines within the Witwatersrand district. The licence is given the form No. 3 of the attached Regulations framed under Section 29 of the Ordinance. It will be seen on reference to this form that the licence is granted on certain terms and conditions and may be cancelled on breach by the holder of any of such conditions.

I may point out that under Section 30 of the Ordinance forfeiture of a licence is one of the penalties which the Lieutenant-Governor may prescribe for the breach by an importer of labourers of any regulation made under Section 29.

It is clear, therefore, that a licence may be revoked or cancelled on breach by the holder of any condition of the licence or of any regulation made under Section 29 of the Ordinance for the breach of which cancellation of the licence is prescribed as a penalty.

In my opinion although under Section 7 of the Ordinance the Lieutenant-Governor may have a discretion in the issuing of a licence he has no power to revoke a licence once issued by him except on the grounds above mentioned. The licence is an authority under the Ordinance to import labourers, and when that authority has been given the person to whom it is given has a right in law to import the number of labourers mentioned in the licence. He may, therefore, ignore a withdrawal of that authority unless that withdrawal is authorized by the Ordinance or its regulations, and proceed with his importation, and that importation could not be lawfully stopped.

In his telegram the Secretary of State for the Colonies inquires whether the embarkation and importation of Chinese coolies under licences already issued could be arrested by revoking the licences under Section 29 of the said Ordinance. There is no regulation in force nor in my opinion could any such be now framed to give the Lieutenant-Governor power to revoke a licence at will. Such a regulation would, in my opinion, be *ultra vires* and unreasonable, and would be specially unreasonable when made to apply to licences issued before the promulgation of such regulation.

It is right for me to state that where a licence has been signed by the Lieutenant-Governor but not yet issued to the applicant the case is different. Not to issue such a licence is, in my opinion, within the powers given to the Lieutenant-Governor under Section 7 of the Ordinance

which does not make it imperative on him to grant a licence to an applicant even though he is satisfied that the requirements mentioned in Sub-section 2 of that section have been complied with, though I am aware that the contrary may be argued with some force. The licence cannot be said to have been granted until it is issued to the applicant or his agent. *Ends.*

In view of this opinion do you wish me to see the Council of the Chamber of Mines and represent the views of His Majesty's Government to them? The whole of the business of recruitment and embarkation of coolies in China is managed by them through their agency called the Labour Importation Agency. In my telegram, No. 1, 20th December, I indicated to you my impression of their position in the matter.

No. 10.

*The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 1.25 p.m., December 27, 1905.)

Telegram.

December 27. No. 2. Your telegram, 23rd December, No. 3. The licence for 3,000 labourers which has not yet been issued should be held over pending decision of His Majesty's Government.

You should ascertain from the Chamber of Mines precisely what action has been taken by the Labour Importation Association up to the present under the licences which have been issued; see my telegram 22nd December, No. 1.

Please inform me what licences were issued between 1st January and 27th October, with numbers and dates.

I shall need full information as to the circumstances in which so large a number were agreed to in November, to place before my colleagues, and for publication if it is so decided later on.

To what extent is it expected that the labour supply will be affected next year by the cessation to recruit from tropical regions?

No. 11.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 6.20 p.m., December 30, 1905.)

Telegram.

December 30. No. 1. Your telegrams, 22nd December, No. 1, and 27th December, No. 2. Chamber of Mines state

that considerable misconception appears to exist as to scope and nature Labour Importation Agency's operations. Following summarizes mode of procedure :—

Mining houses estimate their requirements for Chinese labour from time to time. This is necessary owing to proved insufficiency and fluctuation in native labour supply and increasing demands due to continuous expansion of industry. Labour Agency's arrangements are made many months in advance. As soon as requirements notified to Labour Agency instructions are cabled to Agency's representative in China, who contracts for supply of numbers required. For instance, Agency's representative was authorised on 11th October to arrange up to thirty-third shipment inclusive, which, it is calculated, will reach South Africa about the beginning of September next. Actual number of shipments required dependent on numbers coming forward successfully each ship; for purposes of calculation 1,900 coolies reckoned a shipment. Labour Agency is therefore committed to contracting firms in China as numbers required are periodically increased. There remains a balance of 12,750 coolies on order for whom licences have already been issued: no wastage provided for in this number. Shipping arrangements are even more elaborate, and in addition to steamers now on charter arrangements have already been made for further ships to come on charter for three years in middle of 1907, in view of indentures of first coolies imported commencing to expire at that period, and eventuality has to be provided for owing to uncertainty as to what percentage of coolies likely to renew indentures under conditions of Section 10, Labour Importation Ordinance. All arrangements have been made with a view to continuous flow of immigration from China being established on permanent basis. In addition to enormous sums expended on individual mines on importation past, present, and prospective, Labour Agency has spent quarter of a million, little of which is recoverable. In addition, mining houses have embarked on extensive programme of development of non-producing or undeveloped properties only justified on the assumption that sufficient labour supply was assured. An estimate is being made by the mining houses to whom licences have been issued as to the cost of machinery, plant, building, etc., ordered or erected in anticipation of arrival in due course of the 12,750 coolies and the further number expected to arrive here during 1906, which estimate will certainly amount to several millions.

Chamber of Mines state that in addition information will be given on the general effect of suspension of importation on the whole industry.

No. 12.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 9.30 p.m., December 31, 1905.)

(Extract.)

Telegram.

December 31. No. 1. In continuation of my telegram of 30th December total number of coolies for whom licences have been granted in each month of 1905 are as follows :—

January, 4,225 ;

February, 5,374 ;

March, nil ;

April, 1,931 ;

May, 3,477 ;

June, 2,285 ;

July, 1,529 ;

August, 2,221 ;

September, nil ;

October, 2,351 ;

November, 13,199 ;

December, 3,000 : viz. those for Randfontein estates about whom I have already informed you and for whom, in accordance with your instructions, licences are being withheld for the present.

Large number of licences issued in November was due to great demand for labour consequent of continuous expansion of work on the mines. By 30th September Chamber of Mines Labour Importation Agency had already received notice of 11,500 more coolies being required at various dates, and Superintendent was notified of this and further requirements before the 26th October. On that day, as stated in my telegram, No. 1, of the 23rd December, Superintendent of Foreign Labour met Chamber of Mines, and, having satisfied himself that the requirements of the Ordinance had been complied with by erection of proper accommodation, etc., for labourers whom it was proposed to introduce, promised to support the application.

Proportion of natives from tropical areas to total number of natives employed in labour districts of whole Transvaal is about 10 per cent. On the 30th November last there were in the employment of members of the Witwatersrand Native Labour Association 6,796 natives from tropical areas within British territory, and 3,232 from tropical areas within Portuguese territory. If, therefore, mortality returns make it impossible to continue further recruiting from tropical areas after the 31st January next, the industry will suffer actual net loss of 6,796 labourers if prohibition of further recruiting relates to British



territory only, or a net loss of 10,028 if it relates to all tropical areas. Potential loss would be more important still, as it is to tropical areas only that industry can look for a possible increase in or even for means of maintaining present native labour supply. Capital expenditure estimated at £71,000 has been incurred in opening these areas for recruiting through provision of rest camps, opening up routes for travel, establishment of recruiting stations, etc.

No. 13.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 10.40 p.m., January 1, 1906.)

(Extract.) Telegram.

January 1. No. 2.

If the importation of the coolies for whom licences have been issued is prevented by any action which public opinion here considers arbitrary there will be, I fear, a very strong outburst of feeling. Putting aside altogether the case of the mineowners who have spent very large sums on shafts, machinery, etc., please recollect that this importation means work for hundreds and hundreds of men now out of work, and who have for many months been patiently enduring great hardships and awaiting employment, and that it means increased commercial activity for all.

If, on the other hand, His Majesty's Government allow licences already issued to stand, their decision that no fresh ones are to be issued till the opinion of the elected representatives of the people can be taken on the subject next July will, in my opinion, be loyally accepted, and there will be no feeling of injustice.

No. 14.

*Governor the Earl of Selborne to the Earl of Elgin.*

(Received 9.25 p.m., January 2, 1906.)

Telegram.

January 2. No. 1. Your telegram of 22nd December, No. 1. Licences are only granted to ships under Clause 4 of instructions to emigration agents when they are on point of sailing, and have full complements of coolies on board. Next ship is expected to start about the middle of this month.

Have referred question to Attorney-General, and he advises that the recruitment and embarkation of labourers cannot be

stopped by arbitrary act on the part of the Transvaal Government in respect to labourers whose importation has been authorized by the Lieutenant-Governor under the Ordinance.

The ships now in use are the "Indravelli" and the "Cranley"; charter of first expires on 7th February, 1908, and of second at the end of 1908. The "Swanley" and the "Courtfield" have been chartered for three years from May and June, 1907, respectively, and charter party(ies) provide in all cases for penalties for cancellation of contracts.

No. 15. *The Earl of Elgin to Governor the Earl of Selborne.*

(Sent 7.10 p.m., January 5, 1906.)

Telegram.

January 5. No. 2. His Majesty's Government have carefully considered the action to be taken with regard to the licences for importation granted under the Labour Importation Ordinance, after the end of October for coolies who have not yet arrived. His Majesty's Government regret that the numbers which it was stated by the late Superintendent of Foreign Labour would apparently complete the requirements of the mines, in his report to which I referred in my telegram of 21st December, No. 2, were exceeded without obtaining the assent of my predecessor, but, looking to the opinion of the Attorney-General of the Transvaal, the substance of which is concurred in by the Legal Advisers of the Crown, they regard it as impossible to treat licences granted as otherwise than valid. Such licences could therefore only be revoked by *ex post facto* legislation, which would be arbitrary in its character.

In these circumstances His Majesty's Government have come to the conclusion that the licences in question must be allowed to stand, the responsibility for their being granted being one which must entirely rest with their predecessors, and in which they themselves disclaim any share.

With reference to your telegram, No. 1, of 30th December, His Majesty's Government must likewise repudiate all responsibility for any arrangements of the Labour Importation Agency and of the mines founded upon the assumption that a large and increasing importation of Chinese labourers could be treated as permanently available, and would point out that my predecessor had intimated that the decision of the question whether the Transvaal approved of the Ordinance for the introduction of Chinese labour remaining in force would be one for the Elective Assembly about to be constituted.

Any arrangements which the Labour Importation Agency

think proper to make in advance must, therefore, be regarded as made entirely on their responsibility and at their risk.

The position which His Majesty's Government have taken up is that they are not responsible for any act prior to their coming into office leading to the recruitment, embarkation, and importation of Chinese labourers, but that from the date on which they assumed office nothing shall be done to add to the number of Chinese labourers under contract for employment in South Africa until the Transvaal shall have had the opportunity of declaring its opinion through an elected and really representative Legislature.

I note with satisfaction the opinion you express in your telegram of 1st January that if the licences already issued are allowed to stand, the decision of His Majesty's Government that no fresh ones are to be issued will be loyally accepted, and that there will be no feeling of injustice.

### EXERCISE No. 5.

#### CORRESPONDENCE RELATING TO THE REMOVAL OF CERTAIN NATIVE PRISONERS FROM NATAL.

No. 1. *The Governor to the Secretary of State.*

(Received 8.40 p.m., January 13, 1907.)

Telegram.

January 12. No. 1. Tentative inquiries have been made from the Transvaal as to possibility of their receiving released rebel prisoners, were their sentences commuted to fines, as free labourers on the mines under certain specified conditions. Existing laws will not admit of these conditions being enforced and proposal has therefore come to nothing. However, the present native political situation would not have permitted its adoption even had law allowed and your Lordship approved.

I regret to inform you that persistent and alarming rumours such as were heard this time last year are again current and have become accentuated during the last ten days. I have to-day received following Minute from Ministers in connection with a despatch from High Commissioner dealing with subject-matter of first sentence above :—

As your Excellency is aware, persistent reports are now circulating in Zululand and Natal amongst the natives there by those who have been released that all rebels are about

to be released in consequence of an order received from across the sea to effect that the Home Government has told this Government that the rebels were only soldiers acting under orders of their chiefs, and they should not, therefore, have been punished. No more dangerous course therefore could be pursued by Ministers than the adoption of any act which could give the least ground for cultivating so pernicious a belief in the native mind, whether that mind be loyal or wicked. These reports, together with a recent one from Swaziland, induce Ministers to urge the necessity of a course of action which will demonstrate once for all to the native mind that rebellion is not a light matter or one to be followed by trivial consequences.

2. Ministers think it essential that under the circumstances such demonstration can only be given by the immediate deportation of the ringleaders, to the number of about twenty-five, who, as long as they are in local custody, have, and will have, opportunities which no guarding can repress of conveying to their sympathisers outside reports and messages calculated to incite to further disorder, if not to attempts to obtain release.

3. The Colonial Prisoners Removal Act cap. 31 of 1884 appears to Ministers to provide the machinery to meet just such an emergency as confronts this Colony at this time. It contemplates, on ground of expediency, removal of prisoners undergoing sentences from one British possession to another, and under Section 2, Subsection D, provides that if otherwise the removal of the prisoner is expedient for his safe custody or for more efficiently carrying his sentence into effect in the opinion of the removing authority, then it may be done, the removing authority being the Secretary of State with the concurrence of the Government(s) of the British possession(s) concerned (Section 5).

4. Ministers think that question of expediency in this instance can hardly be questioned and suggest that Island of Mauritius, as mentioned by your Excellency, is, in respect of climate and other conditions, a locality to which exception could not well be taken.

5. The third section of the Act deals with duration period of removal, and Ministers note this, having in mind the consideration that this proposal for removal, though an immediately pressing one, does not necessarily involve continuance of deportation to expiration of sentence.

6. In view of urgency of matter, Ministers would be glad if your Excellency would cable this application to the Secretary of State whilst simultaneously inquiring of the

Mauritius Government by cable if it will be as good as to assist us.

As a matter of great emergency I beg for your Lordship's good offices and that with least possible delay. I am repeating this telegram to Governor, Mauritius, that he may have full information on the subject.—McCALLUM.

No. 2. *The Governor to the Secretary of State.*

(Received 8.27 a.m., January 18, 1907.)

Telegram.

January 18. No. 1. Referring to my telegram of 12th January, No. 1, Governor of Mauritius agrees, subject to your approval.—McCALLUM.

No. 3. *The Secretary of State to the Governor of Mauritius.*

(Sent 9.30 p.m., January 18, 1907.)

(Extract.) Telegram.

Governor, Natal, informs me that he has repeated to you his telegram to me of 12th January, No. 1, and that you agree to removal of about 25 native chiefs implicated in the late rebellion to Mauritius subject to my approval. It is most desirable that the conditions under which these prisoners will be detained in Mauritius should be as lenient as is compatible with their safe detention, and less rigorous than the conditions to which ordinary convicts are subjected, and I presume that there will be no difficulty in securing to them such exceptional treatment at an early date after their arrival in the Colony.

Such treatment seems to me proper from reasons of health, and without it there might be serious difficulty in justifying action of His Majesty's Government in Parliament.

No. 4. *The Governor to the Secretary of State.*

(Received 5.25 p.m., January 30, 1907.)

Telegram.

January 30. No. 1. Ministers beg me to inform you that satisfactory despatch has been received from Governor, Mauritius, as to taking rebel ringleaders as prisoners. They now only await approval of His Majesty's Government.—McCALLUM.

No. 5. *The Governor to the Secretary of State.*

(Received 4.45 p.m., February 11, 1907.)

Telegram.

February 11. No. 1. Referring to my telegram 12th January, Ministers desire me to press for immediate reply, as the matter is one of great urgency.—MCCALLUM.

No. 6. *The Secretary of State to the Governor.*

(Sent 6 p.m., February 22, 1907.)

Telegram.

February 22. No. 1. Your telegrams 11th February, No. 1, 12th January, No. 1. The request of your Ministers that the ringleaders in the late rebellion to the number of about 25 should be removed to Mauritius under the provisions of the Colonial Prisoners Removal Act of 1884 and their urgent representations that this step is expedient for their safe custody and is in the interests of the peace and good order of the Colony have been carefully considered by His Majesty's Government. His Majesty's Government would have preferred to deal with these men as political prisoners under a special Act. In view, however, of the impossibility of legislation without a special session of the Natal Parliament and of the urgency of the matter, they are not prepared to refuse the safeguard of deportation which your Ministers so strongly represent to be of great importance under the circumstances of the case.

They take note of your Ministers' observations regarding the effect of Section 3 of the Colonial Prisoners Removal Act and it will be clearly understood that under this provision the prisoners, or any of them, may be returned to Natal at any time if His Majesty's Government deem it expedient or necessary on grounds of health.

In the meantime I am in communication with the Governor of Mauritius in regard to the conditions of imprisonment which may be suitable. The punishment should not be made more severe and, in the opinion of His Majesty's Government, the fact of banishment justifies such amelioration of the conditions as is consistent with safe custody.—ELGIN.

No. 7. *The Governor to the Secretary of State.*

(Received 6.35 p.m., February 24, 1907.)

(Extract.)

Telegram.

February 24. No. 1. Your telegram of 22nd February, No. 1. I am staying with High Commissioner. On behalf of

Ministers I beg to thank His Majesty's Government very heartily for assistance given to us. It will have far-reaching effect and will, I consider, immensely strengthen our position with the natives.—McCALLUM.

No. 8. *The Governor of Mauritius to the Secretary of State.*

(Received 2.5 p.m., February 25, 1907.)

Telegram.

Cases of beri-beri reported to me yesterday, five in Central Prison, two fatal; seventeen in Port Louis Prison. Preventive measures against spread of disease by segregation and alteration in diet are being taken and inquiry being made to ascertain cause. Further report will follow.—BOYLE.

No. 9. *The Secretary of State to the Governor of Mauritius.*

(Sent 5.20 p.m., February 28, 1907.)

Telegram.

I have informed Governor, Natal, that His Majesty's Government, though they would have preferred that the ringleaders in late rebellion, numbering about twenty-five, should have been treated as political prisoners, will not refuse to agree to removal under Prisoners Removal Act, and that I am in communication with you in regard to conditions of imprisonment which may be suitable.

In opinion of His Majesty's Government fact of banishment justifies such amelioration of conditions of imprisonment as is consistent with safe custody. Please telegraph, after consulting your Attorney-General, what steps you propose for carrying out views of His Majesty's Government.

Please also furnish me with your opinion as to whether the outbreak of beri-beri at the Central Gaol, reported by you in your telegram of 25th February, can be confined within limits which will secure the immunity of the Zulu chiefs who are to be entrusted to your care.—ELGIN.

No. 10. *The Secretary of State to the Governor.*

(Sent 2.10 p.m., March 2, 1907.)

Telegram.

March 2. No. 1. It may be well to let you know that outbreak of beri-beri has just been reported in two Mauritius

prisons. I am asking Governor of Mauritius whether arrangements can be made for ensuring immunity for Natal ringleaders.—ELGIN.

No. 11. *The Secretary of State to the Governor.*

(Sent 9.35 p.m., March 2, 1907.)

Telegram.

March 2. No. 2. Your telegram of 24th February, No. 1. In order that necessary order of removal may be prepared, please telegraph name of each prisoner to be removed, date of conviction, Court by which he was convicted, place at which Court was held, the exact description of the crime as given in the record of proceedings of which each prisoner was convicted, term of sentence, and period of imprisonment with hard labour or penal servitude inflicted. Confirmation should be sent by mail. If any sentence was commuted date and terms of commutation should be stated.—ELGIN.

No. 12. *The Governor to the Secretary of State.*

(Received 12.45 a.m., March 5, 1907.)

Telegram.

March 4. No. 1. Referring to your telegram of 2nd March, No. 1, matter is of such urgency that I immediately consulted Ministers, from whom I have received Minute of which following is purport:—

“Much regret in hearing of outbreak especially as rumours of unrest are becoming daily aggravated. Immediate deportation of ringleaders would probably put end to this. Rank and file of rebels are being employed on public works in wood and iron temporary buildings secured by double-fenced entanglement enclosures, such as used for safe custody of Boer prisoners. These have proved healthy and satisfactory and Ministers would like the same provided forthwith at Mauritius at cost of Government of Natal till the gaols are immune from beri-beri.”

Whilst discouraging credence of rumours and reports received I cannot help feeling uneasy, and shall be glad if Ministers' proposal could be approved by you and deportation of ringleaders take place with least possible delay.

In the meantime I have called for returns asked for in your telegram of 2nd March, No. 2.—McCALLUM.



No. 13. *The Governor of Mauritius to the Secretary of State.*

(Received 5 p.m., March 6, 1907.)

(Extract.)

Telegram.

Your Lordship's telegram of the 28th February, with regard to beri-beri. After consultation with Chief Medical Officer I cannot guarantee immunity from the disease for any person in confinement in any of our prisons and I am advised that no such prison can safely be used for the purpose.

Governor of Natal has communicated to me his telegram of 4th March to you and I am considering whether possibility of making special arrangements indicated by him, but as I am by no means certain that this is feasible, request that definite action may be deferred pending receipt of my further report.—  
BOYLE.

No. 14. *The Governor to the Secretary of State.*

(Received 9.10 p.m., March 9, 1907.)

Telegram.

March 9. No. 1. Referring to your telegram of 2nd March, No. 2, following are 25 names of prisoners to be removed and dates of conviction :—

1. Unhlonhlo.—4th July.
2. Hlangakeza.—25th June.
3. Vava.—25th June.
4. Mbemi.—2nd August.
5. Nyamana.—2nd August.
6. Maragane.—25th June.
7. Ndabaningi.—29th June.
8. Ndondoza.—29th June.
9. Lunyana.—10th August.
10. Mabazwane.—10th August.
11. Yena.—3rd August.
12. Fokoti.—14th August.
13. Ndhlekeza.—14th August.
14. Siyongo.—14th August.
15. Mgadini.—14th August.
16. Macwaneka.—31st July.
17. Mcondo.—31st July.
18. Sikukuku.—13th August.
19. Tilonko.—10th July.
20. Ndhlovu.—16th July.
21. Messeni.—16th July.
22. Dede.—28th February.

23. Ntelezi.—20th March.  
 24. Mafinyongo Qwabe.—15th August.  
 25. Goloza Ximba.—15th August.  
 All the above being dates of 1906.

All prisoners had convictions by Court martial at following places :—

- Nos. 1 to 6.—Greytown.  
 Nos. 7 to 17.—Nkandhla.  
 Nos. 18 and 19.—Pietermaritzburg.  
 Nos. 20 and 21.—Mapumulo.  
 No. 22.—Ixopo.  
 No. 23.—Umtwalumi.  
 Nos. 24 and 25.—Dundee.

Description of crimes :—

- Nos. 1 to 17.—Rebellion, high treason, and public violence.  
 Nos. 18 and 19.—Sedition, public violence.  
 Nos. 20 and 21.—Murder, rebellion, high treason, public violence.  
 Nos. 22 and 23.—Sedition, insurrection.  
 Nos. 24 and 25.—High treason, public violence.

Terms of sentences :—

- No. 1.—20 years.  
 Nos. 2, 3, 4.—10 years, 30 lashes.  
 Nos. 5, 6.—10 years, 20 lashes.  
 No. 7.—Death.  
 No. 8.—10 years.  
 No. 9.—15 years.  
 No. 10.—20 years.  
 Nos. 11, 12.—Death.  
 Nos. 13, 14, 15.—15 years.  
 No. 16.—Death.  
 No. 17.—10 years.  
 Nos. 18, 19.—10 years, 500 cattle.  
 Nos. 20 to 23.—Death.  
 No. 24.—10 years, 40 lashes.  
 No. 25.—10 years, 30 lashes.

Following are terms and dates of commutation of sentences :—

- Nos. 7, 11, 12, and 16.—Imprisonment for life ; 12th September.  
 Nos. 18, 19.—Fine remitted to cattle being personal property, not exceeding 500 head ; 17th August.  
 Nos. 20, 21.—Imprisonment for life ; 17th August.

No. 22.—10 years and fine of 15 cattle or £100; 8th March.

No. 23.—Imprisonment for 15 years and 25 lashes; 12th April.

No. 24.—Lashes reduced to 30; 30th August.

No. 25.—Lashes remitted; 30th August.

All imprisonment specified above being with hard labour.  
—McCALLUM.

No. 15.

*The Governor of St. Helena to the Secretary of State.*

(Received 12.19 p.m., March 19, 1907.)

Telegram.

I have this day telegraphed to Governor, Natal, to the following effect :—

St. Helena willing to receive Zulu prisoners provided that War Office will permit use of part of barracks as prison. Cost will not exceed £20 per man per annum. Please ascertain whether War Office consents.—GALLWEY.

No. 16. *The Governor to the Secretary of State.*

(Received 4.45 p.m., March 19, 1907.)

Telegram.

March 19. No. 1. Referring to telegram from Governor, St. Helena, of this date which has been repeated to you, Ministers are quite satisfied, and would ask you to fix up with Office and also to issue orders with as little delay as possible. Until the eve of embarkation action will be kept secret.—McCALLUM.

No. 17. *The Governor to the Secretary of State.*

(Received 1.20 p.m., April 3, 1907.)

(Extract.)

Telegram.

April 3. The situation is improving. The atmosphere will be much cleared by transportation of ringleaders. Ministers inquire when they may expect your authority for their removal.  
—McCALLUM.

No. 18. *The Governor to the Secretary of State.*

(Received 4.15 p.m., April 16, 1907.)

Telegram.

April 16. Referring to my telegram of 3rd April, I have received following Minute from Ministers :—

Ministers would respectfully urge upon the Secretary of State necessity for giving immediate authority for the removal to Saint Helena of the native ringleaders concerned in recent rebellion. It is now over three months since the proposal for the deportation of these natives from the Colony was originally made, and the great delay which has taken place through unforeseen circumstances has been unfortunate and embarrassing. Ministers deprecate any further delay, and will be obliged if your Excellency will at once cable to the Secretary of State urging him to accelerate settlement.

—McCALLUM.

No. 19.

*The Governor of St. Helena to the Secretary of State.*

(Received April 18, 1907.)

The Castle, St. Helena, March 21, 1907.

MY LORD,—I have the honour to inform Your Lordship that I received a telegraphic despatch from the Governor of Natal on the 16th instant asking me whether St. Helena would receive twenty-five rebel ringleaders sentenced to various terms of penal servitude, using a portion of empty barracks as a prison; and, if so, on what terms. Sir Henry McCallum informed me that owing to an outbreak of beri-beri in the Mauritius prisons the arrangement made to send the prisoners to that Colony had fallen through. He further informed me that the Mauritius Government had agreed to take the twenty-five prisoners at a cost of £20 per man per annum, provided the Natal Government sent two European warders with the men.

2. I discussed the matter in Council on the 18th instant, when it was unanimously decided to receive the prisoners provided the War Office consented to the use of Ladder Hill Barracks as a prison. I accordingly telegraphed to this effect to the Governor of Natal, adding that the cost per man would not exceed £20 a year, but that the Natal Government must pay actual cost. I made this latter stipulation as this Government

has no wish to make money out of the Natal Government whilst being unable to risk the smallest loss under the transaction. I am writing to Sir Henry McCallum fully explaining matters. My despatch should reach Pietermaritzburg about the 4th proximo, and so allow the prisoners to be sent here by the steamer due to leave Cape Town on or about the 29th proximo.

3. On the 19th instant I telegraphed to Your Lordship giving you the drift of my reply to the Governor of Natal and requesting Your Lordship would ascertain whether the War Office would allow the use of part of the barracks as a prison. My object in not repeating to Your Lordship my telegram to Natal verbatim was to save unnecessary expense, the telegram being a long one.

4. The actual feeding of the prisoners, including fuel, will not exceed £10 a year per man—consequently the traders and farmers will benefit only to a very small extent. Every little helps, however, in these hard times.

I have, etc.

H. L. GALLWEY,  
Governor and Commander-in-Chief.

No. 20. *The Secretary of State to the Governor.*

(Sent 5.30 p.m., April 20, 1907.)

Telegram.

April 20. No. 1. Referring to your telegram 9th March, warrants required under the Colonial Prisoners Removal Act, Section 6, must be signed by Secretary of State for the Colonies and by Governor of St. Helena as well as by Governor of Natal before prisoners can leave Natal. Warrants will be forwarded to Governor of St. Helena duly signed by me by the next mail, which leaves on 3rd May, and he has been instructed by telegraph to sign them and forward them to you by the same steamer. I have informed your Prime Minister accordingly. We regret the delay but it is inevitable.

The War Office require that any necessary repairs to the barracks and other expenditure shall be met by the Colony. I presume that your Ministers agree to paying. The amount will probably be small. The correspondence will be sent by next mail.—ELGIN.

No. 21. *The Secretary of State to the Governor of St. Helena.*

(Sent 5.45 p.m., April 20, 1907.)

Telegram.

Referring to your telegram of 8th April, War Office agree to use of barracks on conditions which I have accepted.

Warrant required by Section 6 of the Colonial Prisoners Removal Act must be signed by Secretary of State for the Colonies and Governor St. Helena as well as Governor, Natal, before prisoners can be removed from Natal. I am therefore sending out to you by mail steamer sailing on 3rd May twenty-five warrants signed by me. You should make arrangements to sign warrants and forward them to Governor, Natal, by the same steamer. Your signature is sufficient without seal or witness. I am informing Governor, Natal, by telegraph.—ELGIN.

No. 22. *The Governor to the Secretary of State.*

(Received 12.42 p.m., April 23, 1907.)

(Extract.) Telegram.

April 23. Your telegram of 20th April, No. 1. Ministers now understand cause of delay. They are prepared to pay for repairs to barracks and other incidental expenses.—MCCALLUM.

No. 23. *The Secretary of State to the Governor.*

(Sent 4.20 p.m., April 26, 1907.)

Telegram.

April 26. No. 1. Your telegram of 23rd April. I assume that your Ministers will ascertain from Governor, St. Helena, what guards will be required for prisoners, and make due provision accordingly.—ELGIN.

No. 24. *The Governor to the Secretary of State.*

(Received 12.13 p.m., April 27, 1907.)

Telegram.

April 27. No. 1. Referring to your telegram of 26th April, No. 1, arrangements with respect to guards already made. Despatch follows by mail to-day.—MCCALLUM.

No. 25. *The Governor to the Secretary of State.*

(Received May 18, 1907.)

Government House, Pietermaritzburg, Natal,  
April 25, 1907.

MY LORD,—With reference to previous correspondence on the subject of the deportation from this Colony of native rebel

ringleaders, I have the honour to transmit to you the enclosed copy of a despatch which I have received from the Governor of St. Helena, together with a copy of the reply which I have sent thereto.

3. Ministers desire me to thank your Lordship for the support you have given them in this important matter.

I have, etc. HENRY MCCALLUM.

Enclosure 1 in No. 25.

*Governor, St. Helena, to Governor, Natal.*

The Castle, St. Helena, March 22, 1907.

SIR,—I have the honour to inform you that on the 14th instant I received a telegram from Your Excellency which I was unable to decypher.

2. On the 16th March Your Excellency repeated your telegram of the 14th instant, which was to the effect that as an outbreak of beri-beri had occurred in the Mauritius prisons, an arrangement to send twenty-five rebel ringleaders, sentenced to various terms of penal servitude, to that Colony had fallen through, Your Excellency wished to know whether this Government would receive the prisoners, and, if so, on what terms—suggesting that part of the empty barracks might be used as a prison. Your Excellency further informed me that the terms under which the Mauritius Government had agreed to take the prisoners was at the rate of £20 per man per annum, provided Your Government sent two European warders with the men. You also stated that the prisoners were a docile lot.

3. On the 17th instant, in reply to a telegram I despatched to Your Excellency the previous day, you informed me that the following was the prisoners' diet:—

Breakfast.—12 ounces mealie meal.

Supper.—12 ounces mealie meal.

Dinner.—16 ounces mealie meal, or 2 lbs. potatoes.

Eight ounces fresh meat and four ounces fresh vegetables twice a week. One ounce of salt daily. Your Excellency further stated that if mealies were not obtainable in this Colony that you would send supplies thereof periodically. I may say at once that mealies are obtainable here. I take it that the prisoners themselves make the meal.

4. On the 19th instant I sent you a telegram to the effect that St. Helena was willing to receive the prisoners provided the War Office consented to a portion of the empty barracks being used as a prison. That the cost per head would not exceed £20 per annum, but that Your Excellency's Government should pay

actual cost. I made this stipulation as this Colony has no wish to make money out of the Natal Government whilst, owing to its slender finances, it cannot take any risk of loss. I further informed Your Excellency that a despatch explaining matters would reach you about the 4th proximo, and so allow the prisoners being sent here by the steamer due to leave Cape Town about the 29th proximo. I ended my telegram by stating that I was repeating it to the Secretary of State for the Colonies.

5. On the same date I telegraphed the drift of my reply to you to Lord Elgin, and requested His Lordship to ascertain whether the War Office would consent to the barracks being used as a prison.

6. As regards the cost of feeding the prisoners, I calculate that according to the diet laid down by Your Excellency this will not exceed £10 per man per annum, including fuel. The cost of feeding a prisoner in the gaol here is roughly, including fuel, 1s. a day. The diet, allowed, however, is quite different to the scale laid down for your prisoners. I take it that the two European warders will find themselves in everything but quarters, and the usual barrack furniture.

7. I am not aware as to what furniture, if any, is required for the prisoners. There is a large swimming bath close by to where they will be confined with a continual flow of water passing through. I presume the prisoners do their own cooking. Should cooking and eating utensils and bedding be purchased? I must apologise for troubling Your Excellency with questions of these minor details, but I have no knowledge of the Zulu nor the way he is treated when a prisoner.

8. There will be certain small preliminary expenses to be met by your Government, such as cost of landing the prisoners, purchase of washing tubs, weighing machine, buckets, lamps, etc. The chief recurrent expenditure as apart from the cost of provisions and fuel would be:—

(a.) Medical attendance and cost of drugs. There is only one doctor in the Colony (the Colonial Surgeon), who is already fully occupied in tending to the wants of the entire population of the Island. It is only reasonable to expect that he should receive some remuneration for his attendance on the prisoners and warders. It is taken for granted that the warders will either not bring their families with them or are unmarried. I would suggest, for Your Excellency's consideration, that £50 a year would be a reasonable allowance to the Colonial Surgeon. Drugs would be paid for as used, and would probably cost very little during the year. If a prisoner was admitted to hospital, the usual charge of



1s. a day would be made. This would, however, be only resorted to in a case of very serious illness, as there is plenty of room in the barracks to provide for a sick ward. I would add that the barracks it is proposed to use stand clear of Jamestown at a height of 600 feet above the sea. They are consequently some distance from the scene of the Colonial Surgeon's official duties. This official, too, would have to give careful attention to the sanitary state of the prisoners' quarters.

(b.) I do not know how many warders will be required in addition to the two sent by you. I can engage suitable men for this work at 3s. each a day to cover everything.

(c.) Water rate. The water supply at Ladder Hill Barracks is a very good one, and extends to the closet system. Careful supervision is necessary to maintain the supply in a satisfactory state, and I propose calculating the water rate at roughly 3s. per man per annum for 27 men.

9. Your Excellency will see that £20 per man a year should more than cover the recurrent expenditure necessary to keep the prisoners. We have the following items with their approximate cost per annum:—

Food and fuel	-	-	-	-	-	-	£250
Medical attendance	-	-	-	-	-	-	50
Medicines	-	-	-	-	-	-	6
Three warders at £55	-	-	-	-	-	-	165
Oil, wick, and matches	-	-	-	-	-	-	5
Soap and cleaning materials	-	-	-	-	-	-	5
Water rate	-	-	-	-	-	-	4
Contingencies	-	-	-	-	-	-	5
							<hr/>
Total	-	-	-	-	-	-	£490

I have allowed for three extra warders as there will have to be a man continually on duty day and night, owing to the nature of the buildings in which the prisoners will be confined. This Government can lend rifles for the warders' use if necessary. I take it that the prisoners do not receive anything in the way of tea, coffee, or other groceries with the exception of salt? I ask this question as the Zulus who were interned in this Colony ten years ago received coffee, sugar, and other groceries. In fact, they appear to have been given anything they asked for.

10. I would be much obliged if Your Excellency would inform me when I may expect the prisoners and enlighten me as to the several points raised above. I would mention that there are no iron bars to the windows where the prisoners will be confined. These, however, could be furnished and fixed

locally if necessary, the cost being defrayed by your Government. There will be no objection, I suppose, to placing three or four men in one room? I would add that there is plenty of room for the prisoners to take exercise. I should like to be informed what work the prisoners should do. Can they be used on the roads, or should they not leave the confines of the prison yard?

11. In conclusion I would state that any monies expended on the maintenance of the prisoners will be treated as an advance to Your Excellency's Government, and be adjusted in the usual manner through the Crown Agents for the Colonies.

I have, etc., H. L. GALLWEY,  
Governor and Commander-in-Chief.

His Excellency

Sir Henry E. McCallum, R.E., G.C.M.G., A.D.C.,  
Governor of Natal, Pietermaritzburg.

Enclosure 2 in No. 25.

*Governor, Natal, to Governor, St. Helena.*

Government House, Natal, April 21, 1907.

SIR,—With reference to your despatch of the 22nd ultimo. I have the honour to transmit to you the enclosed copy of a minute which I have received from the Acting Prime Minister dealing with the points raised by you.

I would further confirm my telegram to you, No. 1, of to-day's date, wherein I state that I have been informed by the Secretary of State that it will not be possible to move the prisoners from Natal until about the end of May. Lord Elgin informs me that he has sent you for signature the warrants required under Section 6 of the Colonial Prisoners' Removal Act, with a request that you will sign and forward them to me by the same steamer. In this connection I should feel obliged if, when despatching the warrants, you will give directions that they be forwarded from Cape Town overland, as this will avoid a delay of three or four days.

Ministers propose to send the prisoners under special arrangement by direct steamer from Durban, and as soon as the details are settled I will apprise you by telegram of the date of their departure, and the probable date of their arrival at St. Helena.

In conclusion, I would express to you the warm thanks of my Ministers and myself for the assistance you have afforded us in this matter.

I have, etc., HENRY McCALLUM.

His Excellency The Governor, etc., etc., etc.,  
St. Helena.

*Acting Prime Minister to Governor.*

Minute.

HIS EXCELLENCY,—1. In reply to the points raised in His Excellency the Governor of St. Helena's despatch, dated the 22nd ultimo, Ministers will be obliged if Your Excellency will inform Lieutenant-Colonel Gallwey as follows:—The queries in the despatch are dealt with seriatim:—

Paragraph 6.—The two European warders will either find themselves in all necessaries after arrival (except quarters and the usual barrack furniture, which will be provided) or arrangements in regard thereto will be made later on with the Government of St. Helena.

Paragraph 7.—As the natives sleep on the ground, no furniture will be required.

They will do their own cooking.

Cooking and eating utensils the prisoners will take with them; also blankets, which form the only bedding required.

Paragraph 8.—Government is prepared to meet the small preliminary expenses referred to, and

(a) In regard to medical attendance and cost of drugs, the remuneration to the doctor suggested, viz., £50, is agreed to; drugs will also be paid for as used.

The proposed hospital charge of 1s. per day is accepted.  
The warders will not be accompanied by families.

(b) Ministers are of opinion that extra warders beyond those provided for in paragraph 9 will not be required, but liberty is left to the Governor of St. Helena to provide additional warders on such special occasions as it may appear to His Excellency to be desirable to do so.

(c) The water rate of 3s. per man per annum is agreed to.

Paragraph 9.—Ministers consider the estimated cost of £490 per annum is reasonable, and if three extra warders are necessary for day and night duty at the prison buildings, Government agrees to their employment at the rate of £55 each per annum, as provided for in the £490 before mentioned.

Ministers are obliged for the information that rifles will be lent to the warders if found to be necessary.

No other groceries except salt are received by the prisoners.

Paragraph 10.—Ministers note from the subsequent despatch from the Governor of St. Helena, dated 25th March, that it will not be necessary to incur any expenditure in regard to fixing iron bars to the windows of the buildings where the prisoners will be confined, as rooms with windows already so fitted are available if required.

There will be no objection to placing three or four men in one room.

In the matter of work the prisoners may be employed on sweeping, scrubbing, cooking, weeding, road maintenance, and other forms of light labour.

Paragraph 11.—Ministers concur in any moneys expended in the maintenance of the prisoners being treated as an advance to this Government, and the amount being adjusted in the usual manner, through the Crown Agents for the Colonies.

C. O'GRADY GUBBINS,

Acting Prime Minister.

April 8, 1907.

No. 26.      *The Governor to the Secretary of State.*

(Received 7 p.m., June 1, 1907.)

Telegram.

June 1. No. 1. Rebel ringleaders left Natal to-day by steamship "Inyati," which proceeds direct to St. Helena.

I have requested Ministers consider in a month's time desirability of releasing on ticket-of-leave, rank and file ordinary rebels in such batches at one time as can be dealt with by Administration. Any move in that direction before then would be attributed by natives to Dinizulu's visit to Pietermaritzburg, which is undesirable.

I hold meeting Monday of important native Chiefs who have come to take leave of me, including Manzolwandhle, Umciteki, who is Regent of Amandhlakazi tribe in Usibepu's place, and Kambi, who is Dinizulu's cousin.

I believe that recommendations of the Native Affairs Commission with respect to removal of *bonâ-fide* grievances will be adopted and that I am leaving Colony with native matters fairly flattened out.—MCCALLUM.

## EXERCISE No. 6.

CORRESPONDENCE RELATING TO THE FLOGGING  
OF NATIVES BY CERTAIN EUROPEANS AT  
NAIROBI.

No. 1. *Daily Mail, March 15, 1907.*

NATIVE PERIL IN EAST AFRICA. RIFLES SERVED OUT TO THE  
WHITES AT NAIROBI.

(From Our Own Correspondent.)

Nairobi, Thursday, March 14.

In consequence of their having insulted white women and gone unpunished by the authorities, three negroes have been publicly flogged in front of Nairobi Court House, in the presence of a large crowd, by Captain Grogan, president of the Colonists' Association.

(From Our Own Correspondent.)

Mombasa, Thursday, March 14.

Owing to sudden unrest among the natives at Nairobi, the citizens have demanded ammunition and rifles. The Acting Commissioner has agreed to issue them, and has appointed a defence committee.

The climax has been reached, it is considered, owing to the Government's refusal to appoint white police some time ago.

Nairobi has a population of about 8,000, of whom 600 are Europeans and Eurasians. The East Africa Protectorate has a total population of 4,000,000, of whom only 2,000 are European or Eurasian.

White police are to be introduced in Nairobi on April 1, but the Colonists have been agitating for their immediate appointment for some months past.

No. 2. *The Secretary of State to the Acting Commissioner.*

(Sent 1.15 p.m., March 15, 1907.)

Telegram.

March 15. According to telegrams from Nairobi appearing in *Daily Mail*, three negroes, not having been punished by authorities for insult to white women, have been flogged by

Grogan in front of Court House, and defence committee has been formed, and you have agreed to issue arms to settlers.

Report fully on matter by telegram.—ELGIN.

No. 3. *The Acting Commissioner to the Secretary of State.*

(Received 5.25 p.m., March 16, 1907.)

Telegram.

No. 36. With reference to your telegram of March 15, there is absolutely no foundation for report of native rising.

On Thursday morning Grogan, Russell, Bowker, and another flogged three Kikuyu natives in front of the Court House, having collected upwards of 100 Europeans, of whom many were armed, as supporters and witnesses. They disregarded attempted intervention by European police officer and magistrate. Natives were alleged to have insulted two European ladies whom they were pulling in rickshaw. Details very vague, but insult was apparently not of a serious nature, and at most did not amount to more than rudeness and disobedience. Culprits were not taken to the police, but were taken down to the town and treated as arrested. Flogging was carried out in a most brutal manner. Majority of spectators were led by ringleaders to believe that the insults offered to the ladies had been of a gross nature.

Immediately after the flogging Grogan and a so-called committee of about 30 persons made their way to my office and formally gave me his version of the occurrence, of which I was previously in complete ignorance, and asserted that Europeans of Nairobi were much alarmed at the prospect of a native rising, and that their excitement could be allayed only by means of self-protection being given to them by the Government.

In order to calm these excited and hysterical people and avert what might have led to a serious fracas in the town, I consented to a loan of ammunition being made on certain conditions to persons whose isolated position rendered them in their own opinion insecure. At the same time I pointed out that the Government did not share their apprehension, and was, in fact, convinced that there was no foundation for the idea of a native rising. I have published a Notice to the effect in to-day's *Gazette*. Up to the present only one man has applied for any ammunition.

I regard the whole incident as deliberately engineered and planned by Grogan, Burn, Fichat, Low and others with a view to bringing the Administration, and more particularly the Judicial and Police Departments, into contempt, and I consider the matter serious in view of the fact that all our available

forces are native and cannot be used against this gang of European lawbreakers. I would urge the immediate appointment of the European police force asked for in the Estimates if sanction has been given.

I have made careful inquiries and am convinced that there is absolutely no feeling of unrest among the natives. They are perfectly quiet at present. Whether they will remain so if incidents like that of Thursday are repeated is another matter, but personally I am of opinion that it would take a great deal to rouse them.—JACKSON.

No. 4. *The Secretary of State to the Acting Commissioner.*

(Sent 6.40 p.m., March 18, 1907.)

Telegram.

March 18. I have received the news contained in your telegram, No. 36, with regret. I presume that legal proceedings have been taken against ringleaders.

A reduction from thirty to twenty has been made in the strength of the European Police Force in the Estimates. Twenty may be appointed at once.

Will the force which you will then have be sufficient to bring the ringleaders to justice?—ELGIN.

No. 5. *The Acting Commissioner to the Secretary of State.*

(Received at 8.20 p.m., March 19, 1907.)

Telegram.

No. 39. I hope to be able to engage twenty constables as sanctioned in your telegram of to-day.

Summonses have been issued against Grogan, Bowker, Bennett, Fichat, Burn, Low, and others for holding an unlawful meeting, and Grogan and Bowker will be charged with resisting the police. Case will be heard March 25th. If committed to Sessions they will be tried about April 5th, on which day flagship arrives.

I am considering the question of selecting Mombasa as the place of trial, as it may be impossible to obtain an unbiassed jury here. Should accused refuse to proceed to Mombasa I shall attempt to raise force of special constables. I have warned Admiral that I may require assistance. May I detain ship of war if necessary?

It is stated that over 100 settlers have sworn to release Grogan if he is sentenced to imprisonment.

Natives report slight unrest in Kikuyu due to Grogan's action and to rumoured threat which has reached them that the white men intend to kill them.—JACKSON.

No. 6. *The Acting Commissioner to the Secretary of State.*

(Received 2.32 p.m., April 19, 1907.)

Telegram.

No. 58. My telegram, No. 36, of the 16th of March. Considerable capital is being made by the local Press and the Colonists' Association out of the statement made by Your Lordship in the House of Lords that many of the participators in the flogging incident were armed, because this was not proved at the trial.

Reports received at the time justified the statement in my telegram. As, however, evidence could only be procured against Bowker and Grogan, the charges under the 144th Section of the Indian Penal Code were not proceeded with.—JACKSON.

No. 7. *The Acting Commissioner to the Secretary of State.*

(Received 2.44 p.m., April 23, 1907.)

Telegram.

No. 62. Have been asked to forward following. Charges in connection with transmission have been paid :—

Colonists' Association of British East Africa contends that local Administration turned flogging incident into most unscrupulous political prosecution. Your Lordship's statement in House Lords of April 11th, as reported reference a hundred Europeans, many of whom were armed, an unwitting but gross libel on this community at large, and we request that Board of Enquiry be appointed from home to enquire into this and other pressing grievances.

JACKSON.

No. 8. *The Acting Commissioner to the Secretary of State.*

(Received April 30, 1907.)

Commissioner's Office, Nairobi, April 9, 1907.

MY LORD,—I have the honour to transmit herewith a copy of the file and judgment in the case of *The Crown versus Grogan* and others, which terminated on the 2nd instant.

2. The sentences were quietly received and the prisoners offered no resistance. Later in the day, however, a mass meeting was held and telegrams were in consequence despatched



to Your Lordship and to the Premiers of the various South African Colonies.

3. A deputation also waited upon me to ask that the prisoners might be incarcerated in a place where their disgrace might not be witnessed by native convicts.

4. In view of the fact that the gaol has been medically condemned as insanitary for Europeans, and is, besides, very ill-fitted for their accommodation, I acceded to the request of the deputation, and ordered the transfer of the prisoners to a building on Nairobi Hill, where they are confined under the surveillance of the police.

5. I was somewhat reluctant to do this, as the moral effect would, I consider, have been greater if the sentence had been carried out in the regular prison, but, having regard to the strictures passed on the Mombasa jail in the Wehner case, I thought it better not to give any opportunity for adverse criticism. I trust, however, that ere long we shall have a building in which malefactors of every kind can be confined, irrespective of race and colour.

6. The sentences, which in view of the gravity of the offences committed cannot be reasonably regarded as other than lenient, have, nevertheless, provoked a considerable amount of vituperation in the local press, as an instance of which I have the honour to enclose a copy of the *Times of East Africa* of the 6th instant. Such expressions of opinion are only to be expected from the persons who are known to be the authors of them.

7. The trial and its result have, as far as I am aware, produced no effect whatever on the native mind, which is far too unintelligent and ignorant to take any interest in such proceedings, unless their scope and meaning were very carefully explained.

8. It is at any rate certain that the knowledge that they can only be punished in accordance with law is unlikely to have a disquieting effect on the Kikuyu. If they were led to understand that they could be flogged by Europeans whenever the latter thought fit it certainly might disturb their tranquillity.

I have, etc.,

F. J. JACKSON,

Acting Commissioner.

Enclosure 1 in No. 8.

*Crown versus Grogan, Bowker, Wilson, Burn, Low, Fichat, Gray, Bennett, and Walker Dun.*

Town Magistrate, Nairobi, March 25, 1907.

Parties present: Combe, for Crown; Allen, for Grogan; rest undefended.

Combe opens. Asks permission to withdraw case against Walker Dun, M'Clellan Wilson, and Bennett.

Walker Dun, M'Clellan Wilson, and Bennett discharged accordingly.

H. O. DOLBEY.

EWAN REGINALD LOGAN, European, Protectorate Officer, Nairobi, sworn, states :—

I am Town Magistrate at Nairobi.

On 14th March, 1907, I was in this Court building. At about 10 o'clock in the morning I arrived at this Court, and went to my private room. Immediately I got there I saw through my window a number of men coming towards the Court from the Government Road. They were Europeans, and came into the space outside the Court, and walked past my window, and came to main entrance of Court. They stopped there. At that moment Mr. Ghandy the pleader walked past my window quite close. I asked him what the matter was about. In consequence of what he said to me, and from what I heard from my clerk, I sent my clerk (Nadirshaw) to find out what the matter was.

He presently returned without information. He had applied to Mr. Burn for information, and was refused.

In consequence of what information I did get, being under the impression that an unlawful proceeding was about to take place, I felt it my duty to go outside and protest to the crowd against what was being done. I went out and walked to the steps leading to the main door of the Court. I stood on the top step and found a large crowd of European men gathered round the foot of the steps. I should think they were 40 or 50, perhaps more. In the centre of the crowd there was an open space; lying on the ground in this open space I saw two natives. One of these natives, the one nearest me, was doubled up in a heap, the other was lying at full length. Mr. Bowker (accused) was bending over him. By Mr. Bowker's side was Captain Grogan (accused). I called to Mr. Bowker and said: "Mr. Bowker, what are you doing?" he did not reply. I then said, "Gentlemen, you are not allowed to take the law into your own hands. Your proper course is to make a complaint to the proper authorities." I said this in a loud voice, so that everyone present could hear. Grogan then said to me, "If we do, what will happen?" or words to that effect. "Will he be advised not to do it again?" (I imagine he was referring to one of the natives on the ground.) I replied, "If anything is proved against them I imagine it will be something more severe than that." These were, I think, my words. Grogan then said,

“What will he get?” I replied, “Without knowing what the offence is I can’t say what the punishment will be.” That was all that was said.

I waited a minute or two on the step, and then seeing that the men were determined to do what they intended, I walked away back to my room. Shortly after this I heard the sounds of blows apparently by some thick thong upon the bare flesh. Shortly after this I saw the crowd of men dispersing, and they went away. No complaint of any sort or kind against these natives had been made to me at all. I was completely taken by surprise by what happened, and at the time there were no white police present. When I was in my room, after leaving the crowd, or before they dispersed, Captain Smith (policeman) arrived, and whilst the crowd were dispersing, Mr. Tyssen and other white police arrived. I saw Mr. Low (accused) on the verandah of the Court when I first walked to the steps. I also saw the accused, Captain Gray, on the verandah also. They were forming part of the crowd which had come up on the verandah near the entrance. The crowd quietly dispersed after this occurrence.

Mr. Allen reserves his cross-examination.

Cross-examined by Captain Fichat :—

Q. Did you only see two boys?—I only noticed two boys lying on the ground.

Q. Would you be surprised to hear there were three?—No.

Q. Will you swear that you addressed the crowd when you said, “Gentlemen, you are not allowed to take the law into your own hands,” and that you did not address Grogan alone?—Yes, I will swear it.

Q. Did you say to everyone, “I am the Magistrate”?—No, everybody knows me.

Q. Did you order the crowd to disperse?—I did not tell them to go away.

Q. Did you tell them that by remaining they were forming an unlawful assembly?—No.

Q. Did you send for the police; if so, white or black?—I sent for the white police.

Q. Is this building commonly known as the Town Hall?—I don’t know.

Q. Do you know the Government rent this from the Municipal Authorities?—I do.

No more questions.

Mr. Burn reserved his cross-examination. (Logan continues evidence.)

Outside the Court, close to the main entrance, where the crowd was standing, there is a large notice board with the words, “Notices, Town Magistrate’s Court,” printed on it in

large letters. Close to the gate where the crowd entered the compound there is another notice board with the words, "Town Magistrate's Court," printed in large letters upon it.

Both these notices were in the positions I have described on the 14th March, 1907.

Fichat cross-examines (on continued statement):—

Q. Are there not two entrances to the so-called compound?  
—Yes.

Q. Is there not a large notice board close by one entrance with the words, "Municipal Offices, Nairobi," upon it?—Yes, there is such a board.

No more questions from either accused.

H. O. DOLBEY.

Read over and found correct.

H. O. DOLBEY.

GEORGE SMITH, A.D.S. Police, Nairobi, sworn, states:—

About 10 o'clock a.m. the 14th March, 1907, I came to the Town Magistrate's Court building. On arriving here I saw a crowd of Europeans grouped round the steps of the Court House; they were in a semi-circle, and on the ground in the centre I saw three Wakikuyu; they were bound. I saw Grogan also in the semi-circle, also Mr. Bowker. The Town Magistrate, Mr. Logan, was standing on the Court steps addressing the crowd.

I heard him warn them about the consequences of taking the law into their own hands, but I don't recollect his exact words; I do, however, remember him saying that there were proper authorities to take a complaint before or words to that effect.

The Magistrate having finished his remarks went to his office. I followed him. I had a conversation with him there, and then returned. I pushed my way through the crowd, and put my hand on Captain Grogan's arm. As I did so the crowd closed in and hustled me outside the circle.

The crowd hustled me, and one of them who hustled was the accused, Mr. Bowker. I was in uniform at the time.

After I was hustled out of the crowd Grogan commenced to flog one of the Wakikuyu. I saw this myself. I saw it was useless my remaining any longer, and so I left, and went to the Police Office and returned with the A.D.S. of Police in Charge at Nairobi. On my return I found the crowd had dispersed. In the crowd I also saw Captain Gray, but none of the other accused beyond those mentioned. I should say there were about 100 to 130 Europeans present.

(Allen and Burn both reserve cross-examination.)

Fichat cross-examines :—

Q. You were present when Mr. Logan was speaking?—Yes.

Q. Did you salute him?—Yes, when I got inside the semi-circle.

Q. Did Mr. Logan acknowledge your salute?—Not that I remember—he was addressing the crowd.

Q. How long did Logan speak after you arrived?—About a minute.

Q. How close were you?—About a yard and a half away.

Q. Was he speaking generally or addressing anyone in particular?—As far as I understood him, he was addressing his remarks to Grogan.

Q. Was Logan nervous or excited?—I can't say.

Q. Did you hear him say in a loud voice "Gentlemen, you must not take the law into your own hands?"—Yes, I heard him.

Q. In a loud voice?—Not in a very loud voice, but quite audibly.

Q. Audible to you?—I think everybody present could have heard.

Q. Did you hear Grogan's replies?—Yes, but I don't remember his words.

Q. Where were you standing?—I was standing next to Captain Grogan.

Q. How far was Captain Grogan from the verandah?—About two yards away.

Q. When you were hustled by the crowd were you in any way ill-treated?—No, the crowd closed in and pushed me aside.

Q. Mr. Bowker may have been pushed on to you by the crowd?—Yes.

Q. When this happened did you call anyone to assist you in the name of the law?—No.

Q. Why not?—I don't know.

Q. When outside the crowd did you write down the names of those present?—No.

Q. In fact you did not think the matter very serious?—I don't admit that.

No more questions from either accused.

Read over and found correct,

H. O. DOLBEY.

VICTOR MARRA NEWLAND, Agent, Nairobi, European, sworn, states :—

I am a resident in Nairobi.

On 14th March I met Fichat (accused) in the main road of this town. It was nearly opposite Mrs. Elliott's tea-rooms.

This would be about 9.30 a.m. I had a conversation with him. He told me that Grogan was going to flog natives publicly, and asked me if I intended to be present. I asked him the reasons of the flogging, and he told me that natives had insulted white women.

I asked him what women, and I understood him to say Mrs. Grogan and another lady.

I then asked him what they had done (meaning the natives).

I said, "Certainly I will be present." This was, to my recollection, the whole of the conversation.

After this I went down to my office and told my clerks what had been told me, and told them to witness the public flogging also. I also sent my native boys as well.

On the 14th I was a member of the crowd that assembled outside the Town Magistrate's Court. I attended for the purpose of taking part in the object of this assembly. At that time I was under the impression that a serious assault had been committed by these boys, otherwise I would not have attended.

I saw Grogan, Bowker and Gray in the crowd, and Fichat also, but before the flogging took place.

I saw Fichat later on in the day. I think it was in the "Travellers' Club." I spoke to him in discussing this flogging, and he said he thought he had got a crowd together on record time.

I saw the floggings. There were three natives, and Grogan, Bowker and Gray each flogged one.

Before the flogging I also saw and spoke to Bowker. He was very angry, and from what he told me it was evident that he was under the impression that a serious assault had been committed.

Fichat cross-examines:—

Q. Did I tell you that, when discussing this with you on March 14th, about four months ago a native had insulted a female member of my family?—Yes, you said that this wasn't the first time an act of this sort had been committed.

Q. Did I say that these things must be put a stop to as they had occurred before?—Not to my recollection.

Q. When I made, as you say, the observation about the record time to you in the Travellers' Club, was this on the 14th March?—Yes.

Q. You were present at the flogging?—Yes, from commencement to the end.

Q. Did you see Logan?—Yes.

Q. Did you hear the conversation that passed between Captain Grogan and Logan?—I did, but not all.

Q. Did you hear Logan address anyone else?—I did not.

Q. Where were you standing?—About 10 yards from Logan.

Q. Did you hear Logan say in a loud voice, "Gentlemen, you are not allowed to take the law into your own hands?"—I did not.

Q. Did you hear Grogan say in reply to Logan: "I am beating them because they insulted my sister and another lady"?—No. I heard Grogan say, in reply to Logan's question of why was he beating these boys: "Because I want to."

Q. Did you hear the crowd ordered to disperse?—No, I did not.

Q. You did not see me present when the flogging was taking place?—No.

Low cross-examines:—

Q. Did you come to my office last Friday?—Yes.

Q. Anyone else present?—Yes, Fichat.

Q. You came to my office to get me to publish a letter?—Yes.

Q. Did I hesitate about publishing this letter?—Yes.

Q. You asked me to do so as you were labouring under a misapprehension?—Not only I but other people.

Q. Did you say that you were present, being under the impression that an indecent assault had been committed on women?—Yes.

Q. On the 22nd this wrongful impression had been removed?—Yes.

Q. When was the impression removed?—On the previous day—the 21st.

Q. When did you receive a summons in this case?—I don't remember.

Q. When did the police approach you?—Not before I got my summons.

Q. Did you receive your summons prior to your changing your opinion?—Yes.

Q. Did you approach Grogan or did he approach you?—I asked him to come round to my office. This was on 21st March.

Q. What occurred?—I told Grogan what had been told me relative to the cause that brought me to the assembly, and asked him if there was any truth in it. He replied that there was no truth in it, and that he had been betrayed.

Q. Is it not the fact that before you received the witness summons that you expected to be summoned as a defendant?—Yes, I did.

No more questions.

BETRAN GRAY ALLEN, Solicitor, Nairobi, European, sworn, states :—

I am practising in Nairobi.

On 14th March I came to the Court Building—that would be about 5 or 10 minutes past ten. There were many Europeans standing outside the Court—I should say anything from 175 to 250 in number. I had come across from my office to the Court House. I did not see Mr. Logan then or at any time. I saw some of the accused—Grogan, Gray, Low, Burn, Fichat and Bowker.

Mr. Burn was on the verandah just at the top of the steps. There were many others in the verandah, it was full. I asked Mr. Burn what the matter was all about, he said that Captain Grogan was going to beat some natives for insulting white women. I then said, "What about the Magistrate and the police," and asked if Logan was not in his room. He replied, "What can they do, they've got neither military nor white police in the country, how can they stop it?" He said, "The Magistrate came out a minute ago and made some ridiculous remark about the proceedings not being legal; he's gone back again to his chambers."

I said that I was afraid there would be some trouble over this. He said, "Yes, there is bound to be," and then he asked me if I thought the Government would do anything or take any notice of it. I said, "I thought they would be bound to." He said, "They would have to either ignore the matter altogether, in which case it would be an absolute admission of impotence, or take it up, in which case, if they tried to arrest anybody, there would be the biggest row there ever had been in East Africa." I agreed with him.

I saw Captain Smith—he was, I think, standing in the outskirts of the crowd, near the Magistrate's chamber. I saw him make his way into the crowd after Grogan had finished speaking, and was preparing to beat the natives. I saw him get to the inner edge of the circle. I saw a lot of people when they saw him coming get in front of him and with their elbows bar his way, and this prevented him getting to the centre of the ring.

I saw the floggings. These were three and were performed by Grogan, Bowker and Gray, respectively. Fichat was present when the flogging took place. I think Burn was also immediately behind me when the flogging was going on. Our conversation terminated about half a minute before the flogging commenced. Later I had a conversation with Fichat. This was immediately after the flogging was over. I asked him what the boys had really done. He said Mrs. Grogan and, he thought, Mrs.



Bowker were going home in their rickshaw to Grogan's house last night, and these boys came and stopped the rickshaw and had pulled the ladies out of the rickshaw and insulted them.

I said it was absolutely incredible, and that I did not believe it, and, further, said that if insulting white women was going to start in this Protectorate I did not think it was these three poor wretched devils who would start it. He said it was perfectly true, and that this sort of thing must be stopped at once. He said that this was not the first time such things had happened.

I said to him that these floggings would create a big row at home, and he replied that it would be in all the English papers by to-night or to-morrow morning. He then said he must go and send off a cable at once. I said I thought Low (another accused) would do that. He said Low might send one, but he had to send one also. He turned away, and as he did so I saw two men come up and ask him what the boys had done, there-upon I heard Fichat begin telling the same story to them as he told me.

The next day I had a further conversation with Burn. We were sitting at the pleaders' table in his Court. He told me that he and a lot of others had adjourned to T. A. Wood's premises after the flogging and had passed a resolution (or resolutions, I forget which). As a result of this resolution I understood him to say that they had gone to the Acting Commissioner's house.

He said the meeting that had gone there had represented to the Acting Commissioner the likelihood of a native rising and that he (the Acting Commissioner) had promised that every white man who asked for it would be given a rifle and 200 rounds of ammunition. This, I think, was all that passed between us.

On March 14th the flogging took place before the Court sat, I think. I came into Court 10 minutes after the flogging had finished and I found nobody there at all. The Magistrate was not sitting.

Examined by Combe :--

I know the publisher and proprietor of this paper. (*The Star of East Africa* produced and put in.) The publisher is Low (accused).

Burn cross-examines :--

Q. You frequently see me in Court?—It is a daily occurrence.

Q. Where I told you that Grogan was going to beat some natives there were a number of people outside the Court?—Yes.

Q. At this time you knew as much as I did. Why did you stop?—To see what was going on.

Q. What other object had I for stopping. I did not do anything more than you did?—I don't know.

Q. Is it not the fact that I am prosecuted for political motives?—I don't know, but I heard the Crown Advocate state that you were selected as being a ringleader.

Q. I have on various occasions dared to criticise the Government?—Yes.

Q. Can you give any reason, other than a political one, why I should be in the dock and you in the witness-box?—I presume you are a more important man.

Q. Did I discuss this matter with you from other than a spectator's point of view?—Understood you to take a greater interest in it than that.

Q. You were close to me at the time of the flogging?—Yes, I believe so.

Q. I did nothing but look on?—No.

Q. Was there anything illegal in the conversation that passed (second conversation)?—No, I don't think so.

Q. Did you hear either the Magistrate or police call on anyone for aid in suppressing this assembly?—No.

Q. Would you have given aid if called on?—No.

Q. As a member of an unlawful assembly—(Question unfinished)?—I don't admit the assembly was unlawful.

Q. Then you don't think there was anything unlawful in the assembly?—I couldn't say I considered it a lawful assembly.

Q. How was I armed?—I saw no weapons on you.

No more questions.

Fichat cross-examines:—

Q. Our conversation took place after the flogging and when the crowd was dispersing?—Immediately after the flogging.

Q. When the crowd was beginning to disperse?—Yes.

Q. During the past 12 months there has been certain animus between us?—Not on my side.

Q. Are you aware I am the representative of the *East African Standard*?—I am.

No more questions.

Low cross-examines:—

Q. Where was I standing when you saw me?—On the verandah, in about the middle of it.

Q. Did you see me taking any part in the assembly beyond looking on?—No.

No further questions from either of accused.

Combe re-examines in reply to questions:—

When I saw Burn at the assembly I thought he was more

than a spectator. He struck me as being there approving the proceedings that were going on. I formed this opinion from what he (Burn) said and from his manner.

No more questions.

Read over ; correct. H. O. DOLBEY.

ARTHUR DAWSON MILNE, Deputy Principal Medical Officer, European, sworn, states :—

On March 14th I met Burn shortly before 10 a.m. in the street here. It would be just this side of the bank. He was going to the bank—that would be away from the Court. There was another man with him. I stopped to speak and Mr. Burn, who stopped also, pulled out his watch and at the same time said, "I must not miss this." I asked him what was up. He replied that Grogan was going to flog his gharri boys at the Court House for assaulting Mrs. Grogan. He then corrected himself and said at least for a technical assault.

Burn cross-examines :—

Q. Had I been a newspaper correspondent this hurrying of mine would have been a very natural proceeding?—Yes.

Q. Are you surprised to hear I am a special correspondent for a London paper?—Not in the least.

Low cross-examines :—

Q. Did you see either a Sub-Commissioner or Collector of Uganda present at the assembly?—No.

Combe cross-examined :—

Q. Were you present at the assembly?—No.

No further questions from either accused.

Read over ; correct. H. O. DOLBEY.

PHEROZSHA PESTONJEE NADIRSHAW, Court Clerk, Parsee, Zoroastrian, sworn, states :—

On March 14th I was in the Court buildings. I saw a crowd coming towards the Court compound. This was about 9.45 a.m. I was speaking to Logan at the time and facing the window—I was with him in his private room.

I saw Bowker, McClellan Wilson, and T. A. Wood, and behind Gray and Mr. Standring following. I drew Logan's attention to it.

Logan then spoke to Ghandy and then wrote a note to Tyssen the Assistant District Superintendent of Police which he gave to me. I handed it on to David, the Court Interpreter, for delivery. Logan gave me permission to go outside to see what the Europeans wanted. I came to the steps of the Court and there I saw Burn. I asked him if these gentlemen wished to

see Logan on any urgent business. Burn looked round and smiled, but he did not give me any answer. I addressed the question directly to Burn.

I then returned and reported the matter to Logan. Logan then came out of the Chambers and I got on my bicycle and rode to Tyssen's office. When I returned the crowd had dispersed. Mr. Burn had no engagement in Court that morning. That is there was no Court case in which he was engaged on that morning.

Burn cross-examines :—

Q. Did you not ask me if I wanted to see Logan?—As far as I remember I did not.

Q. Did Logan ask for me to go and see him after you told him I was here?—No, he didn't ask for you.

No more questions from either accused.

By Court : Answers :—

I asked Mr. Burn what the assembly was about because I knew him best. I had no reason to suppose he knew more about this assembly than anyone else.

Read over ; correct. H. O. DOLBEY.

JOHN ACLAND LETHBRIDGE, Livery Stable-keeper, European, resident at Nairobi, sworn, states :—

At 8.30 on the morning of 14th March I received certain communications. That morning I saw Captain Fichat near his office and had a conversation with him. This was before 10 o'clock a.m. He told me that certain ladies had been grossly insulted by three rickshaw boys. I was told Mrs. Grogan was one of the ladies, I think it was Fichat who told me.

With regard to the insult I forget Fichat's exact words, but the impression he left in my mind from his language was that they had been grossly insulted. He did not tell me how. He said that, in consequence, Grogan was going to punish them publicly. I witnessed it. I saw Smith of the police, he was there. He came from the balcony and down the Court steps, but I don't know if he tried to get to Grogan. I saw him moved away, by whom I don't know, but by several persons. I cannot identify any of the people who moved him away. I witnessed the floggings—I didn't count the strokes. I should think about 25 strokes each were given.

There was no violence shown to Smith, he was simply hustled away.

No questions from either accused.

Read over ; correct. H. O. DOLBEY.

EDWARD LANCELOT SANDERSON, Town Clerk, Nairobi, European, sworn, states :—

On 14th March I met Low and Fichat. They were together, and the time was 9.30 a.m. I met them close to Gailey and Roberts' office. They spoke to me and told me that some natives were going to be flogged. I can't say which of them told me, I think both. Fichat said they were to be flogged for insulting a white lady. I understood the lady was Mrs. Grogan and that there was another lady.

I cannot remember the exact words. I expressed surprise at this but Fichat corroborated his statement by giving two instances of similar bad behaviour toward white women in Nairobi. After this I went on to my office. I witnessed the flogging.

I saw Captain Smith put his hand on Grogan's shoulder before the flogging took place. When Smith did this he was crowded out of the ring.

I saw Bowker, Grogan and Gray each flog a native. Having regard to what I had heard, I did not consider in the circumstances it was a severe punishment. I could not identify anybody of those who were crowding Smith out of the ring.

Burn cross-examines :—

Q. Were there people about besides those forming the ring on the ground?—Yes, there were some on the verandah and many on the top of the steps who were looking on.

No more questions.

Low cross-examines :—

Q. Do you think both of us told you that floggings were going to take place?—Yes.

Q. Will you swear that Fichat took part in the conversation?—Yes.

Q. Will you swear that it was Fichat and not I who told you the floggings were for an insult to a white lady?—I think it was Fichat who told me, as I distinctly remember his telling me about two previous instances of this nature.

Q. Will you swear that the word "assault" was used?—No, I won't swear that.

Q. Was not the word used "insult"?—No, that was certainly not the description of the affair.

No further questions from either accused.

Read over ; correct. H. O. DOLBEY.

GERTRUDE EDITH GROGAN, married woman, European, sworn, states:—

I am the wife of Captain Grogan.

On the morning of March 14th Fichat came to our house. We were having our breakfast at the time. He was informed of an incident that occurred with regard to the insolent conduct of three of my gharri-boys toward Mrs. Hunter, who is my sister-in-law, and Miss M'Donnell, who is a friend of ours. He was present when we discussed the conduct of the gharri-boys.

When Fichat came in my husband and I were present, and we three discussed the affair together.

No questions.

Read over ; correct. H. O. DOLBEY.

Adjourn till to-morrow.

EDWARD STEVEN HARGREAVES, employed in Nairobi Municipality, European, sworn, states:—

On March 14th I came down to my office. When there I heard that a disturbance was about to take place. I arrived at my office at 9.30 or 9.40 a.m.

On my way to the office I saw several people outside the Town Magistrate's Court.

Later on I saw a number of Europeans arriving there. My office abuts the Court premises. I saw Grogan arrive with three natives, bound. Afterwards I heard Logan enquire of Grogan what was going to happen. Grogan replied that he was going to beat the boys for insulting his sister and a lady friend. I don't remember exactly what the further conversation was. I know Smith. I saw him there. I saw him put his hand on Grogan's shoulder after the conversation between Logan and Grogan had taken place and before the boys were flogged.

The next thing I saw was that Smith was outside the circle. I can't say how he got outside, whether he was pushed outside or how otherwise. I did not see the boys flogged. I saw one of them tied up. Bowker tied him up. He tied the boy's arms to his legs. I was standing inside the Court verandah at the time.

I heard no mention made of resistance in the event of arrests being made.

No questions from either accused.

Read over ; correct. H. O. DOLBEY.

ARTHUR FITZHERBERT MACGEE, Manager, Travellers' Club, Nairobi, European, sworn, states:—

I saw the three natives flogged outside the Court on 14th of this month.

I came up to the Court with Grogan. They (the natives) were bound, I believe, as to their wrists. I saw Logan. I heard him tell the assembly that the gathering was illegal, or use words to that effect. I think there would be about 100 people present. After this the boys were thrashed. I saw Smith there. I saw him go up to Grogan to try and stop it. He was pushed back by the crowd. I won't swear to the identity of anyone who actually pushed him. He was pushed back with the object of preventing him interfering any further with Grogan.

After the flogging the boys were cut loose; there was cheering on the part of crowd. They appeared to be cheering the men who had done the flogging.

I heard there was going to be flogging of natives for assaulting white women, and that is why I came. There was a rumour to this effect. Neither of the accused told me anything about the matter.

Low cross-examines:—

Q. You heard cheering. They may have been cheering for the King?—I think they were cheering the men who had done the flogging, I was.

Fichat cross-examines:—

Q. After the affair was over did you hear a rumour that Mr. Ferrier stood with a rifle against the Town Magistrate's chest?  
—No.

Combe re-examines:—

Q. If you had heard such a rumour would you have believed it?—If informed by any credible witness I should have believed it.

No more questions from either accused.

By Court:—

I heard no other rumour regarding the reason why these natives were to be flogged besides the one to the effect that they have assaulted white women.

No questions.

Read over; correct. H. O. DOLBEY.

DAVID OWEN ROBERTS, European, trader, Nairobi, sworn, states:—

I was present on March 14th when three natives were flogged outside the Court House. I heard they were to be flogged for insulting two ladies.

I saw Smith in the crowd. He was next Grogan. I did not see him removed. I heard shouts of "Leave him alone!" addressed by the crowd to Smith. I understood the crowd were telling him not to interfere with Bowker or Grogan. The shouting was general. I heard nothing else said.

No questions from either accused.

Read over ; correct. H. O. DOLBEY.

Prosecutor's case.

Combe states does not press charge of rioting or for being armed.

Burn objects. States having been summoned for these offences which are triable by Court of Sessions. The case must necessarily go to Sessions.

Combe replies. Says Burn's argument is wrong in law.

H. O. DOLBEY.

I think case is governed by Section 209, Sub-section 1, but as Burn asks for time to consult and produce authorities, adjourn till 2 p.m. for that purpose.

H. O. DOLBEY.

Burn quotes Ramtahal Singh 5, W.R. Code 65 (1866), and Rupaga Bom. H.C. Criminal Rule, No. 33 of 21st May, 1888. I hold these cases have no bearing on the point. Emp. V. Parmanand 13 C.L.R. 375 (S.C.) appears to me to make quite clear the meaning of Section 209, Sub-section 1.

H. O. DOLBEY.

The accused all asked if they wish to recall any of the witnesses for the prosecution for cross-examination.

E. R. LOGAN (re-called). Cross-examined by Burn in reply to questions, answers :—

My clerk told me you were there, he did not say in the buildings.

I have never detected you in any unlawful proceedings before.

I think you, if called upon, would have been as likely as anybody about the Court on 14th March to have helped to prevent a breach of the peace.

I did not send for you to help me keep the peace, because I thought you were taking part in unlawful assembly. My reason for my opinion is based on the fact of your being present at the meeting.

I did not draw up a list of names of those present. I made a report which I submitted for the Commissioner. This report gave an account of what took place. I cannot give the names of all concerned. I don't think there were 20 names in this report—yours, I think, was one. One reason for my not calling on you to help me was because my clerk said you would not give him any information. I believed the assembly to be an unlawful assembly, and I practically told them so by saying that they were behaving illegally.

No more questions from either of the accused.

Read over ; correct. H. O. DOLBEY.



Captain SMITH (recalled), cross-examined by Burn, answers, in reply to questions :—

I did not call on anybody present to aid in suppressing a breach of the peace.

I was present when Logan was speaking. I did not hear anybody actually say the words, "unlawful assembly," or tell them to disperse in those very words. I did not see you myself. There were a number of people on the verandah.

None of the accused wish to ask any more questions.

Neither of the accused desire to have any of the witnesses back for the purpose of cross-examination.

Read over ; correct. H. O. DOLBEY.

The accused are called on to produce witnesses for their defence or on their behalf. H. O. DOLBEY.

W. A. BURN, one of the accused, examined by Court. Burn claims the right to be sworn—sworn accordingly.

Q. Were you present when the natives were flogged?—Yes.

Q. Were you a member of that assembly?—No, I had no connection with the proceedings at all.

Q. Do you repudiate this meeting altogether and say you had nothing at all to do with it?—Nothing at all; I was an onlooker.

Q. Is it true to say you were a sympathiser?—No, I was an onlooker.

Q. What object had you in being an onlooker?—To collect copy for a newspaper for which I contribute in London.

Q. Had you not been a newspaper correspondent you would not have gone?—No, I don't think I should. W. A. BURN.

Above is examination of the accused and his signature thereto. H. O. DOLBEY.

Burn calls as witness for defence RANALD DONALD, Inspector-General of Police, Nairobi, European, sworn, states, in answer to questions :—

I have had the investigation of this flogging affair, or partly. I have not had all the names of those concerned in this affair. Since it happened I have 10 or 12 names divulged to me.

Q. Did you instruct the Crown Advocate to represent that the persons now accused in this matter were the ringleaders?

Combe objects to question on ground that it is irrelevant.

Objections upheld. H. O. DOLBEY.

Witness proceeds :—

I have no other evidence against you beyond what has been produced in Court.

No more questions.

Read over ; correct. H. O. DOLBEY.

I am of opinion that the evidence against the accused Burn is too weak to justify the framing of any charge against him.

He, Burn, admits being present at this assembly. This explanation is that he was there as a reporter for the purpose of obtaining copy for a newspaper which he represents.

He denies that he had any part whatever in the proceedings, or that he was in sympathy with the meeting or its objects.

The only evidence against him is that he was present standing looking on on the Court verandah—(where as a pleader of the Court he had every right to be in ordinary circumstances)—when this assembly took place, and that he knew what the object of the meeting was.

Since he has on his oath repudiated any connection in this affair, I think his explanation of his presence is more or less satisfactory, and that he should be discharged.

The Crown Advocate not objecting

Order Burn to be discharged accordingly. H. O. DOLBEY.

Ernest William Low, asked by Court, states he has no witness to call on his defence. H. O. DOLBEY.

Ernest William Low, examined by Court :—

Q. Were you a member of this unlawful proceeding on the 14th?—Yes, I was present, but the proceeding was not unlawful.

Q. Were not natives flogged at the meeting?—Yes.

Q. Were you there?—I was standing on the verandah of the Town Hall.

Q. Did you belong to the meeting?—Yes, I presume everyone did.

Q. Why were you there?—I am the editor or proprietor of the *Star* and a newspaper correspondent ; I went there as a spectator, and my object was simply to report what occurred as matters of public interest. ERNEST LOW.

Above is the examination of the accused Low and his signature thereto.

Accused Bowker has no witness to call. H. O. DOLBEY.

Accused Grogan does not wish to call his witness at this stage. H. O. DOLBEY.

Captain Gray does not wish to call any witnesses.

H. O. DOLBEY.

Adjourn till to-morrow.

H. O. DOLBEY.

March 27, 1907.

Captain Fichat does not wish to call any witnesses.

H. O. DOLBEY.

Mr. Bowker does not wish to call witnesses, but hands in written statement (produced).

H. O. DOLBEY.

After carefully considering the evidence in this enquiry I have come to the conclusion that this case is not a case for commitment to Sessions. There is no evidence that either of the accused was armed with a deadly weapon or at all, and, therefore, the offence under Section 144, I.P.C., falls to the ground.

Neither, to my mind, is there sufficient evidence of rioting to justify the case being sent before a jury, Section 147, I.P.C.

With regard to the assault upon Captain Smith, a public servant, as such, the evidence is very weak.

From the evidence before me (including Captain Smith's) I have no doubt that a technical assault upon a police officer, that is, upon Smith, did in fact take place, but I do not think that the assault can be called more than technical.

From the evidence of Smith himself it appears to me that he never made any serious endeavour to exert his full authority.

Smith himself states that on discovering this assembly was intent upon its purposes he made no further effort to restore order than the one ineffective attempt to get into the centre of the meeting which he has described in his evidence.

He has stated that on making the discovery above referred to, he went away.

Had he been ill-treated, or had he exerted his authority to its full and insisted, so far as his power enabled him, on the meeting dispersing, or had he in the name of the law called on anyone to assist him in restoring order, the case would have been very different. None of these things appear to have been done, and, in the circumstances, I don't think the evidence of resisting a police officer, as such, in the execution of his duty (353 I.P.C.) is sufficiently strong as to make it probable that a jury would convict. Consequently, nothing remains for consideration in this enquiry except the charge, as outlined in the summonses, against the accused of being members of an unlawful assembly in contravention of Section 143 of the Penal Code. That offence is triable by me as a first-class Magistrate, and since I am invested with this power, I assume I am intended to use it unless a good reason appears to the contrary.

I have followed the procedure as set out in Section 209 of the Criminal Procedure Code with regard to this enquiry, and I now come to that part of the section which states that if at this stage it appears to the Magistrate that the case is not one for Sessions, but rather one which should be tried by himself, he shall proceed accordingly. No proceeding under Section 143, I.P.C., in a summons case.

I, therefore, proceed to try, as a summons case, the charge made against the accused of being members of an unlawful assembly under that section.

H. O. DOLBEY.

March 27, 1907.

Accused—Grogan, Bowker, Fichat, and Low, summoned for being members of an unlawful assembly under Section 143, that is, of being members—as defined by Section 142, I.P.C.—of an assembly of five or more persons, the common object of such assembly being the commission of an offence within the meaning of Section 141, I.P.C.

Particulars of offence stated and explained to accused in accordance with Section 242, Criminal Procedure Code.

H. O. DOLBEY.

Bowker hands in statement—has nothing to add to it.

H. O. DOLBEY.

Allen, for Grogan, pleads “not guilty.”

H. O. DOLBEY.

Gray pleads “not guilty.”

H. O. DOLBEY.

Low pleads “not guilty.”

H. O. DOLBEY.

Fichat pleads “not guilty.”

H. O. DOLBEY.

Combe states, evidence for the prosecution being before the Court—does not propose to call further evidence—states accused should show cause why they should not be convicted.

Allen agrees—no objections.

H. O. DOLBEY.

I think the accused should have the opportunity of cross-examining the prosecution witnesses now they know the specific offence which is alleged against them.

Neither of the accused wishes to cross-examine any of the witnesses for the prosecution.

H. O. DOLBEY.

Bowker, in reply to question from Court, says, “I have no other evidence to call nor evidence to give other than that sustained in my statement.” Above is full and correct account of accused statement made in my presence.

H. O. DOLBEY.

Fichat states Crown have failed to prove that he went to an unlawful assembly with intent to commit any offence. There is no case to be defended.

Combe—Crown had to prove that there was an unlawful assembly and that Fichat was a member of it.

I hold there is a case made out for Mr. Fichat to answer.

H. O. DOLBEY.

I asked the five accused if they have any statements they wish to make.

H. O. DOLBEY.

#### STATEMENT OF RUSSELL BOWKER.

I was present at the flogging on the 14th instant and flogged one of the boys myself.

I did so because I was told by two of my most reliable and best friends, Messrs. Grogan and Fichat, that the boys had insulted white women. Neither of them said anything which gave me the impression that any indecent assault of any sort or kind had taken place.

As it has always been the first principle with me to flog a nigger on sight who insults a white woman, I felt it my bounden duty to take the step I did, and that in a public place as a warning to the natives.

I have lived for 50 years, and ever among native races, and I have always found that where natives are treated with laxity, they become insolent, and when insolent to white women they go further and attempt to commit graver crimes.

If I have done wrong, it was done with the best intention.

W. RUSSELL BOWKER.

Above is statement handed in by accused Bowker and read out by me.

H. O. DOLBEY.

Ernest Low : The substance of the charge is that the common object of the assembly must be illegal. The Crown has not produced evidence of that. I therefore have no case to answer.

H. O. DOLBEY.

Combe : There is ample evidence of the common object of this assembly.

H. O. DOLBEY.

I hold that Low has a *prima facie* case to answer.

H. O. DOLBEY.

Low objects to statement made by Magistrate in his examination of Low in preliminary enquiry, and feels he is prejudiced thereby. The Magistrate's question was "How do you explain your presence in this unlawful assembly?" objecting to that term "unlawful" as at that point if the assembly had not been held to have been "unlawful."

It is pointed out to Low that it is still open to him to prove that the assembly was not an unlawful one. In reply to

Combe, Low states he understands that from Magistrate's statement he is not now prejudiced, and further says nothing in his objection is to be taken as an objection to the Magistrate trying the case.

H. O. DOLBEY.

ERNEST Low demands to give sworn evidence in own defence. Newspaper proprietor, European, Nairobi, accused, sworn, states :—

I am proprietor of the *Star* and correspondent for several London papers. On morning of March 14th, at 8.45 a.m., I met Fichat, who is a personal friend of mine, in Government Road slightly below his office.

He said that Grogan was going to flog three natives for having insulted two ladies. I have ascertained since who the ladies were, but I am not certain whether any definite statement of the identity was made at this time.

I went with Fichat and met Sanderson. I spoke to Sanderson while Fichat walked on a bit. I told Sanderson what Fichat had told me about Grogan's flogging. Fichat and I went down Government Road and saw Newland. He was on a bicycle. We hailed him ; he dismounted, and Fichat went up and spoke to him while I walked along the footpath.

I did not hear what Newland and Fichat were saying. Fichat then rejoined me a minute later. He and I remained together up till the beginning of the gathering. While on the verandah of the Town Hall, at the time of the assembly outside, I saw Fichat sitting on the steps. I think he remained there all the time.

Before the gathering took place I did not hear any one state that they had been led to believe there had been an indecent assault. Many people seemed to labour under that delusion afterwards, from what I myself heard. I took no part in the proceedings. I was, as the only witness for the prosecution who had anything to say upon the subject stated, a mere spectator. I was present as a newspaper correspondent. Within half an hour or so of the break up of the assembly I sent a cable to a London daily newspaper.

I was never aware at any time during the proceedings that I was a member of an unlawful assembly. I heard Logan in witness box declare he addressed assembly in loud voice. I deny he spoke in a loud voice at all. What he may have said it was impossible for anyone to hear who was not close to him to say. I was not more than two or three yards away when he spoke. I couldn't swear to anything he said ; he spoke in an indistinct manner. To my mind he was obviously addressing Captain Grogan. It was quite out of the question that the people

at the confusion of the assembly could have heard him. He was evidently in a state of intense agitation, and to my mind did not appear to understand what was happening.

Cross-examined by Combe :

It was about 8.45 when I first heard Grogan was going to beat some boys. I told Sanderson and possibly a lot of other people that this was to take place. Fichat told me.

I heard it was going to happen in the centre of the town somewhere.

I don't know who it was who told me this. I don't think it was Fichat. I followed Grogan down about 10 to 15 yards behind him. I could not say what I should have done if Logan had asked me to go away.

I did not know an unlawful act was going to take place.

I knew Grogan was going to flog a boy.

I did not know that was unlawful ; I am not learned in the law.

I went to the meeting as a newspaper correspondent and as a private citizen. I did not go there solely to get copy.

Cross-examined by Allen :

Q. You told Sanderson about the matter ; so whatever impression Sanderson had of the matter must have come to him from you or Fichat ?—I don't know ; he may have got his impressions elsewhere.

Q. Did the information seem to be new to him when you imparted it ?—I don't remember.

Q. You and Fichat saw Newland passing a few minutes later ?  
—Yes.

ERNEST LOW.

Signatures of witness : H. O. D.

Above is full and correct account of Low's evidence given in my presence and hearing.

H. O. DOLBEY.

Low has no witnesses to call.

H. O. DOLBEY.

SYDNEY FICHAT, estate agent, European, Nairobi, an accused, demands to give sworn evidence, sworn, states :—

Grogan told me on March 13th in the evening that he was going to beat three boys for insulting his sister and a lady friend.

He did not know at that time if he could get the boys, but he asked me to go over to his house the next morning and I would get more information. I went over the next morning at breakfast time. I saw Grogan and we discussed the matter. Grogan went outside the house and came back and said, "It's all right ; the boys are here." Just before leaving Grogan told me his

idea was to take the boys down to T. A. Wood's premises in Nairobi and give them a hiding there. Mr. Wood is an auctioneer, and his premises are just below the Grand Hotel. I suggested to him the large open space between my premises and the blacksmith's shop. There was no mention of our specially coming to the Court House.

I then left him—it would then be about 8.30 a.m.—and rode down to my office. I told people that Grogan was going to beat some natives for insulting ladies. I told Low, Winealls, Longworth, and several others.

I saw Low, and remained with him practically the whole time until the assembly congregated.

We met Sanderson and Low ; told Sanderson about the proposed flogging (though I did not hear exactly what passed), and I walked on. Presently they overtook me, and I told Sanderson what had happened some months ago to a personal member of my family in connection with the indecent behaviour of natives towards white women. Sanderson then said something about the boys should properly be brought to Court and not beaten.

Newland then passed us on his bicycle. I went up to him and I told him what I had told others, that Grogan was going to beat some boys for insulting his sister-in-law and a lady friend. I told him also of the incident that had happened to a member of my family. I never met Newland outside Mrs. Elliott's tea-rooms that morning. I was near the blacksmith's shop, and there met Grogan (about 10 a.m.) coming up the street with, I think, Bowker with him and the three native boys.

The boys were bound, their hands were, and were being led by another boy. They were brought here opposite the Court, and there beaten. I sat on the steps and watched the proceedings from start to finish. I heard the conversation that took place between Logan and Grogan. I never heard Logan say, "Gentlemen, you are committing an illegal act." I heard conversation between them, and heard Grogan say, "I am going to beat them." Logan said, "What for?" And Grogan replied, "Because I want to." Grogan followed this up by saying, "Because they insulted my sister and another lady," and heard him say just after this apparently to the crowd, "I want no interference ; there is no indecency in this." The flogging took place, and the crowd immediately started to disperse. I started off as soon as I could, as I was in a hurry to send off a newspaper telegram to the coast, and also because I had a committee meeting of the Colonists' Association also that morning at 10.

As I started off I met Schwartzel, who spoke to me, and then, for the first time, I saw Allen. He asked me a question which passed out of my recollection, as next morning I had



forgotten it. I deny I ever mentioned Mrs. Bowker's name to him, or that it was in the dark, or that three boys came down out of the bush and held the rickshaw up. I also deny that I recounted the same thing that I was alleged to have told to some other people who came up then, as Mr. Allen states.

Few days after I did meet Allen, and told him, in order to illustrate how people exaggerate matters, a story I had heard other people say in connection with the conduct of these natives.

I saw Gray in the street either just before or after the assembly, and he mentioned to me that he had heard that these women had been seriously assaulted, and mentioned what ought to be done to the boys. I told him it was nothing of the kind, and told him that the women had been insulted.

Either Allen has confounded the different stories, or he has given vent to the animus that has existed between us for the last eighteen months.

Cross-examined by Combe :

It was about six or half-past that I saw Grogan on March 13th.

It was then he told me he thought he would give the boys a public hiding. I did not persuade him not to do this. I would not attempt to reason with Grogan when he has made up his mind.

I am a personal friend of Grogan. I did not deter him this, because I did not then think it would hurt him.

I agreed with him in thinking it was a proper thing to do.

We did not discuss where the flogging should take place then. I told no one that night.

Grogan and I discussed the matter next morning at his house.

It was next morning that Grogan said he thought he would go to Wood's.

The Colonists' Association also meets at Wood's sometimes.

I suggested the flogging should take place elsewhere.

Grogan did not tell me to tell other people about this flogging.

I told Longworth, Low, and Winealls, as far as I remember, what actually had happened to the ladies ; I told others they had been insulted simply.

I was the first person in the town to know about this flogging.

I think 100 to 150 Europeans were present at the assembly.

I did not suggest to Newland that he should be present himself.

I did not think Newland was excited by what I told him.

I don't remember exactly if he said he would come or not.

I am certain I did not tell him that ladies had been seriously assaulted. I am not sure I did not tell him what actually transpired.

I admit I was present at the assembly.

I inwardly approved of this flogging, but by no outward signs.

I am sure that Grogan addressed the crowd when he said he wanted no interference. He meant that he was going to beat them himself and that the matter was his shauri.

I did make the remark in the Travellers' Club that the crowd got together in a record time. I am not prepared to deny that I said I had got a crowd together in a record time.

No more questions.

H. O. DOLBEY.

Allen cross-examines :

Nobody did interfere with Grogan except Gray and Bowker, if you call that interference.

I saw nothing at the time which would have prevented the crowd interfering with Grogan had they so desired. There was no police or physical or natural barrier of any sort, which would have prevented the crowd flogging the boys, had they so desired, except Grogan's request. Captain Smith was the one policeman present.

After the flogging some of the crowd called out: "Bring back the first boy, he has not had enough."

No further questions are desired to be asked this witness.

H. O. DOLBEY.

S. FICHAT.

Above is a full and correct account of accused's evidence given in my presence and hearing, and signed by accused.

H. O. DOLBEY.

Captain Fichat does not desire to call any witnesses.

H. O. DOLBEY.

Captain Gray does not wish to give evidence on his own behalf, but wishes to make this statement.

"In my opinion I do not think this was an unlawful assembly, and considering what the natives had done, everything that happened was correct. I have served the Government for ten years and have been through six campaigns. Had I thought this an unlawful assembly I would have gone away and done it to the natives somewhere else. I think any white man with any decency at all would have done likewise. I am Justice of the Peace for the Eastern Transvaal and the Natal Colonies.

T. GRAY.

Above is full and correct account of accused (Gray's) statement made in my presence and hearing and signed by accused.

H. O. DOLBEY.

EWART SCOTT GROGAN, settler resident at Nairobi, accused, demands to give evidence on oath, sworn, states :—

I have large interests in this country. I am a member of the Municipal Committee appointed by the Government, and President of the Colonists' Association and a Visiting Justice to Nairobi Gaol.

On March 13th I received a communication as to the conduct of some of my rickshaw boys. In consequence I went to try and find the boys; I was at the time gardening. I was extremely angry at what I had heard. My first idea was to seize them, but on reflection I went to my headman and my syce. I found they had both gone away—it was rather late, about 5.45 p.m. When I came back I found the gharri boys had gone also. I was angry and unwell, and walked halfway to my brother-in-law's house intending to discuss the matter with him. I changed my mind as to this since no purpose would be served by this discussion, since he would be as angry as myself over the matter, and went and saw Fichat, another neighbour of mine instead. I found him at home and said: "Fichat, I am very angry." He asked "What is the matter now, is it the Land Office again?" I said "No, more serious." I explained to him what had happened, and we discussed matters connected with natives generally for some time, and he told me of a case of native insolent conduct towards a member of his own family, which had moved him very much.

I think he then asked me what I proposed to do. I am not sure if I then said I meant to flog the boys in public, it was very probable; but at that time I was not sure whether I could catch these boys, as I thought it quite likely they would not come back.

I asked him to come over in the morning on his way into town.

The following morning he came in while I was having breakfast. There was a certain amount of desultory conversation connected with this subject.

After breakfast I went outside and got my headman and syce, and finding the gharri boys had returned, I collected them, tied their hands behind their backs, and put them into a shed. I went back into the house and told Fichat I had caught the boys, and I think I told him then I would beat them in public definitely.

(I remember in discussing this matter with Fichat the night

before that he, to the best of my belief, made some remarks to the effect that if I did beat these boys I should get into trouble, but I only have a hazy recollection of this.) This decision I arrived at without any encouragement from Fichat. It was purely my own idea and my own decision.

It would then have been a quarter to nine—Fichat about this time went away.

At or about 9.45 I came into town. I brought the three natives in with me in charge of three other natives, a Masai, Mkamba and Mkavirondo. I selected different tribes so as to let the news circulate among different tribes. I came down the main road, past the police station, and into the main street. I was still undecided where to have this flogging. I first thought of the police station, then thought the Collector's Office, but changed my mind and went down the street with the intention of having the scene near Mr. Wood's office. When I got there I saw a number of people coming towards me from different directions, so I brought them down to the front of the Court House and drifted into the enclosure. Logan came out and stood on the top of the steps. He called out to Bowker, who did not hear him, he then turned to me and said: "Captain Grogan, what are you doing?" I replied, "I am going to beat these boys"; he said, "Why"; I replied, "Because I want to." He then said, "But what for"; I replied, "For insulting my sister and a lady friend." I think I gave some particulars; I am not sure now whether I did or not. At this period a noise started, and it was very difficult to hear. I understood him to say words to the effect that this was not the proper procedure, that I ought instead to take them before the proper authorities and lay a charge. I said: "I was sick of being made a fool of and this was a matter I dare not trust to the authorities." There was a great noise at this time. There were three or four more passages between Logan and myself, and then Logan turned his head away from me and spoke to the crowd, and I forget his words, but he prefaced them with "Gentlemen," and said something about not taking the law into our own hands. At this time there was very considerable noise. He then went away and Captain Smith came up.

I soon after saw the crowd was getting very angry, and I could see that something unforeseen might occur, so I spoke thrice to the crowd, and said I did not want any interference of any sort or kind.

I also asked crowd to give me their word that after I had done with these natives they would not do anything more to them.

A chorus of consent followed.

The words I used to the crowd were: "Will you promise me

that when I have done with these natives you will not touch them or do anything to them?" There was a general shout of "Yes, promise."

I then asked if there was anybody present who could speak Kikuyu, and a man stepped out, whom I since know to be Mr. Cowlie, and I got him to interpret to these natives again what I was doing and why I was doing it, and told them to tell their own fellow natives that white men would not stand any impertinence to their women-folk.

Mr. Cowlie, presumably, interpreted this. I then gave one of the boys 25 lashes. When I finished the kiboko I used was pulled out of my hand, the crowd closed in around me, and I did not see what followed. I waited to see the natives brought out, and when the crowd dispersed and I knew there was no more risk of trouble, I told the boys to go off home. I then went to the Travellers' Club, and went from there to T. A. Wood's to attend a meeting, for which I had come down into town. My object in flogging natives in public was because I have noticed my own natives becoming unruly owing to the impossibility (in a great majority of cases) of getting a conviction against them in a Court, or to the inadequacy of punishment if convicted. I look upon the safety of one's women-folk as a matter of such paramount importance that I do not consider I am justified as a family man in leaving such a matter to the mercy of the vagaries of the law and the application thereof. I wished natives to understand, and it should be generally understood, that any action of that nature involves a far greater risk than a dose of horse-tooth mealies or a mild suggestion not to do it again.

My chief reason was to provide an example to the natives. To let the authorities know of the discontent which I felt in this matter was also in my mind. There was nothing in my action in the least personal to the Magistrate, who I know has no jurisdiction over natives, and that therefore there would be no point in making it personal to the Magistrate.

Adjourn till to-morrow.

March 28, 1907.

Cross-examined by Combe :—

Fichat came to see me on the 14th at my house at my request.

I had not finally made up my mind to flog the boys in public till the morning of March 14th.

I probably told Fichat to come over because I thought I might require his assistance to catch these boys.

I did not tell anybody on the 13th that I was going to flog these boys.

I told my brother-in-law the next morning of my intention, but no one else : this was on my way down to town ; he overlooked [? overtook] me on the road.

I caused no one else to be informed.

I am still surprised that so many Europeans should have turned up.

I thought it quite possible that news of this affair would get about, though I did not think about the matter very much at the time.

I did not think at all about the probability of Fichat's talking of it.

I should not have wished it to get about. The result, that is to say that so many people turned up, was probable in the circumstances.

When I said I "drifted" to the Court, I mean the unconscious movement of the crowd which I accompanied.

They did not follow me, a large number preceded me.

I came to the space in front of the Court deliberately ; I was not forced.

To my knowledge there has been no case brought before any Magistrate in this Protectorate in which a native has been brought up for assaulting white women.

The boys were deliberately impertinent. I did not ask these boys for any explanation before I flogged them. I told them simply why I was going to beat them, I did not ask them if they had anything to say.

I would not anyhow take the word of a native against that of a white lady.

I did not think it necessary to ask a lawyer if these boys could be legally punished ; I was trained in the law myself.

They did not deny it when I told them what I was going to beat them for. At that time I had made up my mind to flog them publicly ; nothing they could have said would have altered my mind, for I don't admit of any explanation for a native's being impertinent to a lady. I deemed it necessary to ask the crowd not to touch the boys after I had finished with them from an idea I had of the demeanour of the crowd.

Their demeanour might have been very likely based on a wrong impression of what had occurred.

No more questions.

Allen does not wish to re-examine.

EWART S. GROGAN.

Above is full and correct account of the accused's evidence given in my presence and hearing, and signed by the witness.

H. O. DOLBEY.

Allen has no more witnesses to call.

H. O. DOLBEY.

Combe on the case :—

Facts are not in dispute.

Questions are whether there was unlawful assembly and if the accused were there.

Unlawful assembly conclusive.

Nos. 2-5. Three participants in flogging. Low and Fichat who helped to collect crowd. All helped by hustling Smith.

Common object of crowd to witness or assist in flogging.

Grogan : Deliberate and intentional defied the law—leading person in country—admits flogging. Admits what occurred was the probable result of the act.

Fichat assisted Grogan. He quite approved of Grogan's pre-meditated act. Done his best to collect a big assembly ; succeeds. Must have known that crowd would come to witness flogging. Admits membership of meeting.

Bowker : Active part. Flogged one of the boys. Bowker evidently didn't ask or care whether boys were asked for any explanation or had an opportunity of making any defence.

Gray : Also active part. No defence. Willing to come forward like Bowker to flog any native for anything, apparently.

Low : Present. One purpose may have been newspaper work. He admits that was not his only object. *Vide* comment in Low's (Exhibit A) newspaper. Shows his approval. States in his paper the act of flogging untried and unheard natives, supreme law people, and law that has come to stay. Shows his sympathy with meeting.

Generally, the offence of taking law is very grave, cannot be overlooked.

Replies of accused :—

Bowker does not wish to address the Court in his defence.

H. O. DOLBEY.

Low addresses Court in his own defence. Irrelevant matter introduced by Crown Advocate.

Not charged with inciting people, so our statements to people that flogging would take place is irrelevant. Also not charged with seditious writing, therefore my newspaper not relevant. As paper has been introduced, will read other parts of paper.

The leading article voices the opinion of the paper.

No illegal act till the flogging of natives has by legal authority, *i.e.*, Court, been proved to be illegal. Crown Advocate has presumed illegality. Therefore, no unlawful assembly. (Illustration of Low's) stump orator, who says, "Down with the King"—does that make crowd who heard him

guilty of an offence? One of the two witnesses who saw me (Low) at meeting describes me as mere spectator.

Sanderson and Logan were spectators just as I was. As a newspaper reporter I do not join an unlawful assembly by standing at a distance for the purpose of reporting the proceedings.

Fichat addressed Court in own defence. Maintains, like Low, that flogging the natives has yet to be proved an offence.

Also must be five convictions, as five is necessary number to form an unlawful assembly. H. O. DOLBEY.

Captain Gray addressed Court in own defence.

Associates his opinion with those already expressed by Low and Fichat. Nothing to say. H. O. DOLBEY.

Allen (for Grogan) addressed Court :—

Client charged simply under Section 143. Case not nearly so serious now as at the time.

No unlawful assembly, as there were not five persons with common object. None of the crowd were other than spectators.

The object of three was to flog natives, of the rest to look on.

H. O. DOLBEY.

Judgment to be delivered on Tuesday, April 2nd, 1907.

H. O. DOLBEY.

#### JUDGMENT.

April 2, 1907.

In this case the accused Grogan, Bowker, Gray, Fichat, and Low, are summoned for being members of an unlawful assembly under paragraph 143, I.P.C.

Section 141 states that any assembly of five or more persons having as its common object the commission of an offence is an unlawful assembly.

The term "offence" for the purposes of this section is defined by paragraph 40 of Chapter II. of the Penal Code as being any offence punishable under the code or under any special or general law with imprisonment for a term of six months or upwards.

Section 142 states "Whoever being aware of facts which render any assembly an unlawful assembly intentionally joins that assembly or continues in it is said to be a member of an unlawful assembly."

As the facts in this case can hardly be said to be in dispute, it is unnecessary for me to do more than briefly restate them.

On March 13th Grogan, in consequence of information which he states he received regarding the conduct of three of his



gharri-boys, conceives the idea of flogging them in public. On the evening of that day, and the morning of the next, he consults with Fichat on this subject, and while in Fichat's company definitely decided upon this course of action. On this Fichat circulates the news of this decision throughout the town about an hour before the act is to take place by informing a variety of people whom he meets.

In the circulation of this news the evidence shows he is assisted by Low.

About 10 o'clock in the morning of this day (*i.e.*, 14th March), Grogan brings these three natives into the town. On his arrival he is met by a large crowd of Europeans, estimated in number from 50 to 250, who have assembled to witness the flogging in consequence of the announcement which Fichat circulated. The boys are taken in front of the Court House, the crowd accompanying them.

On arrival there they are met by Logan, the Town Magistrate, who asks the meaning of this assembly, and on being informed, warns the crowd of the illegality of their proposed action.

In spite of this warning, and in spite also of the efforts of Smith, of the police, to prevent it, the flogging takes place, the actual men to do the flogging being Grogan, Bowker, and Gray, who each flog one of the natives.

It is this flogging that constitutes the offence which is the essence of the unlawful assembly, the substance of this charge, and I find that this offence is punishable under paragraph 323 of the Code with imprisonment for one year. Thus, with regard to the nature of the offence the requirements of paragraph 141 of I.P.C. are fulfilled.

With regard to the other requirements of that section, it is necessary that there should be at least five persons present at that assembly with the common object of committing the offence to which I have referred.

Allen has argued that there were not five persons in fact present whose object it was to flog these natives; that at most there were only three with that object; and that the common object of the remainder of that assembly was merely to look on.

I do not think there is very much in that contention. With regard to Grogan, Bowker, and Gray, their acts make it obvious what their object was. Fichat was present with Grogan when the decision to flog these natives was arrived at. He admits he approved of the idea. He made no effort to dissuade Grogan, who apparently originated the scheme. He states he made suggestions as to where the flogging should take place, and finally he collected the crowd who assembled. By this series of

acts I find the accused, Fichat, has been guilty of abetment by instigation (Section 107, I.P.C.). Abetment of this nature may be either direct or indirect. It is sufficient if the abettor counsels an offence, or if he evinces an express liking, approbation, or assent to another design of committing an offence (Starling page 119). It is laid down that taking any active proceeding either in procuring, inciting, or in some other way encouraging the act done by the principal will bring a person accused of abetment within the section. Fichat, to my mind, has been clearly guilty of counselling Grogan in his design by the suggestion which he admits he made to Grogan during their discussions on March 13th and 14th with regard to the place where the flogging should take place. He also admits that he approved of the act and assented to it. It is also clear, in my mind, that by collecting a crowd to witness Grogan's commission of this act that he was thereby encouraging the act.

In the collection of this crowd Fichat was assisted by Low in these proceedings, and I consequently find Low encouraged the act done by Grogan, and is likewise guilty of abetment by instigation.

In law a person present abetting an offence is to be deemed to have committed that offence though, in fact, he does not do so any more than a principal in the second degree (Starling page 130). He is to be considered as a principal (Reg. & Shib. Chunder Mudle, Starling page 131). The punishment for both principal and abettor in the offence in question is the same, and I do not think that there is any distinction to be drawn between the common objects of Grogan, Bowker, Gray, and that of Fichat and Low.

I think there is complete evidence of the presence of the five persons necessary under the section without including the witness Newland who, in his evidence, stated that he attended the meeting for the purpose of taking part in the object which it possessed.

But, however this may be, assuming for an instant that this meeting was a lawful assembly at its commencement, there cannot be much doubt but that it subsequently became an unlawful one.

After the illegality of its object had been stated to the assembly by Logan, the Town Magistrate, the crowd still remained, and actively assisted Grogan, Bowker, and Gray in the prosecution of their purpose by forcibly preventing any interference by Captain Smith, the police officer, when he attempted to intervene. They cheered these three men at the close of the proceedings, and further evidence as to their intention is disclosed by the fact that Grogan himself found it

necessary to extract promises from them that they would not molest these three men when he had finished with them.

They all became abettors of the offence, and since the lowest computation of their number is almost fifty, I have come to the conclusion that the assembly was an unlawful assembly within the meaning of Section 141, and find accordingly.

Having come to this conclusion, and also to the conclusion that those of the accused who are not guilty as principals in this affair are guilty as abettors, it necessarily follows, since they were all admittedly present at this meeting, that they were members of this unlawful assembly within the meaning of Section 142.

I will, however, leave for the moment the question as to the degree of criminality attaching to each of the accused as such members, and return to it later.

The next point for consideration is the magnitude of the offence, the commission of which formed the object of this meeting.

From first to last it appears to me that out of all the people present assisting at the flogging of these men, there was no one of that number who ever took the trouble to satisfy himself as to whether these natives had ever done anything deserving of punishment at all. There was no trial of any sort nor any form or pretence of trial. These boys were neither asked whether they had any defence or explanation to give, nor does it appear that they ever had any opportunity of making one. Grogan, who ordered the flogging, has himself stated that no plea or defence which they might have made would have diverted him from his purpose.

This is a very unpleasant feature in the case, and I consider that of its class this offence is about as bad as it can be. Yet, in my opinion, it is further aggravated by the fact that the place selected for this unlawful act was directly in front of the Court House.

It has been stated in defence that this selection was not a matter of pre-arranged choice, but the fact remains that this situation was chosen and continued on after the Town Magistrate had made his protest to the crowd to desist from their purpose.

In face of these facts I am compelled to take a serious view of the offence, and with regard to their respective participation in it, I will first deal with the cases of the accused, Fichat and Low.

For reasons that I had already stated I find Fichat was an abettor of this flogging, in fact, the most active abettor.

I think the words he is stated to have used in the Travellers'

Club, and which he has not denied, to the effect that he had got together a crowd in a record time, give the best indication of the part he has played in this affair.

As regards Low—since I have already found him to be a member of this unlawful assembly and an abettor of the offence committed by it, I need not go at any length into his defence whereby he pleads that he was a newspaper reporter present to make a report of the proceedings. He admits in cross-examination that this was not his only object.

The evidence shows he assisted Fichat in the collection of this record crowd which directly encouraged the commission of the offence, but I do not think he was an abettor to as large an extent as Fichat.

I sentence Fichat to 14 days' and Low to 7 days' simple imprisonment.

With regard to the accused, Bowker and Gray, they were members of this unlawful assembly who each took an active part in the flogging. The statement put in by Bowker is no defence at all to the charge against him, and the points raised by Gray in the statement made by him to the Court have already been dealt with in this judgment.

I convict them both, and sentence each to 14 days' simple imprisonment, and (each) to pay a fine of Rs. 250, in default 14 days' simple imprisonment additional. The worst case of all is that of E. S. Grogan, who originated the whole affair. I have been careful in considering his defence to weigh the reasons for his actions which he has put forward, but I cannot find any justification of any sort or kind which can be urged on his behalf.

Owing to the position which he occupied he was a man to whom the Government ought, with reasonable expectation of success, to have been able to look for assistance in the keeping of law and order. In fact, from the evidence in this case, it is clear that he has used his influence toward the commission of a most lawless act in open and premeditated defiance of the authorities.

Having regard to the circumstances I do not see what other constructions can be placed upon his actions.

I cannot find the slightest foundation, in fact, for his statement that the offence which he alleges these natives to have committed constituted a matter of such paramount importance that, having at heart the safety of his women folk, he dare not trust this matter to be dealt with by what he describes as the vagaries of the law and the application thereof.

On his own showing the safety of his women folk was never involved—at most these natives had only been guilty of impertinence—and on his own admission he has no recollection of any case ever being brought before the Courts of this Protectorate

in which natives have been charged with indecent conduct to white women.

But I should add that, to my mind, there is nothing more calculated to set a bad example not only to natives but to others also than exhibitions of lawlessness of the kind of which Grogan himself has been guilty.

The order of this Court is that he be imprisoned for one month simple imprisonment, and pay a fine of Rs. 500, in default one month simple imprisonment additional.

Convictions and sentences under Section 143, I.P.C.

H. O. DOLBEY.

Enclosure 2 in No. 8.

*"The Times of East Africa," Saturday, April 6th, 1907.*

THE BEGINNING OF THE END.

To say that the judgment given on Tuesday came to one and all as an oppressive shock is to state the facts mildly. From a comedy has emerged tragedy, and of no mild type. The law has been outraged and the culprits must pay the price. But how have our all-wise and all-seeing ruling powers decreed that the penalty shall be enacted? By the degradation of imprisonment without option of fine or appeal, the degradation of incarceration in a common gaol full of the vilest scum of our Indian and native population! The daily subject of the jeering scrutiny of the fellow brutes of those whose insults to our womenkind led to the climax which now occupies all our minds!! The triumphant ridicule of the negro from Mombasa to the Lake and to the extreme limits of Kenia!!! Such is the just and wisely-decreed ordeal that our five fellow-townsmen are condemned to undergo. And all for what? Because, to go to the root of matters, three men stood up publicly to punish an insult to white women and two others who have dared in the past to lift their voice in condemnation of the puerile and inefficient administration which we have suffered were present to see the act performed. True, the charge was that of being present at an unlawful assembly. What in itself was that? Nothing but an assembly to mete out due reparation to offenders whom it was felt the law would inadequately deal with. But granted that the punishment is awarded for the breach of the law aforesaid and that the Government and the Europeans in this dependency recognise it simply and solely in this light, that is not where the colossal error has been made. The only question with which we have to deal is "What will the native think?" Does the Government delude itself and want to induce us to believe that our black hordes will take this simple view? No greater mistake was ever made.

Not a single native but will conclude inevitably that five Europeans have been sent to gaol because they lifted their hands to punish an offence by natives against white women. Not a single black but will decide that he can do no wrong which will entail punishment at the hands of the law whether it be mere insult to our women or worse. Argue as much as you like, you who administer justice according to the creed of Exeter Hall and those enlightened statesmen who wished to preclude Natal's just retribution on black offenders. An ineradicable impression has been made on the native mind, an impression that cannot fail to bear fruit. A day will most surely come when those responsible for this gigantic folly will be forced to recognise the peril which their act has generated.

The majesty of the law must be upheld. Rightly! But would not the law have been adequately satisfied with the imposition of a fine? Never, we believe, has the prestige of our race been dragged so low as those responsible for the maintenance of that prestige have dragged it now. They have meted out punishment not to *five* men but to the whole of the white inhabitants of a territory who are absolutely at the mercy of teeming numbers of brutal savages. We hope they are satisfied.

#### MASS MEETING IN NAIROBI.

##### THE PEOPLE'S ANSWER TO THE VERDICT.

Immediately the verdict by the magistrate, on Tuesday morning last, in *Rex. v. Grogan and others* was pronounced, it was felt that only one course of lawful action was open to the public, and a mass meeting was arranged for 3 p.m. to protest against the frightful enormity in which the trial had terminated. The sentences were as follows:—

Captain E. S. Grogan, to one month simple imprisonment and pay a fine of Rs. 500.

W. R. Bowker and I. T. Gray, to 14 days' simple imprisonment and pay a fine of Rs. 250.

S. C. Fichat, 14 days' simple imprisonment.

E. W. Low, 7 days' simple imprisonment.

Judgment having been postponed for four days, a general rumour was current that inspiration had been sought from that centre of fanatical intolerance, the Colonial Office. To that fount of right and justice, then, it was determined to appeal.

Shortly after 3 p.m. about 150 settlers and business men met in Mr. T. A. Wood's auction room, and no time was lost in getting through the agenda. The meeting was extremely orderly and business-like, but the administration evidently imagined that their last hour was come, for almost the whole of

the white police were present. We noticed the Inspector-General of Police, the Deputy Inspector-General, and five inspectors. What fears were knocking at the hearts of our rulers? Had not the occasion precluded merriment, this great array of power would have furnished much cause for laughter.

Mr. W. A. Burn opened the meeting, the chair being taken by Mr. T. A. Wood. The first on the agenda was a resolution by Mr. Burn, seconded by Mr. Sergeant :—

“That this meeting desires to express to the Secretary of State its emphatic protest against the sentences of imprisonment passed upon Europeans to-day in the case *Rex v. Grogan* and others, which will convey to the native mind that they have been punished for flogging natives, and this meeting is of opinion that the policy of the Government in this case renders the presence of Europeans in this Protectorate practically untenable.” Carried unanimously.

Discussion was then invited, and an amendment suggested by Mr. Gulowsen to the effect that the words “and other matters” be deleted having met with general approval, the resolution thus altered was put to the meeting and carried with only one dissentient. We cannot congratulate Mr. Skellorn on the ill-judged and ignorant stand he took on this and the following resolutions. We trust that the stinging rebuke administered by Mr. Douglas and the firm attitude of the chairman have given him food for thought.

The Rev. P. A. Bennett followed with a resolution which, with the explanatory comments introducing it, met with a storm of hearty cheers. Mr. Bennett pointed out that he could not be accused of partisanship in preferring this motion. He was not a friend of Mr. Low nor did he hold with all that Mr. Low, as editor of the *Star*, published in his paper. This, however, was not a time to think of personal feelings. He viewed the matter from the standpoint of justice only and asked one and all to sink private differences, as he was doing, and give the resolution their fullest support. Mr. Phipps-Coles having seconded in a pithy little speech, the resolution which follows was put to the meeting and carried amid strong applause :—

“That this meeting wishes to offer its indignant and emphatic protest to the Secretary of State against the sentences of imprisonment, without the option of an appeal, passed upon Mr. E. Low, the editor of the *Star*, in the case *Rex v. Grogan* and others, as in the opinion of this meeting there was nothing in the evidence or in fact to justify his

selection from amongst the 150 other onlookers." Carried unanimously.

Mr. Douglas then rose to address the meeting preparatory to proposing a third resolution. In a few well-chosen words, which were clearly heard by all, he pointed out the dangers that must follow the action of the Government in the matter under discussion, and instanced the obstinacy and ignorance of the Administration in refusing to benefit by the dearly-bought experience of the Governments of the South African Colonies. He then put as a resolution :—

"That the several Governments of South Africa be approached to intercede against sentences of imprisonment without option against Messrs. Russell Bowker, Gray, Fichat, Grogan, and Low (all South Africans) for flogging natives publicly for insolence to white women." Carried unanimously.

This, being supported by Mr. Watkins in a forcible speech, was unanimously carried.

A motion by Mr. T. H. Howitt, seconded by Mr. H. Tarlton, was next preferred, which suffered a slight amendment before being put to the meeting. It read :—

"That a public subscription be raised to provide funds for costs of appealing and paying fines if necessary and cabling above resolutions." Carried unanimously.

Referring to this motion, Dr. Grice sensibly pointed out that, as it would take some little time to effect anything by cable, it would, perhaps, not be without result if a deputation were sent to ask the Acting Commissioner for amended conditions regarding the imprisonment of those committed to-day. The resolution read as follows :—

"That this meeting appoint a committee to approach the Acting Commissioner to ask for amended conditions regarding the imprisonment of Grogan and others committed to-day." Seconded by Mr. G. Evans. Carried unanimously.

The next resolution was proposed by Mr. F. Watkins and seconded by Mr. Burn :—

"That the preceding resolutions be forwarded to the Acting Commissioner with a request that they be cabled to the Secretary of State for the Colonies and that this meeting is prepared if necessary to provide funds for that purpose." Carried unanimously.

Mr. Howitt proposed, seconded by Mr. P. Coles :—

"That five gentlemen be elected to approach the Acting Commissioner." Carried.



The following gentlemen were elected :—Messrs. T. A. Wood, Douglas, Bayldon, Gulowsen, and Grice.

After a vote of thanks to the chairman, the meeting dispersed quietly.

No. 9. *The Secretary of State to the Acting Commissioner.*

(Sent 10.20 a.m., May 1, 1907.)

Telegram.

Referring to your dispatch, April 30, did natives receive serious injuries? What was exact nature of insult for which they were flogged?—ELGIN.

No. 10. *The Acting Commissioner to the Secretary of State.*

(Received 3.10 p.m., May 3, 1907.)

Telegram.

No. 68. Your Lordship's telegram of 1st May. Medical officer certifies that two of the natives received simple hurt and one severe hurt nearly amounting to grievous hurt. Last mentioned was in hospital for considerable period.

Exact nature of insult, according to statement of Miss Macdonell, one of two ladies said to have been insulted, was impertinence and shaking shafts of rickshaw.—JACKSON.

No. 11. *The Secretary of State to the Governor.*

Downing Street, June 18, 1907.

SIR,—I have the honour to acknowledge the receipt of Mr. Jackson's despatch of the 9th April, forwarding a report of the trial and conviction of Captain Grogan and Messrs. Bowker, Gray, Fichat, and Low, on charges arising out of the flogging of natives in Nairobi on 14th of March. I have also received Mr. Jackson's telegram of the 23rd of April, transmitting a message from the Colonists' Association complaining of the action of the local administration and of a statement reported to have been made by me in the House of Lords and asking that a Commission might be appointed to inquire into these and other alleged grievances.

2. The report shows that the offenders had a fair and full trial, and that there was little dispute as to the facts. The contention of the defendants—with the exception of Low, who claimed that he was a mere spectator—was that the flogging

was justified because the natives had been guilty of insulting white women ; *e.g.* the defendant Bowker expressed himself as follows :—"As it has always been the first principle with me to flog a nigger on sight who insults a white woman, I felt it my bounden duty to take the step I did, and that in a public place as a warning to the natives."

3. I fully appreciate the importance attached by the white settlers to the protection of their wives and families from insult or assault. But I have to point out that the law provides most severe penalties for such offences.

4. Natives charged with such offences would be tried by white magistrates and judges, who would not be inclined to be unduly lenient to offenders, particularly if the injured party were a white woman. But, as a matter of fact, it does not appear that any crimes of this nature have been brought before the Courts of the Protectorate, and it is accordingly impossible to plead delay or refusal of justice as a justification for the action of the defendants in the present case in taking the law into their own hands. Moreover, it appears from your telegram of the 3rd instant, that the insult alleged was of the most trivial character.

5. The place and the circumstances of the flogging—in front of the Court House and in spite of the protest of the Magistrate—make it clear that it was intended to be a deliberate defiance of settled order and government, and the offenders were fortunate in not being convicted on the more serious charges of riot and assault on a public officer. The conduct of the defendant Fichat, who appears from the evidence to have deliberately spread a report that white women had been seriously assaulted, well knowing it to be false, cannot be too strongly reprobated. No doubt many persons were thus led to take part in the assembly who would not have done so if the true facts had been known to them.

6. With regard to the telegraphic message from the Colonists' Association, I see no ground for saying that the prosecution of the offenders in this case was a political one, unless there is a party in Nairobi which advocates as a policy the indiscriminate flogging of natives for trivial offences without trial ; and the question whether many of the Europeans present at the flogging were armed or not does not materially affect the gravity of the offence committed. I see no reason, therefore, for appointing a Commission to enquire into the circumstances of the flogging,

Commission to enquire into the circumstances of the flogging, which are in other respects sufficiently established by the evidence given at the trial.

7. The fears of a native rising which induced some of those who took part in the flogging to demand arms and ammunition for their protection do not appear to have had any foundation. I am bound to observe, however, that the commission of such flagrant acts of lawlessness and injustice as those of which the defendants in this case have been found guilty is the surest way to provoke an outbreak. In the interests not only of the natives (constituting as they do an immense majority of the population) but also of the innocent white inhabitants, it is the duty of the Government to restrain and punish those who commit such acts, and you will be able, if necessary, to make use of the provisions of the East Africa Order in Council, 1902, which authorize the deportation of any person who conducts himself so as to be dangerous to peace and good order in East Africa.

I have, etc.

ELGIN.

## EXERCISE No. 7.

### THE NAVY ESTIMATES.

#### STATEMENT OF THE FIRST LORD.

The Estimates for 1908-9 amount to £32,319,500 as opposed to £31,419,500 for the current year.

A statement of the gross expenditure on the Naval Service has been placed at the beginning of the printed Estimates, which shows that although Parliament is asked to vote £900,000 more money this year than last, the total outlay for the year will stand at a figure of £13,984 only in excess of that for 1907-08.

It is an accepted axiom in the finance of the Navy that the governing factor is the provision for new construction, but for the next financial year a variety of unusual causes combine to create an actual increase in the cash provision which Parliament is asked to vote for the Navy, in spite of the fact that the new building programme put forward by the Admiralty is exceedingly modest.

In 1904-5 the Estimates stood at £36,889,000. The succeeding years have shown successive reductions of £3,500,000 in 1905-6, £1,520,000 in 1906-7, and £450,000 in 1907-8 (as I explained in my Statement last year, the reduction then was really £1,427,091, in consequence of the transfer of loan expenditure to the Works Vote).

In each of these years of falling Estimates the Admiralty were able to reduce the cash provision for stores by, on the average, £1,000,000—the figure last year being £1,241,800—owing to the large redundancy of stores created by the reforms in dockyard administration and by the redistribution of the Fleet, which were determined on and carried out by the late Board of Admiralty. Of these surplus stocks about half a million's worth still remain and will be exhausted during the coming year.

A fresh sum of some £700,000 has therefore to be provided to buy the balance of Naval stores required for 1908-9. By 1909-10, surplus stocks will have practically disappeared, and then the whole of the stores required for the Fleet will have to be provided for in cash by Parliament.

Apart from the cessation of the abnormally low cash provision for stores, there are certain items in the Estimates which show an increase, over which the Board of Admiralty have no control whatever. Improvements in pay granted in previous years increase the Pay Vote by £150,000; the Pension Votes are £70,000 higher; a sum of £300,000 has to be found to provide the balance of £500,000 for cooling the magazines on board His Majesty's ships—a service announced to the House of Commons in last year's Estimates Debate; the Cunard subsidy for the Lusitania and Mauretania stands now at the full amount of £150,000 per annum; prices have gone up, by £284,000 in coal alone; and the annuity in repayment of advances under the Naval Works Loan Acts now reaches the large sum of £1,264,000. In fact, Parliament and the Board are faced with automatic or uncontrollable increases which make any reduction of the total Estimates impracticable.

By strict economy the Admiralty have been able to bring down the inevitable increase to £900,000, the figure we now ask Parliament to sanction.

It is interesting to recapitulate the salient features of Naval expenditure during the last eight years:—

The total net sum voted for Naval Services in	
1900-1 was - - - - -	£30,041,900
This was increased by about a million for the two subsequent years, and in 1903-4 it advanced to £35,727,500. In 1904-5 it reached its highest limit, namely - - - - -	36,889,500
In 1905-6 there was a decrease of - - - - -	3,500,000
And in the two following years an aggregate decrease of - - - - -	1,970,000
The increase proposed in 1908-9 - - - - -	900,000
Bringing the net total to - - - - -	32,319,500

Now taking loan money :—

The annuity under the Naval Works Acts first became finally chargeable to Naval funds in 1902, the amount for that year being - -	£122,255
This has increased each year on account of fresh advances of loan money, until it has reached a total of—for 1908-9 - - - -	1,264,032
The expenditure on Works under the Naval Works Acts began in 1895-6, in which year it amounted to - - - -	721,099
It gradually increased until in 1904-5 it amounted to - - - -	3,402,575
In the last completed year, 1906-7, it had fallen to	2,431,201
It is estimated that the outlay from loan in 1907-8 will be - - - -	1,135,000
And in 1908-9 - - - -	896,925

#### SHIPBUILDING AND REPAIRS.

New construction for the year will cost £7,545,202 as against £8,100,000 for 1907-08. The continuous fall in the estimate for new construction from the *maximum* of £11,654,176 in 1904-05 is thus carried on, and Parliament is asked to vote £4,108,974 less than it was four years ago. Of this sum of £7,545,202, £6,795,202 will be spent on the continuation of ships already under construction, and £750,000 in beginning work on ships of the new programme, which is composed as follows :—

- 1 Battleship (improved Dreadnought class) ;
- 1 Large Armoured Cruiser ;
- 6 Fast Protected Cruisers ;
- 16 Torpedo Boat Destroyers ;

and a number of Submarine Boats estimated to cost £500,000 in all.

This programme suffices for 1908-9 ; whether and to what extent it may be necessary to enlarge it next year, or in future years, must depend upon the additions made to their naval force by Foreign Powers. His Majesty's Government have every intention of maintaining the standard of the British Navy which has hitherto been deemed necessary for the safeguarding of our national and Imperial interests.

Between the 1st April, 1907, and the 31st March, 1908, the following ships will have been completed and become available for service :—

- 1 Battleship (Lord Nelson).
- 3 Armoured Cruisers (Warrior, Shannon, and Minotaur).

- 3 Torpedo Boat Destroyers (Cossack, Mohawk, and Tartar).
- 10 Torpedo Boats (of the Coastal Destroyer type).
- 8 Submarines.
- 1 Repair Ship (Cyclops) and the New Royal Yacht Alexandria.

On the 1st April, 1908, there will be under construction :—

- 7 Battleships.
- 4 Armoured Cruisers.
- 1 Unarmoured Cruiser.
- 10 Torpedo Boat Destroyers.
- 20 Torpedo Boats (of the Coastal Destroyer type).
- 18 Submarines.

This year again there has been some delay in the completion of contract-built ships, owing to labour disputes between employers and their men in the private shipbuilding yards. A continuance of this delay may involve a modification in the numbers of ships given above.

Several incidents occurred early in 1907 which gave us cause to suspect that the method of storing cordite in magazines on board ship required alteration, in order to meet certain dangers that had been discovered to arise from cordite which is exposed to a high temperature. The matter did not admit of delay, and the Admiralty decided, with the approval of a strong scientific committee, presided over by Lord Rayleigh, to fit the cordite magazines with cooling apparatus, and to destroy all cordite that had been long in a hot climate. The cooling apparatus is expensive, and the work when completed will have cost £500,000; but the necessity for dealing promptly with the danger will not need further statement. The progress on this work has been very prompt and satisfactory, and the amount estimated for it during the year will be fully spent. It has necessitated an increase in the numbers of men employed in the dockyards, and a slight further increase was also necessary to deal with the large number of casualties to torpedo craft and other vessels after the Fleet Exercises had terminated. The remedy of these defects is nearing completion and the present progress of repairs is now in a normal and satisfactory condition.

The cost of maintaining the torpedo craft in an efficient condition is increasing as the vessels get older, and many of them are due for large boiler repairs during the present year. Before carrying out this work in the older ones, a careful survey will be made to ensure that they are worth this expenditure. The increasing power of machinery and boilers, due to the higher speeds adopted during the past decade, is also throwing an increasing share of repair work on the engineering side of the

dockyards and necessitating an increase in the numbers of men therein employed, though no corresponding increase is required on the constructive side at present. Although no important reconstructive work is contemplated, many minor but very important alterations are being carried out gradually with the object of improving the general fighting efficiency of the Fleet. Wireless telegraphy is being adopted in most of the later destroyers, and the improvements in the system adopted in our big ships have required constructive alterations in them to enable the instruments to be fitted. These alterations require considerable time and money to carry out, in view of the great number of vessels involved.

Excellent work continues to be done by repair ships and the artificers of the Fleet in correcting small defects, which might otherwise develop to such an extent as to necessitate dockyard assistance before the annual refit was due ; but, nevertheless, for the reasons I have given above, an increased provision of £700,000 for repairs is needed for the coming year.

We have begun to build submarines in the Royal Dockyards, a step which, besides affording desirable work to them, will be a check on contract prices.

The Admiralty have come to an arrangement with the armour-plate manufacturers for a considerable reduction in the price which is paid for armour plates, and this will take effect in the construction of the new armoured ships of the current year's programme.

#### GENERAL PROGRESS OF RECENT REFORMS.

A review of the memoranda issued by the Admiralty during the last few years discloses a series of important changes and alterations affecting all branches of His Majesty's Naval Service. These are all, in my opinion, entirely well conceived and salutary. Time is now required for the Service to digest and assimilate the new arrangements, and caution will, therefore, be used in bringing forward further schemes at present.

Under the nucleus crew system, the chief executive officers and more important ratings are always on board the ships ; from time to time the crews are made up to full complement and are given seagoing practice ; the boilers and machinery are always maintained in good order, so as to be ready for sudden mobilization.

The rapidity and certainty with which the nucleus crew ships can be fully manned has been illustrated signally by the recent exercises of mobilization at Devonport, Portsmouth, and Chatham.

It has been alleged that the Admiralty have no war plans

properly worked out, nor strategical operations thoroughly elaborated ; this is a baseless allegation. Such plans are in the possession of the Admiralty in abundant number to meet all probable emergencies. The details of these plans cannot of course be made public, for their successful operation in actual warfare must largely depend upon their secrecy.

The new disposition of the Atlantic Fleet with its base at Berehaven and its repairing dockyard at Gibraltar, and the development of the Home Fleet have been notable examples of the progress of the last two years. The fully manned portion of this Fleet at present has its base at the Nore, and is now in full working order, though not yet up to its intended full strength. It will consist this summer of twelve of the latest battleships and armoured cruisers, with destroyer and submarine flotillas attached, and the nucleus crew ships at the three Home Ports ready for rapid mobilization.

The remarkable results which have during the last year been returned of the gunnery practice carried out by our Fleets and ships all over the world, are facts of great interest and worthy of congratulation. The reports of the efficiency which signaling has reached in the Naval Service, whether by the older systems or by electric and wireless telegraphic installations, are very satisfactory and speak very highly for the intelligence and hard work of the officers and men who take charge of this important part of the service of the sea.

The new system of entry, training and education for all classes of officers in the Navy—executive, engineers and marines—instituted a little more than four years ago, is yielding good results. The first two batches of Cadets are now serving in the training cruisers Cumberland and Cornwall.

After six months' service in these cruisers, they will be drafted to ships in the seagoing fleets, the first batch going to sea in April. In the fleets they will be trained in a practical way as Naval officers, and after three years they will be examined in Seamanship, Navigation and Pilotage, Gunnery, Torpedo, and Engineering, and in certain optional subjects, such as Mathematics, Mechanics, Electricity, Languages, and History, the study of which at sea will be voluntary. After passing the examinations in the above subjects, they will become Sub-Lieutenants and remain at sea, receiving their promotion to Lieutenant according to the results of their examination. After serving at least two years at sea as Sub-Lieutenant and Lieutenant, a certain proportion will be selected to qualify in the separate specialist branches of the Service, in preparation for which they will then undergo courses at the Royal Naval College, Greenwich, and the specialist schools.



The officers will thus serve for 5½ years continuously at sea before they can specialize.

The Interview Committees which, since taking office, I have appointed to report on the respective qualifications of the candidates for entry as Naval Cadets, have included Admirals of the Fleet Lord Walter Kerr and Sir Edward Seymour, Admirals Sir Archibald Douglas and Sir Arthur Fanshawe, Vice-Admiral Sir John Durnford, the Right Hon. Arthur Acland, Mr. A. C. Benson, and the Headmasters of Marlborough, Wellington, Radley, and Dartmouth. Their reports to me have revealed a most satisfactory unanimity of opinion as to the value and success of this method of differentiating between the merits of boys of the young age of twelve years.

#### ADMINISTRATION.

A reform long advocated by Naval officers has been carried out this year by the transfer of the work of making contracts for Naval guns and Ordnance stores from the War Office to the Admiralty, and by the creation of a Naval Ordnance Inspection Department. The Admiralty, therefore, now for the first time have direct control and responsibility for the manufacture and supply of the guns and ammunition of the Fleet. The Army Inspection officers have done the work for the Admiralty with great ability in the past, but the growing divergence in pattern between the Stores required by the two Services and the necessity for the rapid expansion of the supply in war time, a requirement for which the War Office Staff were admittedly unable to provide, rendered the change inevitable.

I am glad to be able to report that the London County Council have accepted the solution of the difficulty with regard to the interference of their electric generating station with Greenwich Observatory, to which I referred in my statement last year.

The Admiralty Office has lost through retirement several of its Heads of Departments. Engineer Vice-Admiral Sir John Durston, K.C.B., for many years Engineer-in-Chief of the Navy, and the first holder of his present rank, has had a unique experience in the superintendence of the development of steam machinery in the Fleet. Well-deserved praise was awarded to the Transport Department by the South African War Commission for its work during that campaign. Vice-Admiral Sir George Boyes, K.C.B., who became Director while the war was in progress, and Mr. Stephen Graff, C.B., who was Civil Head of the Department throughout, have both retired this year.

The labours of the Malta Fever Commissioners have during

the past year been brought to a successful termination. They have made the discovery that the milk of the goat is the chief medium by which the bacillus of Malta fever gains access to the human body. We hope that in future this disease, which in the past has committed such ravages among the crews of vessels serving on the Mediterranean Station, will entirely be banished. Since this discovery was made, and the use of goat's milk was forbidden to our seamen and marines, Malta fever has practically disappeared from among them. The Commission, working under the aegis of the Royal Society, was composed of Naval, Military, and Colonial medical officers under the chairmanship of Colonel Bruce, C.B., F.R.S., and their patient and skilled investigations merit the highest praise. Fleet Surgeons Shaw and Clayton, who represented the Navy on the inquiry, contributed not a little to the result.

#### PERSONNEL.

The War Course College at Portsmouth, re-named the Royal Naval War College, has now been placed under the command of a Flag officer—Rear-Admiral Robert Lowry—with an increased staff of assistants, and work of the greatest value is now being carried out there, in close connexion with the Naval Intelligence Department, whose Director, Captain Sir Charles Ottley, K.C.M.G., has, on appointment as Secretary of the Imperial Defence Committee, been succeeded by Captain Edmond Slade, hitherto Superintendent of the War Course College.

The report of the inter-departmental Conference on the subject of the present administration of the Coast Guard service, to which reference was made last year, has been received, and has been under consideration by the various Departments concerned. The effect of the policy upon which the report was based would be to bring about a material change in the relations of the Admiralty, Board of Customs, and Board of Trade in regard to the carrying out of various services which have gradually been undertaken by the Coast Guard during the fifty years that it has been directly under the Admiralty; and looking to the many issues involved, the Board of Admiralty recognised that the change proposed could not take place without very careful consideration. Accordingly it was decided that no attempt should be made to provide for any new policy as regards the administration of the Coast Guard in connexion with the preparation of the Estimates for 1908-09.

The new Victualling and Canteen arrangements, based upon the recommendations of a Committee presided over by Rear-Admiral Spencer H. M. Login, C.V.O., whose report has already been presented to Parliament, came into operation on the

1st October last, except on some of the more distant Stations, where the change was deferred until the 1st January. All the reports received are to the effect that the new arrangements are working smoothly and satisfactorily. The new victualling system is, practically everywhere, resulting in economy to the men, partly because the substitution of a fixed daily messing allowance for the varying amount formerly received under the complicated "savings system" enables them to keep closely in touch with their expenditure from day to day, and partly on account of the facilities now given to the messes for purchasing many articles of food for use on board ship from Government stocks and at Government prices. The new Canteen system, under which the Admiralty exercise general supervision over the Canteen arrangements throughout the Fleet, and furnish Commanding Officers with official information and assistance in connexion with Canteen matters, is also working well, and seems likely to have a very beneficial effect in many ways.

As a result of the deliberations of a Committee on Pay and Allowances of Seamen of the Fleet, new regulations have been issued which will tend to improve the fitness and disciplinary position of the Petty Officers of the Royal Navy, and will ensure a higher standard of general efficiency among the more important ratings.

The annual battle practice is steadily training the Fleet for the firing conditions which would be met with in action. Each year our experience gained increases our knowledge of the practical means of developing the fire of our ships, and we are continuing to make progress in the direction of imitating more closely the actual conditions of battle. It is difficult to appreciate the revolution in Naval gunnery which has taken place in the last few years, and the labour and patience required in introducing large changes throughout a great Service like the Navy. The results obtained this year have shown that a sound knowledge of long-range shooting has thoroughly permeated the Fleet. We are therefore able from the experience gained to take next year several important steps as regards both this practice and additional fittings to the ships. Every endeavour is being made to assimilate our methods to war conditions, but while we are steadily developing, there is no reason to disparage our present results, which undoubtedly afford great proof of the gunnery efficiency of our various ships and Fleets, and give a measure of their capabilities in action.

In the four principal Fleets the recording of the results was placed in the hands of an independent committee, under the Inspector of Target Practice, to ensure a uniform method of assessing the number of hits obtained by each ship.

## WORKS.

After negotiations extending over a good many months, a site has been feued on the west shore of Loch Long for the establishment of a Torpedo Range of 7,000 yards length, and another has been purchased at Greenock for a Torpedo Factory, whence these weapons can readily be conveyed to the range for trial. The rapid increase in recent years of the speed and the range of action of the Whitehead Torpedo has rendered the existing ranges at Portsmouth and Weymouth wholly inadequate for their purpose, and a thorough survey of the coasts of the United Kingdom resulted in the selection of Loch Long as the place which would best comply with all the conditions required. Visitors to this part of Scotland need be under no apprehension that the beauties of the scenery or the convenience of access will be interfered with.

The Admiralty property at Rosyth, consisting of 1,184 1-5 acres, with 285 acres of foreshore, was purchased in 1903-4 for the construction of a new Naval base on the east coast. In the interval, since the completion of the purchase, the Superintending Engineer appointed in charge of Rosyth has made an extensive survey of all the great Naval establishments and building yards at home and of some abroad, in order that plans might be drawn for the laying out of Rosyth as a first-class Naval base in such a way that any particular portion might be carried out without interference with the general scheme; the intention was to avoid the repetition of the haphazard growth of a Naval dockyard port, which the history of the old establishments at Portsmouth, Devonport, and Chatham has proved to be so expensive in the past. The general scheme having been drawn up, the present Board of Admiralty have decided to take in hand the construction of a graving dock, closed basin, and an entrance lock, capable of accommodating the largest modern warships, with a depot for submarines and destroyers, and provision for oil fuel storage. The basin is to be 52½ acres in area, with accommodation for 11 of the largest ships along the quays, or 22 when double banked.

During the past year the preliminary borings have been completed, and detailed contract plans are now being prepared.

This part of the general scheme, for which the contract will shortly be let, is estimated to cost £3,000,000 for work and £250,000 for machinery—the whole to be completed in about 10 years.

The necessity for this work is apparent when it is remembered that there is no Government dockyard capable of taking ships of the Dreadnought class along the whole of the east coast of Great Britain.

## COLONIAL CONFERENCE.

The appropriations in aid of the Navy Estimates which are contributed by the various self-governing Colonies are the same as in last year's Estimates. The discussions at the Conference with the Colonial Ministers last spring revealed the fact that there was a certain desire on the part of some of the Colonial Governments for the establishment of local defence flotillas in lieu of, or as supplementary to, the present money contributions to the Imperial Exchequer.

The Admiralty, while not desiring to withdraw from the existing agreements and arrangements, recognised that it was only natural that the Colonies should sooner or later desire to have defence forces of their own, and consequently we announced our readiness to meet the wishes of the Colonial Governments as far as possible, and to consider any alternative schemes which they might put forward.

The Prime Minister of the Australian Commonwealth has communicated to the Admiralty the outline of a scheme for the establishment of a local flotilla of destroyers and submarines, which is now under consideration. The Cape and Natal Governments have initiated legislation with the object of establishing divisions of the Royal Naval Volunteer Reserve in Cape Colony and Natal, and the Legislature of the latter Colony has passed an Act for the purpose.

## HAGUE CONFERENCE.

A report of the conclusions of the second International Conference at The Hague has been presented to Parliament in a recent Blue-book. The action to be taken in regard to the various conventions is now engaging the consideration of the Government, and the Board of Admiralty are giving special attention to those conventions which immediately concern the operations of the Fleet, and particularly to the convention for the establishment of an International Court of Appeal in Prize cases. From a Naval point of view it is important that there should be an agreement as to the principles of International Law which should govern the decisions of an International Court in matters such as contraband and blockade.

## DISTRIBUTION OF THE FLEET.

The distribution of the Fleet has undergone no material alteration. The development of the Home Fleet is steadily proceeding and by degrees approaching its desired standard of strength.

In August last two armoured cruisers were added to the First

Cruiser Squadron, and 24 destroyers, forming a "Western Group" based on Portland, were placed permanently under the orders of the Commander-in-Chief of the Channel Fleet. More recently six nucleus crew destroyers have been added to this group, with the object of forming a reserve at Portland, and so rendering the group as far as possible self-contained.

The Channel Fleet has had its quota of destroyers brought up to thirty, and the Battle Squadron is being strengthened by the substitution of six of the Bulwark type for older vessels, so that it will in future consist of eight King Edwards and six Bulwarks.

It has recently been decided to appropriate permanently the *Shearwater* and *Algerine* for Service on the West Coast of America, the *Algerine* being transferred from the China Station. These two vessels will be available for the Behring Sea patrol and also for occasional visits to the Pacific Islands.

An inter-departmental Conference, under the presidency of Vice-Admiral Sir Reginald Henderson, commanding the Coast Guard and Reserves, has been sitting to consider the general question of the protection to be afforded by the Navy to the fishery interests in the seas surrounding the British Isles, which involves also the question of Revenue protection afloat.

I append the usual statement of work done in the Department.

11th February, 1908.

TWEEDMOUTH.

### EXERCISE No. 8.

#### CORRESPONDENCE RESPECTING THE REPORT OF THE COMMISSION OF INQUIRY INTO THE AD- MINISTRATION OF THE INDEPENDENT STATE OF THE CONGO.

No. 1. *Sir C. Phipps to the Marquess of Lansdowne.*

(Received November 8.)

Brussels, November 7, 1905.

MY LORD,—I have the honour to inclose copies of the *Congo Bulletin Officiel* for September-October which reached me this morning containing the Report of the Congo Commission of Inquiry.

In spite of the reserved and dignified tone which pervades the whole Report, it contains the most scathing criticisms of the

policy pursued in the Congo State. Proof is afforded that the Commissioners were fully alive to the responsibilities of the task which they assumed; whilst the fears which were expressed in some quarters that the Report would be optimistic, or that they would palliate or defend any of the unquestionable infractions of the law which occurred, are now proved, as I anticipated, to be entirely unjustified.

Adopting the divisions of their task enumerated by the Commissioners on p. 149 of the Report, the most striking conclusions appear to me to be the following:—

#### I. THE LAND SYSTEM OF THE STATE AND THE FREEDOM OF COMMERCE.

Whilst not contesting the legality of the appropriation by the State of vacant lands, it is pointed out that in practice the State has monopolised the entire fruits of the soil, and has interfered with the whole evolution of native existence. It has failed to give a liberal and wide interpretation to the Laws of 1885 and 1886, which conferred on the native population the free enjoyment of the zones of territory adjoining their huts under the authority of their chiefs, enabling them to trade in the produce of such zones. This Law had become a dead letter.

The course thus pursued is, on p. 153, contrasted with the practice invariably followed in the neighbouring French colony. The system of exchangeable value adopted is strongly criticised, and the introduction of specie payments suggested.

#### II. IMPOSITION OF LABOUR; THE ABUSES ARISING FROM FORCED LABOUR.

In this extended chapter the entire system pursued in these respects is subjected to severe condemnation, although it is argued forcibly that payment by means of labour is the only possible tax to which the native can be subjected. The irregularities pursued in the system of enforcing labour are brought into strong relief, as well as the undue latitude allowed to local officials, who could, in practice, apparently make use of any form of coercion they chose to adopt.

The defects in the Law of the 18th November, 1903, by which forty hours of labour per month are imposed on the natives, are pointed out, and the different imposts due by the natives are reviewed. The existing system of coercion is examined, and, though the maximum of such coercion is nominally fixed at one month's imprisonment, the agent is, in practice, left to act much as he chooses.

The sentinel system, as well as that of the "capitas," is strongly condemned, and the accusations brought against the sentinels,

though not in all cases proved, are regarded as well founded. The whole system is shown to result in constant warfare between the rubber-collecting natives and the sentinels, the A.B.I.R. Company proving that 142 of the latter had been killed or wounded within seven months, owing to the natives' retaliation against the cruelties which they had perpetrated. In short, the entire chapter proves the administration of the A.B.I.R. Company to be a system of hardly restricted savagery, and illustrates the fact that the apparently carefully devised Regulations which the Directors in Europe believe to be carried into execution are entirely set at naught.

The Commission recommends a resort to the system of "impôt collectif" under the control of the native chiefs, but it is impossible to believe, after a perusal of the details given, that such a Company can be permitted to exist any longer.

### III. MILITARY EXPEDITIONS, AND THOSE SET ON FOOT BY THE CONCESSION COMPANIES ; MUTILATIONS.

This chapter again severely condemns the entire system pursued by the Companies, and proves the action adopted by these to be a distinct infraction of the law. The State police afforded by the Government is declared to be utilised by the Companies to enforce their own pecuniary interests, and to involve the commission of the most terrible cruelties.

In regard to actual mutilations, the defenders of the Congo system are able to appeal to one paragraph of the Report in refutation of the accusations so generally brought against them.

The Commissioners declare that, with the exception of two cases in which mutilation was voluntarily inflicted on living natives, such has never been inflicted wilfully.

"Never has a white man inflicted, or caused to be inflicted, as punishment for shortage of rubber or of other prestations mutilations on living natives. No such acts have ever been averred by any witness, nor have we ever, in spite of all our investigations, discovered that such acts have been committed."

### IV. THE CONCESSION SYSTEM.

This is strongly condemned on pp. 226-236, and it is recommended that the system of free commerce should be put on its trial, the State abandoning its "incontestable" rights to the produce of the soil.

### V. DEPOPULATION.

The causes put forward by the missionaries are declared to be difficult to establish, and to be secondary ones, the primary causes being small-pox and sleeping sickness.



## VI. THE SYSTEM OF STATE INSTRUCTION IN COLONIES.

The system of State instruction in colonies is examined, and cogent reasons given for condemning it. The system pursued by the Catholic and Protestant Missions is also declared faulty.

A dangerous and somewhat surprising suggestion is made at the conclusion of this chapter, viz., that native parents may be allowed, if desirous to do so, to dispense their children from religious instruction.

## VII. MILITARY ORGANISATION, RECRUITMENT, ETC., AND CONTRACT LABOUR.

The system is in general defended, and military education and service is regarded as an important element of civilisation, such service not being distasteful to the negro, but exercising rather a humanising effect. It is explained on pp. 253-254 that, unable any longer to engage West Coast natives, the State has to recruit from the more hardy, warlike tribes of the Upper Congo, who are mainly cannibals. Amongst such elements the firm discipline recommended by the Commission can alone prevent the reawakening of the but dormant instincts of savagery.

The whole system of labour contracts is carefully reviewed on pp. 254-264, the Law of 1888 being declared to be a most praiseworthy one. In the Lower Congo its provisions are (contrary to the experience of our Consuls) declared to be executed. In the Upper Congo it is admitted that neither the letter of the Law nor the intentions of the legislator are enforced.

The whole organisation and conditions of contract labour are, it is clearly proved, faulty.

## VIII. JUSTICE.

From p. 265 to p. 279 the entire judicial organisation is so ably and succinctly exposed that it is impossible to convey the explanation by any abridgment. Its inconvenience, both to suitors, criminal witnesses, and to public security, are detailed, and it is observed at the conclusion of the chapter that whilst the law surrounds individual liberty with important guarantees, the action of administrative authority is left, so to speak, without restriction or control.

The concluding paragraphs of the Report, from p. 279 to p. 285, explaining how entirely the conditions attending national life in the Congo State differ from those prevalent in other portions of Africa, should be read in their entirety, and whilst they to some extent seek to palliate and account for existing abuses, proof is afforded how drastic and sweeping must be

the changes which the newly-appointed Executive Commission must introduce.

This Commission of fourteen members is named by Royal Decree on the proposal of the three Secretaries-General "to study the conclusions of the Inquiry Commission Report, to formulate the proposals which they may necessitate, and to discover the practical means of realising them."

The President, M. de Maldeghem, is second President of the Court of Cassation, and his nomination may be regarded as unexceptionable.

Amongst the Commission are M. Janssens, the President of the Inquiry Commission, the three Secretaries-General, two "Commissaires de District" in the Congo, a Belgian Deputy, Colonel Fivé, of the Guides, M. de Hemptinne, President of the Kassai Company, M. Mols, and M. Nys, the Publicist, Member of the Hague Court of Arbitration.

I have, etc.

(Signed)

CONSTANTINE PHIPPS.

No. 2.

*Sir Edward Grey to Sir C. Phipps.*

Foreign Office, January 9, 1906.

SIR,—I have had under my consideration your dispatch of the 7th November, in which you forward the Report of the Commission appointed to inquire into the charges made against the Administration of the Independent State of the Congo in regard to the treatment of natives.

This document has been attentively examined by His Majesty's Government, and they desire to express their sense of the manner in which the Commissioners have discharged the onerous duty intrusted to them.

Owing to the fact that it was not until the 11th December—when the Commission had already reached the La Lulonga and A.B.I.R. districts—that His Majesty's Government received the intimation that there would be no objection to the presence of their Representative at the proceedings of the Commission, it was possible for the Consular officer designated in this capacity to attend only a small number of the sittings held during the return journey to Boma. His Majesty's Government, however, while regretting the impossibility of obtaining from their own Representative precise information in regard to the nature of the statements made by the witnesses before the Commission, attached the less importance to the matter, as they fully expected to be placed in possession of an authoritative account of the proceedings when the Report of the Commission should

be made public. It was, therefore, with much regret and surprise that His Majesty's Government found that the Report was published without the evidence. I have to request you to call the special attention of the Congo Government to this point, and to urge upon them the view always held by His Majesty's Government, that the fullest publicity should be given to the proceedings of the Commission.

It appears from the introductory remarks of the Report that the investigations of the Commission in the Upper Congo lasted from the 1st November, 1904, to the 26th January, 1905—a period of less than three months. His Majesty's Government had anticipated that more time would have been devoted to the examination of the grievances of the natives, and that the personal investigations of the Commission would have extended to the remoter districts of the State. That these anticipations were not realised is, however, His Majesty's Government believe, due not to any failure on the part of the Commissioners to realise the importance of collecting the fullest information, but to their conviction that the results of their inquiries in the districts visited by them were of a representative character and afforded a sufficient basis for the conclusions at which they had arrived.

The Commission of Inquiry has confirmed the statements made in Consul Casement's Report on the condition of the natives in the Congo. His Majesty's Government consider it unnecessary, therefore, to insist further on the existence of abuses which call for administrative reform, while, with regard to the measures of reform and the means of carrying them into effect, they prefer to postpone a detailed expression of their views on the recommendations made by the Commission until they have learnt the conclusions of the Committee which has been intrusted with the further consideration of the question, and of the reforms to be introduced.

They think it desirable, however, to offer at once some observations upon the statement, which they are surprised to find in the Report, that the tax in labour is both beneficial to the natives of an uncivilised State like the Congo and necessary to the development of the country. His Majesty's Government have always admitted the necessity of a contribution by the natives in some form to the requirements of the State. They do not deny that in some cases, in which the interests of the citizens are directly concerned, and in which hired labour cannot be obtained, this contribution may properly take the form of temporary personal service; and, in admitting the right of the State to demand such contributions, they equally admit by implication its right to compel compliance with the demand.

But the labour demanded of the Congolese natives in the form of a "tax" is not, for the most part, employed for objects of general utility in which they are themselves interested; it is employed by the State, or by the trading Companies, to whom the right to levy the "tax" is delegated, for the advancement of commercial operations, in which the native has no interest, and from which he can receive no benefit.

A system which compels the personal service of the citizen for such a purpose as this—and it is to be observed that the provisions in Article 34 of the Law of the 18th November, 1903, enabling the native to fulfil his obligations to the State by other means have proved in the Congo to be almost entirely illusory—must always in the opinion of His Majesty's Government, remain open to the imputation of constituting a form of servitude, differing in essence but little from actual slavery.

The Commissioners assert that, owing to the natural indolence of the natives, hired labour is not at present to be obtained in the Congo in a quantity sufficient for the development of the country. It is possible that the system which has been in force for the last fourteen years may have resulted in inspiring the natives of the Congo with exceptional distrust of European employers, but the knowledge which His Majesty's Government have acquired of the character of the natives of tropical Africa precludes them from accepting the view that this dislike of work can only be overcome by compulsion of the kind exercised in the Independent State.

With a few exceptions, such as occur in other cases and are not peculiar to uncivilised tribes, experience has shown that the natives of the British Colonies and Protectorates are willing, whether by trade, by cultivation of the land on their own account, or by accepting employment as hired labourers for proper wages, to provide themselves with the necessary means to pay the taxes which are required of them in money or produce; and these taxes, which are kept within proper limits and equitably distributed, are generally recognised by the natives as a due return for the protection which they receive.

His Majesty's Government are not aware of any grounds for supposing that the natives of the Congo, if provided with land for cultivation or offered employment as labourers, would show less willingness to work for the same object, and the habit of work thus acquired would, no doubt, in the Congo as in British Africa, eventually conquer their natural indolence and lead them to engage in the cultivation of the soil and in trade, not merely to fulfil their obligations to the State, but to ameliorate their own position.

While protesting, however, against the theoretical justification of the existing system, which is contained in the Report,—a system resulting in the substitution in the Congo of forced labour for the hired labour, by means of which the development of the other parts of Africa is effected,—His Majesty's Government are glad to note that the Commissioners consider that, in practice, no native should be compelled to pay his contribution to the State in the form of labour if he can find the means to pay it in money or produce. His Majesty's Government earnestly commend this suggestion to the favourable consideration of the Congo Government, but they would point out that the reality of the reform, doubtless aimed at by the Commission, consists not so much in the proposed amplification of Article 34 of the existing Law as in removing the obstacles which at present preclude the natives from taking advantage of it.

There is one other point to which His Majesty's Government desire at once to draw the attention of the Congo Government. In dealing with the question of the Concessionary Companies, the Commissioners express the view that the ideal remedy for the abuses noted within the Concessions would be to deprive these Companies of all administrative power.

His Majesty's Government hold that the exercise of administrative functions by persons or Companies who have acquired the whole trade of the area which they are called upon to administer must lead to grave irregularities, and they would have welcomed a declaration by the Commission condemning the association of trade and administration, whether in the person of the Concessionary Companies or in that of the State itself. It is much to be regretted that the Commissioners should have ignored altogether the evils of state-trading, and failed to recommend, in the case of the Companies, the practical adoption of the remedy which they themselves recognise as "ideal."

His Majesty's Government trust that the Committee now sitting will share the views set forth in this despatch, and that the result of their deliberations will be to introduce without delay throughout the whole territory of the Congo State that large measure of reform which the Report has shown to be absolutely indispensable for the welfare of the natives.

I request you to read this despatch to M. de Cuvelier, and to leave a copy of it with him.

I am, etc. (Signed) EDWARD GREY.

No. 3. *Sir C. Phipps to Sir Edward Grey.*

(Received January 13.)

Brussels, January 11, 1906.

SIR,—In compliance with my instructions I read to M. de Cuvelier your despatch of the 9th instant, conveying the result of the attentive examination by His Majesty's Government of the Report of the Commission appointed to inquire into the charges made against the Administration of the Independent State of the Congo in regard to the treatment of natives. I at the same time placed a copy of that despatch in his hands.

After its perusal M. de Cuvelier made to me the following declaration:—

Without laying stress on the conclusive grounds put forward in the body of the Report (see p. 147, *Bulletin Officiel*, September and October, 1905) to justify the non-publication of the evidence taken by the Inquiry Commission, he declared that the Congo Government, in view of the question of principle at issue, considers that no precept of international or public law can be invoked to support any obligation to effect such publication, and further that the practical considerations ("les considérations de fait") referred to in the communication of His Majesty's Government in no respect influence the sovereign right of decision in such matters which is claimed by every independent State.

I have, etc. (Signed) CONSTANTINE PHIPPS.

No. 4. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, February 26, 1906.

SIR,—I have to request that you will remind M. de Cuvelier unofficially that it is now very nearly a year since the Commission of Inquiry returned to Belgium with evidence of the necessity for the immediate reform of the Congo Administration, and express the hope that the Commission now sitting at Brussels will shortly be in a position to report.

I am, etc. (Signed) EDWARD GREY.

No. 5. *Sir A. Hardinge to Sir Edward Grey.*

(Received March 5.)

Brussels, February 28, 1906.

SIR,—I have the honour to report that I spoke this morning to M. de Cuvelier in the sense of your despatch of the 26th instant on the subject of the Congo Commission of Inquiry.

He took exception to the implication that nearly a year had elapsed since the completion of the Commission of Inquiry's work. The report of the Commission had been made on the 30th October, 1905, and this really constituted the termination of its labours. On the very next day the Special Commission for examining the reforms to be carried out as a consequence of the inquiry had been appointed. The Special Commission had now practically finished its work, and would meet for the last time to-morrow.

In reply to an inquiry as to when we might expect the publication of its Report, M. de Cuvelier said he could not say yet whether such a Report would be published, or whether the recommendations of the Special Commission would be embodied in an instruction to be addressed by the Congo Government to its local authorities. On this point no decision had as yet been taken. I observed to M. de Cuvelier that, in my personal opinion, it would be very desirable that the results of the Special Commission's labours should be made public, in some form or other, at the earliest possible date, in view of the strong feeling which recent discussions of the Congo question had elicited.

I have, etc. (Signed) ARTHUR H. HARDINGE.

No. 6. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, March 8, 1906.

SIR,—I have received your despatch of the 28th ultimo, reporting a conversation with M. de Cuvelier, respecting the publication of the Report of the Commission appointed to consider the reforms to be carried out in the Congo.

I approve the language held by you on that occasion.

I am, etc. (Signed) EDWARD GREY.

No. 7. *Sir A. Hardinge to Sir Edward Grey.*

(Received March 19.)

(Extract.)

Brussels, March 16, 1906.

I asked M. de Cuvelier to-day if he could give me any information as to the results of the work of the Special Commission on Congo reform, the termination of whose sittings he had lately announced to me, as reported in my despatch of the 28th ultimo.

He replied that the conclusions of the Special Commission were in general harmony with those of the Commission of Inquiry, and that the Central Administration of the Inde-

pendent State at Brussels was now actively engaged in drafting a series of legislative measures for giving effect to them. It had not been thought necessary to publish the recommendations of the Special Commission, as they would find immediate expression in the enactments which the Government was preparing.

I inquired how soon those enactments would be published. M. de Cuvelier said he hoped in the course of the month of April. He was careful to add that he gave me the above information "officially," as the Congo State was naturally jealous of any show of interference in matters of internal administration. I might, however, assure you that the work of reform was being seriously taken in hand, and that they meant to make a good business ("une bonne besogne") of it.

No. 8. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, March 27, 1906.

SIR,—His Majesty's Government had hoped that they would before now have received from the Congo Government some communication in regard to the publication of the evidence received by the Commission of Inquiry.

We understand that M. de Cuvelier contends that there is no obligation on the part of the Congo Government, based upon international or public law, to effect such publication. His Majesty's Government are perfectly aware that no general principles of the kind indicated can be invoked in support of the request by them, nor is any such contention put forward in paragraph 3 of my despatch to Sir C. Phipps, which merely explained the reason of the inability of the British Representative to supply adequate information as to the proceedings of the Commission, and urged that the expectations in which His Majesty's Government had indulged, that the fullest publication would be given to those proceedings would not be disappointed.

I have to request that you will again approach M. de Cuvelier on this subject, calling his attention to the misunderstanding which has apparently arisen in regard to the attitude of His Majesty's Government and supplementing my previous despatch with the following observations, which, I feel sure, will convince the Congo Government of the desirability of reconsidering their decision in the matter.

You should, in the first place, point out that the expectations to which I have referred above were not merely derived from a forecast of the action which the Congo Government would probably consider it advisable to take, but were founded on a definite expression of opinion by M. de Cuvelier (as reported in



Sir C. Phipps' despatch of the 12th August, 1904) that "every publicity would eventually be given to all proceedings which might take place." It cannot be said that this undertaking, which was given at a time when it had not been decided that the sittings of the Commission should be held in public, was necessarily cancelled when permission was given for a Representative of His Majesty's Government to attend those sittings. The permission was not notified sufficiently early to enable Consul Mackie to take full advantage of it, and, when he asked to be allowed to examine the *procès-verbaux* drawn up before he joined the Commission, and consisting of documents which would, he was assured, had he arrived earlier, have been placed at his disposal for private examination, his application was refused on the ground that such a privilege, if granted, would enable him to send home an official Report which would be published before that of the Commissioners.

Apart, however, from the undertakings which have been given by the Congo Government, there is another aspect of the question.

The gentlemen of whom that Commission was composed, however great may have been their qualifications in other respects, had not had the advantage of practical experience in Colonial administration. While, therefore every confidence may be felt in their ability and fairness in describing the abuses which came under their notice, their views as to the essential causes of those abuses, and the recommendations which they made for the reform of the present system of administration could not have that authority which previous experience of Colonial administration could alone confer upon them. The value of a large part of the Report of the Commissioners must therefore remain undetermined, as long as the grounds upon which they formed their conclusions are inaccessible to those experts in all parts of the world who are competent to appreciate them.

In this connection, and in view of the attempts which have frequently been made to compare the situation in the Congo with that existing in various British Colonies and Protectorates, His Majesty's Government desire to call attention to the fact that, in publishing the Report of the Royal Commission on the condition of the natives of Western Australia, it was decided that the conclusions arrived at by the Commissioner, although he was a gentleman of considerable Colonial experience, would not furnish sufficient material for a proper appreciation of a matter of great public interest unless opportunity were given for a comparison of his views with the evidence upon which they were founded.

In a conversation with Sir C. Phipps M. de Cuvelier alluded, although without laying stress upon them, to the "conclusive grounds" put forward by the Commissioners for the decision not to publish the evidence received by them.

The reasons referred to were—

1. The desire to keep the Report within moderate limits;
2. The objection to bringing accusations against persons who might not be able to defend themselves; and
3. The fact that it was the object of the Commissioners not to determine the responsibility of individuals, but to examine and ascertain the causes of abuses of a general character, and to suggest the necessary reforms.

His Majesty's Government had not failed to recognise the importance of the two last considerations, but, with regard to the third, they feel convinced, as explained above, that the publication of the depositions of the witnesses is necessary for the very purpose of lending authority to the views of the Commission as to the causes of the evils noted, and, with regard to the second, they consider that the objection could easily be overcome by omitting from these depositions, when published, all names and dates which might lead to the identification of those persons against whom accusations might appear to be made.

You should remind M. de Cuvelier that this was the course adopted by His Majesty's late Government in connection with the Report by Consul Casement. The objection to furnishing means of identification in that case—namely, the fear that natives who had given evidence against officials would suffer from the latter's resentment—was considerably stronger than an objection based, as in the present case, merely on the danger of treating unfairly certain European officials; but it was decided that such risk as might be involved in the publication of the Report without names or dates was justified by the importance of ameliorating the condition of the Congo natives, and the Report, even in its complete form, was ultimately furnished to the Commissioners in order to facilitate their inquiry, although it was understood that it might be included among the other documents used by them which would be published at the conclusion of the inquiry.

You should, in conclusion, once more press the Congo Government to consent to the publication, both of the evidence taken by the Commission of Inquiry and of the full proceedings of the Reform Committee.

I am, etc.

(Signed) EDWARD GREY.

No. 9. *Sir A. Hardinge to Sir Edward Grey.*

(Received April 2.)

(Extract.)

Brussels, March 29, 1906.

I called on M. de Cuvelier this afternoon and explained to him the considerations set forth in your despatch of the 27th instant, respecting the publication of the evidence taken before the Congo Commission of Inquiry. I found him, however, extremely unwilling to reconsider the decision of the Congo Government not to publish. It would, he said, be impossible, even if no names or dates were given, to prevent the identification of the individuals accused without having themselves been heard in their defence, and he could not see what advantage to anyone concerned would outweigh the Congo Government's very natural dislike of this result. The number of persons involved was so small that the use of initials instead of names would not protect them. I was wrong in supposing that all the members of the Commission were devoid of colonial experience, M. Nisco's having been considerable. Whatever course might have been taken in Western Australia, or with regard to Consul Casement's Report, the publication of all the materials on which a Commission of Inquiry decided was by no means a general rule. He instanced the Chalmers Report on recent disturbances in the Colony of Sierra Leone, and that of the Commission of Inquiry sent to the French Congo, both of which had only published their conclusions as distinct from their materials.

I asked if I was to understand that he definitely refused, notwithstanding the reasons I had adduced, to meet the wish I had been instructed by you to express. He replied that he did not go as far as that; he was ready to lay my arguments before the King, but, speaking personally, his first impression was that there was much to be said against, and little to be said in favour of, my proposal. I said that I would embody the considerations which I had endeavoured to impress on him in a written Memorandum for submission to His Majesty, and that, as he seemed so sensitive about foreign interference with the rights of the Congo State in such a matter as judicial procedure (he had laid stress again on the questions of principle, of the law of nations, and of the independence of the State), I would make my Memorandum semi-official ("officieux"). It would, I thought, be very desirable at a moment like the present, when the initiation of serious reforms was, as I trusted, about to inaugurate a new and happier phase of the Congo question, that the Congo Government should afford to that of His Majesty the earnest of its good-will for which you had asked. It could, I observed, easily meet your wishes without any sacrifice of its dignity, as you had in your

despatch disclaimed the intention of asserting any right based on international law to insist upon compliance with your request.

M. de Cuvelier answered that the Congo Free State had always met British proposals in a most conciliatory spirit. The appointment of the Commission of Inquiry, and the publicity given to its proceedings, were not proofs to the contrary. His Majesty's Government had not made similar demands with regard to the analogous abuses and inquiries in the French Congo or in other foreign colonies. Why should the Independent Congo State be made the subject of differential treatment?

I observed that the whole system pursued in the Independent State had occasioned longer and louder complaints, and had attracted far wider attention, than any local abuses in French or German African Colonies. There was, moreover, this important difference between them, that the French and German Colonies, like our own, were ruled by States possessing Parliaments, through which public opinion, if aroused by abuses, could bring its influence to bear on their Administrations, whereas the Congo Government was absolute and irresponsible, so much so that the Belgian Chamber had only the other day declared itself legally incompetent to call upon it for papers or accounts. Nor could I admit that the appointment of the Commission of Inquiry was in any way a concession to His Majesty's Government. I felt bound to assume that the Sovereign of the Congo State, as soon as his attention had been called to the existence of grave abuses in his African dominions, had spontaneously resolved to put an end to them without reference to the views of foreign Governments, and I was convinced that the greater and more thorough the publicity given by His Majesty to every branch of the inquiry which he had instituted, the more complete would be the confidence reposed in the sincerity and integrity of his purpose.

M. de Cuvelier maintained that the publication of the depositions, so far from helping the cause of reform, would only add new fuel to old controversies by enabling the hostile critics of the State to twist them into fresh charges against its administration. He seemed to think that the renewed demand for publication had been suggested to you, with some such sinister design, by the Congo Reform Association. I assured him that this was not the case, and that you had directed me to return to the subject, partly in order to remove a misconception which appeared to exist in the mind of the Congo Government, partly to meet the objections which he had offered to the proposal when first made by my predecessor, but chiefly because you were convinced that the full publication of the materials on which the Commis-

sion had formed its conclusions was essential, if its Report was to carry the necessary weight.

I should add that M. de Cuvelier repudiated having given any engagement, even implied, to Sir C. Phipps to publish the depositions. He had, he said, promised publicity in regard to the "proceedings" of the Commission, but "proceedings" were not the same as "*procès-verbaux*." The sittings of the Commission had been open, and its Report had been published without any modifications. The Congo Government had not pledged itself to more than this.

No. 10. *Sir Edward Grey to Sir A. Hardinge.*

(Extract.)

Foreign Office, April 7, 1906.

I have received your despatch of the 29th ultimo, reporting a conversation with M. de Cuvelier in regard to the publication of the evidence taken by the Congo Commission of Inquiry.

With regard to the arguments used by M. de Cuvelier in his conversation with you, I approve your language on that occasion, but I think it well to make certain observations which, although intended principally for your own information, may be of service to you in future interviews:—

1. As regards the colonial experience of the Commissioners, I was perfectly aware that Baron Nisco had exercised judicial functions in the Congo for many years, and I think it likely that this fact alone rendered him, in the eyes of M. de Cuvelier, competent to deal with questions of practical administration. I need not point out the difference in the experience gained by a Judge on the one hand and an administrative official on the other.

2. It has, I understand, not yet been decided whether the materials used in drawing up the Report of the Commission of Inquiry in the French Congo shall be published in full, or whether an analysis shall be submitted to the Chamber for its decision.

3. With reference to the last paragraph of your despatch, I can only repeat what was stated in my previous despatch, namely, that the engagement entered into by the Congo Government that the fullest publicity should be given to the proceedings of the Commission cannot be considered to have been carried out by the decision of the Commission to hold public sittings, when that decision was announced too late for His Majesty's Representative to take advantage of it.

I shall be glad to know when the Report of the Commission of Reforms or the instructions founded upon it are to be published. It was said that the latter might be expected this

month, and if they do not appear soon you should make further inquiry.

No. 11. *Sir A. Hardinge to Sir Edward Grey.*

(Received April 9.)

(Extract.)

Brussels, April 6, 1906.

I sent in a short time ago the Memorandum to M. de Cuvelier which I reported to you, in my despatch of the 29th ultimo, that I was preparing. I now have the honour to inclose a copy of it. I have made it, you will notice, unofficial, as this enabled me to write more freely, and to touch on arguments used by M. de Cuvelier in his personal rather than his official capacity, without raising the question of the right of a foreign diplomatist to discuss the procedure in domestic matters of an independent State—a right which he would certainly have challenged had my letter to him not been “official.”

Enclosure in No. 11.

*Sir A. Hardinge to M. de Cuvelier.*

(Semi-official.)

(Translation.)

British Legation, April 2, 1906.

M. LE CHEVALIER.—It was agreed in the course of the conversation which I had the honour to have with you last Friday that I should submit to you in writing the reasons which lead my Government to desire the publication of the evidence collected by the Commission of Inquiry, notwithstanding the reasons already adduced by you verbally in support of a contrary view.

Let me at once reply to the objection of principle which you raised in discussing this question with my predecessor, namely, that the Congo Government did not admit any obligation, based on public law, to make public the depositions in question. My Government are perfectly aware that no general principle of this kind can be invoked in support of their request. They, therefore, confined themselves in paragraph 3 of their dispatch of the 9th January, to which Sir Constantine Phipps drew your attention, to explaining why their Representative on the Commission had been unable to furnish sufficient information relative to its work, and to recall the reasons which had led them to hope that the most complete publicity would be given to it. This expectation, M. le Chevalier, was, moreover, based on declarations made by yourself. You assured my predecessor (according to a Report which he sent to his Govern-

ment on the 12th August, 1904), "that every publicity would eventually be given to all the proceedings of the Commission." This statement was anterior to the decision that the meetings of the Commission would be public. The permission given later on to a British Representative to assist at these meetings could not, therefore, be held to invalidate this assurance.

The permission was not, as a matter of fact, notified sufficiently early to Mr. Consul Mackie to enable him to take full advantage of it, and when he asked to be allowed to examine the *procès-verbaux* drawn up before his arrival, leave to do so was refused. These documents, he was informed, would have been placed at his disposal had he arrived earlier, but that their examination in existing circumstances would enable him to send home and have published in London an official Report, which might anticipate that of the Commission.

The publication of these documents is, nevertheless, in our opinion, rendered desirable, and even urgent, for other reasons than those which I have just stated.

The members of the Commission of Inquiry, however great may have been their qualifications in other respects, were not really experts in Colonial matters. Whilst acknowledging in the fullest manner the skill and impartiality which they employed in describing the abuses which came under their notice, the definitive authority of their opinions with regard to the essential causes of these abuses may be called in question in the absence of more definite information. The value of a great part of their Report, as well as of the remedies which they advocate, remains inevitably undetermined so long as the grounds upon which they formed their conclusions are inaccessible to those experts in all parts of the world who are competent to appreciate them.

In this connection, and especially in view of the attempts which have frequently been made to compare the situation in the Congo with that existing in various British Colonies, my Government recall the procedure followed by the Commission appointed to study the condition of the natives of Western Australia. The official in charge of the Commission was experienced in matters of colonial administration. It was nevertheless decided that the conclusions which he had arrived at, ought, in view of the interest aroused by his inquiry, to be compared with the documents on which they were founded, and that these documents ought also to be published.

Sir C. Phipps understood that the motives which had decided the Commission of Inquiry not to publish its *procès-verbaux* were, firstly, the desire to keep the Report within moderate limits; secondly, a disinclination to seem to accuse persons in

their absence, or perhaps without direct means of defending themselves ; and lastly, the fact that it was the object of this Commission, not to determine the responsibility of individual persons, but to ascertain the primary causes of certain abuses of a general character.

Sir Edward Grey has not failed to appreciate the reasonableness of the last two considerations ; but he is of opinion with regard to the third that the publication of the evidence is of preponderating importance in order to give the Report of the Commission the authority which, without these documents, it would lack. As regards the second consideration, it would be easy, in his opinion, to omit from the *procès-verbaux* published all names and dates which might lead to the identification of the persons indicated. This was the course adopted by His Majesty's late Government when they communicated to the Commission of Inquiry for publication, if it considered advisable, the detailed Report of Mr. Consul Casement.

I trust, M. le Chevalier, that in view of the earnest request which my Government have instructed me to renew to you, the Government of the Independent State will see their way to reconsider their first decision not to make public the *procès-verbaux* of the Commission. You expressed the fear that Mr. Morel had perhaps suggested this course, in the hope that he might discover in the *procès-verbaux* fresh elements of propaganda against the officials of the Independent State, and that their publication would only help to fan the flame and envenom the controversy between the enemies and the defenders of the Congo régime. Apprehensions of this kind can only arise from a misunderstanding of the point of view taken by the King's Government. They have already avoided fresh discussions of this nature by replying, as you are aware, on several occasions, to Parliamentary questions, that the result of the proposals of the two Commissions nominated by the Congo Government must be awaited, and the Belgian newspapers most hostile to any criticism of the Independent State have acknowledged the correctness of this attitude. Far from supplying your adversaries with weapons, the publication of the *procès-verbaux* would be, it appears to me, a fresh guarantee, in conjunction with that of the Report, of the sincerity of the Congo Government. Public opinion would see in it a fresh proof of the firmly resolved determination of that Government to persist, without allowing the question of personal interests to turn it from that course, in the exposure and the suppression of all abuses incompatible with the mission of civilisation traced for it by the august founder of the State. With regard to your argument that in other countries—in the French Congo, for



instance—similar Commissions have often only published incomplete reports, I would point out that it has almost always been a question in those Colonies of remedying local grievances, or grievances of a secondary order, whilst it is the general application of the economic régime introduced gradually into the Independent State which has provoked criticism of a far more serious character, and which seems, once formulated, to have induced the Government to undertake a series of radical reforms. The more malevolent and unjust, therefore, the insinuations of its adversaries may appear to it, the greater is its interest to defeat them by showing that it has no secrets, and by giving the fullest publicity both to the measures of reform which it contemplates and to the sources of the evils which it is trying to extirpate.

I have taken the liberty, M. le Chevalier, in this *aide-mémoire* to touch with the greatest frankness upon considerations which would not perhaps have been in place in an official note to you. It is because I am convinced that the Congo Government, without in any way abdicating the right claimed by it, can in this matter, without loss of dignity and even with advantage to itself, meet the wishes of His Majesty's Government, that I have felt able to add in a communication of a semi-official character these quite personal reflections, prompted by your own observations to the official representations which I was instructed to make to you. I should be happy if they succeeded in modifying the first impressions which you confided to me; but whatever the result may be, I shall not regret having made every effort to reconcile the views of our respective Governments.

I have, etc. (Signed) ARTHUR H. HARDINGE.

No. 12. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, April 16, 1906.

SIR,—In view of the state of public feeling in this country with regard to affairs in the Congo State, it is important that I should know as soon as possible what prospect there is of the cessation of the abuses which are constantly being brought to my notice, and I have accordingly to request that you will take an early opportunity of renewing your unofficial application to M. de Cuvelier for information on the subject. If he still is unwilling to comply with your request, you should press him to reconsider his reply, stating that His Majesty's Government consider it due to them as a matter of common courtesy that they should be informed of any decision which has been taken in a question which has formed the subject of prolonged correspondence between the two Governments.

In replying to questions and speeches in the House of Commons I have hitherto not entered upon discussion of the state of affairs disclosed by the Commission of Inquiry, on the ground that the nature of the reforms, consequent upon the Report of the Reforms Commission, would soon be made known. It was hoped that they would be effective, and be put into operation soon. Should this not be the case it will be impossible to avoid adverse comment, which will come with added force in view of the state of affairs which has been disclosed by the official inquiry of the Congo Government, and which will remain acknowledged and unremedied till reforms are announced and applied.

I am, etc. (Signed) EDWARD GREY.

No. 13. *Sir A. Hardinge to Sir Edward Grey.*

(Received April 17.)

(Extract.)

Brussels, April, 12, 1906.

I asked M. de Cuvelier to-day—

1. Whether he was in a position to give me a reply respecting the publication of the evidence taken by the Commission of Inquiry; and

2. What progress was being made with the measures of reform which he had informed me were under consideration.

To my first question, in connection with which I took the opportunity of bringing out some of the points mentioned in your despatch of the 7th instant, he replied that he hoped to be able to send me an answer to my written remarks in the course of the next few days.

With respect to my second inquiry, he assured me that the measures of which he had already spoken to me were being most seriously examined, but he admitted that they had been referred back to the Local Government at Boma.

No. 14. *Sir A. Hardinge to Sir Edward Grey.*

(Received April 23.)

Brussels, April 19, 1906.

SIR,—I have the honour to transmit herewith, in continuation of my despatch of the 12th instant, a copy of the reply of M. de Cuvelier to my representations respecting the publication of the evidence taken before the Congo Commission of Inquiry.

As I anticipated, the Congo Government persists in its objections to the course proposed by you, on the ground,

mainly, that the publication of the evidence was deemed inexpedient by the Commission, whose opinion it is bound to respect (inasmuch as it gave the Commissioners a free hand), and whose reasons for that opinion it deems convincing.

With reference to the fourth paragraph of M. de Cuvelier's letter, I should mention that he asked me in the course of our discussions whether "proceedings" was the exact English equivalent of "procès-verbaux," saying that, if this was so, he had been misunderstood by Sir C. Phipps. I observed that the word "proceedings" was not quite a literal translation of the French term "procès-verbaux," which would in English be more correctly rendered "minutes," or "records of evidence"; but that, although it was a somewhat wider and more elastic phrase, it appeared to me to cover the depositions recorded by the Commissioners, as well as their other "actes et gestes."

I have, etc. (Signed) ARTHUR H. HARDINGE.

Enlosure in No. 14.

*M. de Cuvelier to Sir A. Hardinge.*

(Translation.) (Personal and semi-official.)

Brussels, April 19, 1906.

M. LE MINISTRE,—I have read with great care the semi-official letter which you have addressed to me on the subject of the publication of the inquiry.

You repeat in it the declaration which you were good enough to make to me, and of which I had taken note, that His Majesty's Government did not invoke any principle of law in support of their request that the evidence laid before the Commission of Inquiry should be made public. As you are aware, I have, in my conversations with your predecessor and yourself, constantly affirmed that the internal affairs of the Congo State, as of every other independent State, concerned itself alone, and that we could not depart from this principle of autonomy which British Colonies themselves have lately been seen to claim in their relation to the mother country.

The semi-official character which you give to your written communication, enables me, however, to entertain it without seeming to call this principle in question.

In the first instance, it is desirable to remove the impression made by the conversation which I had in August, 1904, with Sir Constantine Phipps, that some sort of assurance had been given by me, at some time, that the *procès-verbaux* of the inquiry should be published. You were good enough to agree with me that the term "proceedings," which was employed by Sir

Constantine Phipps, did not bear that interpretation. Your Excellency will realise this even more clearly by referring to the despatch of Lord Lansdowne of the 10th August, 1904, which led to my conversation with Sir Constantine Phipps. This despatch shows what the British Government understood by the "proceedings" of the Commission. At that time, the question of the publication of the inquiry, or of the Report itself, had not been considered. The "proceedings" of the Commission, that is to say, the manner of proceeding which it would follow, alone was under consideration. "It is possible that further regulations are contemplated with regard to the conduct of the proceedings," were the words of the despatch, and, as I observed to Sir C. Phipps, this "conduct of proceedings" has been given full publicity, for the instructions which, on the 5th September after that date, the Government addressed to the members of the Commission of Inquiry, have been published, and the Report of the Commission has dealt fully with the manner in which it concluded the inquiry.

It does not appear possible to the Government to disregard the conclusions of the Commission of Inquiry, whose work is finished, and which cannot be re-opened. We left the Commission liberty to perform its task as it wished, liberty to decide whether its sittings would be public, liberty to draw up its Report as it thought proper. Besides, we cannot but concur in the "considerations of the highest importance" which it believes stand in the way of the publication of the depositions. It affirms particularly that publicity of this kind would be calculated to do irreparable harm to persons to all intents and purposes accused, but who would yet be unable to defend themselves or explain their conduct. The proposal to omit from the *procès-verbaux* the names and dates would not eliminate the danger foreseen by the Commission; the itinerary followed by the Commission, and the places where it undertook its examinations, are well known, and owing to the relatively small number of agents employed and of the actual circumstances revealed in each case, it would always be easy for any one on the spot to identify the persons attacked. The case of the report of Mr. Casement, published in similar conditions, is the best proof of this contention; for although I thought, at the time of the publication of his report, that the omission of date, place, and names would make the identification of people difficult, I observed subsequently that this precaution was insufficient, and that in the Congo it was quite easy to fill in the names where the report had inserted letters only.

If the publication of the depositions presents obvious drawbacks no good purpose would seem to be served by publishing.

Indeed, the statements of facts dealt with by the Commission of Inquiry have found their collective expression in the Report. Given the composition of the Commission, their impartiality, to which justice has been done even by our most bitter opponents, cannot be questioned. The publication of the evidence would therefore have no other results than to specialise the facts, without giving additional weight to the collective statements of the Commission.

Your Excellency's letter refers to a consideration, which you had already called attention to, that is to say, that "the members of the Commission of Inquiry not being really experts in colonial affairs, the value of a great part of their Report, as well as of the remedies they advocate, remains inevitably undetermined so long as the grounds upon which they formed their conclusions are inaccessible to those experts in all parts of the world who are competent to appreciate them." I trust that I have explained to your Excellency that if this quality of "colonial experts" were denied to the Commissioners, there was, perhaps, ground, from the point of view of colonial science, for criticising their suggestions and proposals, but not that portion of their labours which involved a statement of actual facts, which is simply a matter of good faith, with which colonial science has nothing to do.

I am not ignorant, M. le Ministre, and you have reminded me of the fact, that in the inquiries made at Sierra Leone and in Western Australia, the *procès-verbaux* have been published. I, in my turn, observed to you that in other circumstances the *procès-verbaux* have not been published. Besides, the only conclusion to be drawn from the precedents in question is that in such cases every Government takes, of its own accord, whatever decision it thinks fit. The Congo Government avails itself of this latitude. The Congo Government is actively and practically occupied with the measures suggested by the Report of the Commission of Inquiry.

Allow me to remind you that the step taken by Sir Constantine Phipps on the 11th January last followed close upon the letter Mr. Morel addressed to the Foreign Office "to suggest that pressure should be brought to bear upon the Congo Government to give full publicity to the evidence laid before its own Commission," and I cannot but believe that this suggestion, coming from Mr. Morel, whose rôle is known to you, was aimed at the Congo State. Although we do not fear these attacks, I shall continue to believe that our opponents would deliberately seek in such isolated depositions the means of misleading public opinion on the subject of Congo affairs.

I am, etc.

(Signed) CUVELIER.

P. W.

M

No. 15. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, May 3, 1906.

SIR,—I have received your despatch of the 19th ultimo respecting the reform of the Congo administration.

For the present, at any rate, it appears useless further to press for the publication of the evidence received by the Commission of Inquiry, but you should continue to urge the importance of making known at the earliest possible date the results of the labours of the Commission of Reforms.

I notice that, in the second paragraph of the note inclosed in your despatch, M. de Cuvelier appears to imply that His Majesty's Government have now adopted the view that any interference in the internal affairs of the Congo State on the part of foreign Powers is entirely unjustifiable. You should, when a suitable opportunity presents itself, explain to M. de Cuvelier that His Majesty's Government have in no way modified the view held by them and their predecessors that the Powers parties to the Berlin Act have every right to take such steps as they may consider called for with a view to the due observance by the Independent State of its obligations under that Act.

I am, etc.

(Signed)

EDWARD GREY.

No. 16. *Sir A. Hardinge to Sir Edward Grey.*

(Received May 14.)

(Extract.)

Brussels, May 11, 1906.

I spoke to M. de Cuvelier yesterday in the sense of your despatch of the 3rd instant.

M. de Cuvelier argued that no foreign Power had any right to interfere with the internal administration of the Congo Free State. He denied even that a right of this nature was vested in the signatories of the Berlin Act collectively. The British Government could, of course, interfere on behalf of its own subjects, if commercial or other rights guaranteed to them by the Berlin Act, or other engagements to which the Independent State was a party, were violated by the Congo Government, as it could, if the Treaty rights of Englishmen were violated in Belgium by the Belgian Government. It could not, however, consistently with international law, intervene between the Congo State and the latter's own subjects.

I asked M. de Cuvelier whether he meant me to understand that, in his opinion, the 6th Article of the Berlin Act, by which the Congo Government was bound to watch over the welfare of

the natives and improve their material and moral condition, was meaningless, and that the other Signatories of the Act had no right to make representations if the Independent State ignored or repudiated it. If, for instance, to take an extreme case, the Congo Government were to re-establish slavery or the Slave Trade, the suppression of which was one of the main ends of the Berlin Act, did he hold that the other parties to that Act would be precluded, either separately or collectively, from objecting, on the ground that by so doing they would be interfering between an independent Sovereign and his subjects?

M. de Cuvelier parried the question by asking whether I held that the Congo Free State would be justified in calling upon His Majesty's Government to abolish slavery in the East Africa Protectorate? That Protectorate, like the Congo State itself, was within the conventional basin governed by the Berlin Act.

I pointed out to him that the provisional toleration of the legal status of slavery in the mainland territory of the Sultan of Zanzibar was covered by the Articles in the Brussels Act dealing with "countries whose institutions admit of the existence of domestic slavery," such as Turkey, Egypt, Persia, and Zanzibar, and that the question which he had put had therefore no bearing whatever upon the one before us.

He thereupon said, although not very decisively, that even on the absurd assumption that the Free State were to establish slavery, the other parties to the Berlin Act could not legally interfere, and that the engagements I had quoted were a declaration of general principles and intentions as regarded the treatment of the native populations rather than a binding obligation which the remaining Signatories, or any one of them, had a right to enforce. I observed that I could not agree with him, and that I thought it right to make your view of the question quite clear. He said he took note of what I had stated, but, on his side, must adhere to his opinion, adding that I should find it developed in a work on the Congo State which he proposed to send me.

There is nothing new in the position taken up by M. de Cuvelier, who repeatedly advanced these contentions in discussions with my predecessor.

No. 17. *Sir Edward Grey to Sir A. Hardinge.*

Foreign Office, May 19, 1906.

SIR,—I have received your despatch of the 11th instant, reporting your conversation with M. de Cuvelier respecting the right of the Powers parties to the Berlin Act to intervene

between the Independent State of the Congo and the natives of that country with a view to the protection of the latter. I approve the language held by you on that occasion.

I am, etc. (Signed) EDWARD GREY.

## EXERCISE No. 9.

### THE DUBLIN CROWN JEWELS.

#### REPORT OF THE VICEREGAL COMMISSION.

1. We held our first meeting on the 10th January, 1908, at the Office of Arms, Dublin Castle. The Right Hon. J. H. Campbell, K.C., M.P., and Mr. Timothy M. Healy, K.C., M.P. (instructed by Messrs. W. R. Meredith and Son, Solicitors), appeared as Counsel on behalf of Sir Arthur Vicars; the Solicitor-General for Ireland, Mr. Redmond Barry, K.C., M.P. (instructed by M. Malachi Kelly, Chief Crown Solicitor), appeared on behalf of the Government.

2. At the outset of our proceedings Mr. J. H. Campbell, as counsel for Sir Arthur Vicars, asked us whether the Inquiry was to be public or private. We informed him that we were prepared to hear any application he had to make on that point, and to consider it carefully. He then proceeded to apply that the Inquiry might be held in public. As most of his arguments were based upon the terms of the reference in Your Excellency's Warrant, and upon the absence of any power in your Commissioners to compel the attendance of witnesses or to examine them upon oath, we pointed out that these objections applied to any Inquiry at all under Your Excellency's Warrant, whether public or private. Mr. Campbell then declared that under no circumstances could Sir Arthur Vicars or his counsel take any part in an Inquiry held under Your Excellency's Warrant, and withdrew his application for a public Inquiry. Sir Arthur Vicars and his counsel then withdrew, and we have had no assistance from them in our Inquiry. We had the advantage, however, of the written statements made by Sir Arthur Vicars to the police and of the oral statements made by him at various times to the police and other witnesses examined before us.

3. On the withdrawal of Sir Arthur Vicars we adjourned till the next morning, in order that we might consider, and give the Government time to consider, the situation that had thus arisen. We were disposed to think that no useful purpose could be served by the prosecution of the Inquiry after the withdrawal



of Sir Arthur Vicars, who, as the responsible custodian of the Jewels, was the person mainly interested in the result of the Inquiry; and in view of the fact that the Government were probably already in possession of all the information which our Inquiry was likely, under the circumstances, to elicit. But when the Solicitor-General, on behalf of the Government, asked us to hear the evidence relevant to our Inquiry which he was in a position to offer, and assured us he was in possession of important evidence on both branches of our Inquiry, we felt that we could not refuse to receive and record the evidence thus tendered, and that we must leave the responsibility for any deficiencies in the evidence before us on those who refused to take part in our proceedings.

4. We took evidence on five days, January 11th, 13th, 14th, 15th and 16th, and during that time there were examined before us every person employed in the Office of Arms during the year 1907, except Sir Arthur Vicars himself; Mr. Horlock, his Clerk; and Miss Gibbon, the Typist. We sat in the Library of the Office of Arms where the safe containing the lost jewels stood at the time of the robbery, and we had a full opportunity of inspecting, on the spot, all the arrangements of the Office. We also examined every Police Officer who had been engaged in the investigation of the circumstances attending the robbery, and certain experts in the construction and use of safes and safe-locks who gave us valuable information. We have thus been able to ascertain every material circumstance connected with the loss of the Crown Jewels, and we propose to give Your Excellency, in the first place, a short statement of the facts which appear to us to be the most important in relation to the subject of our Inquiry.

5. Sir Arthur Vicars was appointed Ulster King of Arms in February, 1893. At that time the Office of Arms was in the Bermingham Tower, but in 1903 it was removed to the building now occupied in the Upper Castle Yard. The duties of Ulster King of Arms in relation to the custody of the Crown Jewels and of the other Insignia of the Order of St. Patrick are defined in the revised statutes of the Order, dated 29th July, 1905. By Statute 27, Ulster King of Arms "shall have the custody of the . . . jewelled Insignia of the Grand Master." By Statute 12, "The jewelled Insignia of the Grand Master . . . which are Crown Jewels . . . shall be deposited by our Ulster King of Arms in the Chancery of the Order, along with the other Insignia of the Order." By Statute 37 of the Chancery of the Order "shall be in the Office of Arms in Our Castle of Dublin." And by Statute 20 it is ordained that the Collars and Badges of the Knights Companions of the Order which are in the

custody of Ulster King of Arms "shall be deposited for safe keeping in a steel safe in the Strong Room in the Chancery of the Order in the Office of Arms in Ireland." (The particular Statutes here quoted are set out in Appendix B.)

6. At the fitting up of the new Office of Arms in 1903 a Strong Room was built by the Board of Works according to plans approved by Sir Arthur Vicars. Sir George Holmes, the Chairman of the Board of Works, informed us that, at the time the plans for this Strong Room were prepared, he was not told by Sir Arthur Vicars, nor did he know, that the safe in which the Crown Jewels and other Insignia were kept, was to be placed in the Strong Room. After the Strong Room was completed it was found that the safe could not be got in by the door. When Sir George Holmes' attention was called to this he offered to place the safe in the Strong Room either by breaking down part of the wall and rebuilding it or by temporarily removing the iron bars of the window. Sir Arthur Vicars did not accept this offer on the ground that the safe would occupy too much floor space in the Strong Room, and said that unless he got a smaller safe he would prefer it to remain outside. It was ultimately arranged that the safe should remain in the Library until it was wanted for some other office, when Sir George Holmes promised to provide a new safe which could be placed in the Strong Room. According to the evidence of Sir George Holmes this arrangement was acquiesced in by Sir Arthur Vicars, and so matters remained down to the date of the disappearance of the Jewels. Sir George Holmes told us that his attention was never called by Sir Arthur Vicars, or anybody else, after July, 1905, to the requirements of Statutes 12 and 20, that the Crown Jewels and other Insignia of the Order of St. Patrick "shall be deposited for safe keeping in a steel safe in the Strong Room." It is certain that this requirement of the Statutes was never complied with, and that from the date of entering upon the new office in 1903 until the date of the disappearance of the Jewels, the safe was kept, not in the Strong Room, but in the Library.

7. The Office of Arms is entered by an outer door opening into the Upper Castle Yard. There are two locks on that door, a latch opened by a latch-key, and a large stock-lock with a key hole both inside and outside. The stock or main lock was never locked by day or night. The door was shut at night and on Sundays and holidays by slipping the bolt of the latch, so that any person having a latch-key could enter at any time of the day or night when the Office was closed. When the latch was unlocked the door was opened by turning a handle. There was no bell on the door to indicate when it was being opened or

shut. There were at least seven latch-keys for this door outstanding. Sir Arthur Vicars, Mr. Burtchaell, Secretary, Mr. P. G. Mahony, *Cork Herald*, William Stivey, the messenger, Mrs. Farrell the office cleaner, Detective Kerr, and John O'Keeffe, a servant of the Board of Works, each had a latch-key. It was necessary that Mrs. Farrell, Stivey, Detective Kerr, and O'Keeffe (who lit and extinguished the light in the Clock Tower during the Castle season) should have access to the Office at times when it was closed, and perhaps no better arrangement could conveniently have been made. But it is obvious that the fact that the Office was so easily accessible at all hours and that seven latch-keys were given out, some of them in the hands of persons of humble station, made it additionally necessary that special provision should be made for the safe keeping of the Crown Jewels. During the day this outer door could be opened by anybody merely by turning the handle. There was no one on the ground floor but the messenger Stivey, whose usual seat did not command a view of the door. The Library, in which the safe containing the Crown Jewels was kept, is not an ordinary working-room and is not occupied, except temporarily, by any of the officials. One door of the Library is quite close to the outer door, and is so situated that any person might quietly open the outer door and enter the Library without attracting attention. A second door of the Library opened into the Messenger's Room and was usually left open. The Library was the Waiting-Room of the Office, and every person who called on a matter of business or curiosity was shown in there until some of the officials came down from the first floor to attend to him. The Office of Arms, in common with all the other offices in Dublin Castle, was visited and inspected every evening, after all the officials had left, by a member of the detective force, whose duty it was to see that the offices were safe, but who had no special duty in connexion with the custody of the Crown Jewels.

8. The Strong Room is practically an off-shoot from the Messenger's Room in which Stivey sat when on duty except when he was sent on a message, or was at dinner, or was called upstairs. There were four keys for the outer door of this Strong Room. One was in possession of Sir Arthur Vicars, Stivey held one, Mr. P. G. Mahony one, and one, which had for a short time been in possession of Mr. Burtchaell, was, at the date of the disappearance of the jewels, in the Strong Room in a drawer stated to be unlocked. Close inside the outer door of the Strong Room is a strong steel grille which must be opened before access can be had to the Strong Room. One key of this grille, which was in Stivey's charge, was constantly in the lock whether the Strong

Room was open or shut, except when Stivey went on a message or was at dinner, when he locked the grille and placed the key of the grille in an unlocked drawer in his room, leaving the outer door of the Strong Room open. This latter arrangement was made by Sir Arthur Vicars' order. Every official in the office knew where the key of the grille was kept in Stivey's absence, and had access to it. It was the custom for Stivey to open the Strong Room every morning when he came on duty, and to leave both the outer door and the grille open until he left in the evening, except upon occasions of his temporary absence, when he made the arrangements which we have already described. If he were merely called upstairs and there were no stranger about, he left both the outer door and the grille open. This Strong Room ought to have contained the safe in which the Crown Jewels and other Insignia were kept, but it did, as a matter of fact, contain articles of very great value, including three gold collars and badges of Knights Companions of the Order, two State Maces, the Sword of State, a jewelled Sceptre, a Crown, and two massive Silver Spurs. These were exposed in a glass case. There was another gold collar in a case somewhere else in the Strong Room (see Sir Arthur Vicars' written statement to the Police, July 12th, 1907, Appendix A). It is plainly contrary to the Statute 20 of the Order that these Collars and Badges of the Knights Companions should be kept exposed in a glass case in the Strong Room. The words of the Statute are express—"in a steel safe in the Strong Room."

9. We have thus given a general description of the way in which the Office of Arms was kept, and of the provision made for the safe-keeping of the Crown Jewels and other Insignia of the Order of St. Patrick. We have stated no facts but those which are common to all the witnesses, and which are admitted by Sir Arthur Vicars himself in his statements to the police. Looking at these facts alone, and without any reference to the loss of the Crown Jewels or the incidents that accompanied that loss, we cannot arrive at the conclusion that Sir Arthur Vicars exercised due vigilance and proper care in the custody of the Jewels. We do not dwell upon the positive breaches of his duty under Statutes 12 and 20 of the Order. But, apart from any specific duty imposed upon him by the Statutes, we cannot think that he showed proper care in leaving the safe containing the Crown Jewels in a room which was open to the public all day, and was open all night to any person who either possessed, or could get possession of one of seven latchkeys. We should have thought that in the case of Jewels like these, of immense value and of national importance, the responsible custodian would, instead of carrying about the

key of the safe in his pocket, have deposited it with his banker or in some other place of security except on the rare occasions when it was necessarily in use. We are of opinion that great want of proper care was also shown in respect of the Strong Room. The fact that three, and at one time four, keys of this room were out in the hands of different persons, one of whom was Stivey, the messenger, who also had control of a key of the grille, is in itself a proof of want of due care. We have been unable to ascertain any sufficient reason why a key of this Strong Room should have been in any hands but Sir Arthur Vicars' own. The further fact that it was the custom that William Stivey, the messenger, should open both doors of the Strong Room on his arrival in the morning, and that they should be kept open all day until Stivey left in the evening, also appears to us to show great want of care.

10. We now come to the circumstances connected with the loss of the Jewels and with the discovery of their loss. It is ascertained beyond doubt that the Jewels were in the safe on June 11th, 1907. They were shown on that date by Sir Arthur Vicars to Mr. John Crawford Hodgson, Librarian to the Duke of Northumberland. There is no evidence that from that date until the 6th of July, when their loss was discovered, they were seen by anybody, nor is there any evidence that the safe was ever opened by any one in the Office between those dates. Sir Arthur Vicars himself says in the statement already quoted:—"From 11th June to 6th July I have no recollection of seeing the Jewels nor of having gone to the safe." The officials attending in the Office between those dates were Sir Arthur Vicars, Mr. Burtchaell, Mr. Mahony, Mr. Horlock, Miss Gibbon, Stivey, the messenger, and Mrs. Farrell, the office cleaner. Neither Mr. Goldney, Athlone Pursuivant, nor Mr. Shackleton, *Dublin Herald*, appears to have been in the Office, or indeed in Ireland, at any time between those dates. Mr. Mahony was not in the Office from April until July 4th, except on one day in May, so that, of the period between 11th June and 6th July, he was only in the Office on three days.

11. On the morning of Wednesday, 3rd July, Mrs. Farrell, the Office cleaner, on coming to the Office at her usual hour between 7 and 8 o'clock, found that the outer door was unlocked. The bolt of the latch was caught back, so that she opened the door by merely turning the handle. Mrs. Farrell waited until Stivey, the messenger, came in about 10, and told him what had happened. When Sir Arthur Vicars arrived about 12, Stivey told him what Mrs. Farrell had reported, and Sir Arthur replied "Is that so?" or "Did she?" No further notice was taken of the incident. It was not reported to the

police, nor was Kerr, the detective, whose duty it was to inspect the offices at night, informed of the circumstance. Stivey is perfectly certain that he slipped the bolt of the latch when leaving the office about 5.30 on the Tuesday evening, but he is not certain whether he left Sir Arthur Vicars behind him or not. Detective Kerr visited the Office about 7 p.m. on the Tuesday evening, opened the door by his latchkey, found it locked, found no one in the office, made his usual round of inspection, tried the door as he went out, and made sure it was locked. It is plain upon this evidence that some one in possession of a latchkey visited the Office after Detective Kerr had left it, and took the trouble to draw back the bolt of the latch and fasten it. It seems to us an extraordinary instance of negligence on Sir Arthur Vicars' part that he made no inquiry about this singular incident, did not interrogate Kerr the detective, made no report to the police, and did not examine the safe or Strong Room to see that all was right. Sir Arthur Vicars' own account of this matter is as follows:—"On Wednesday, 3rd July, to the best of my recollection, I arrived at the Office at 12 o'clock noon, and left about 6 p.m. Stivey informed me that he was told by Mrs. Farrell, the office cleaner, that she found the hall door open when she arrived to clean the office in the morning." (Sir Arthur Vicars' Statement of 12th July, 1907—Appendix A.)

12. On the morning of Saturday, 6th July, a still more startling incident occurred. Mrs. Farrell opened the office at her usual hour between 7 and 8 a.m. and walked into the messenger's room to see if any written message had been left for her. On entering the messenger's room she found that the outer door of the Strong Room was standing ajar. There were two keys hanging in the lock of the grille. Mrs. Farrell took these two keys out of the grille lock, and shut the outer door of the Strong Room. She did not wait until Stivey came, either because he was late or because she was in a hurry, but she wrote a note on his blotting-pad telling him what she had found, and left the keys on the note. When Stivey came about 10.20 a.m. he found Mrs. Farrell's note and the two keys lying beside it. These two keys, as he explained to us, were the key of the grille and a smaller key which opened the presses in the Library, and they were tied together by a piece of twine. The presence of the keys was indubitable evidence that the Strong Room door had been opened or had been left open, as the keys were left in the lock of the grille the night before. Stivey at once examined the Strong Room and found that nothing had been touched inside so far as he could observe. On the preceding evening Stivey had gone to Sir Arthur Vicars' room about 5.30 p.m., and found

him there with Mr. Horlock. He asked Sir Arthur if he might go, and was told he might. He asked Sir Arthur if he wanted the Strong Room any more that night. Sir Arthur said "No, you may close it." Stivey then closed and locked the outer door of the Strong Room, leaving the two keys hanging in the lock of the grille. Stivey's statement is fully confirmed by Sir Arthur Vicars, who says :—"On Friday, 5th July, I left the office at 7.15 p.m. About 5.45 p.m. Stivey asked me whether he could go, and I said 'Yes.' He asked me whether he should lock the Strong Room, and I told him to do so, at the same time handing him a MS. to be replaced therein. I subsequently had occasion to pass the Strong Room door to go to the telephone more than once, and the door was closed." (Statement of 12th July, 1907—Appendix A.) About 7.15 p.m. Sir Arthur Vicars left his office with Mr. Horlock. Before he left he made what he called his "usual tour of inspection." "I passed through the Library, glancing at all the bookcases, and satisfied myself they were closed. I passed into the messenger's room, noticed the window was bolted, and tried the handle of the Strong Room door and found the door was locked." (Same Statement, Appendix.) Almost immediately after Sir Arthur Vicars had left the office Detective Kerr entered it, and examined every room in the house. He noticed the Strong Room door; it was closed and bolted. He left the office about 7.30 p.m. On these facts it was plain that someone had entered the office after the Detective had left on Friday evening, and had opened the Strong Room and left it open. It seems very strange that, after what had happened on the preceding Wednesday morning, Sir Arthur Vicars should treat this new incident as if it were of no importance whatever. When he was told by Stivey that Mrs. Farrell had found the Strong Room open when she came in the morning, he said, "Did she?" or "Is that so?" went upstairs to his own room, and took no further notice of the incident. He did not even examine the Strong Room to see if anything had been taken, he did not examine the safe to see if it had been tampered with, he did not send for Detective Kerr to see if he had noticed anything wrong the night before, he made no communication to the Police. Sir Arthur Vicars has given his own explanation of his conduct on this occasion, and it seems to us wholly insufficient :—"On Saturday, 6th July, I arrived at the office at about 11 a.m. I have a vague recollection of being told by Stivey that Mrs. Farrell had found the Strong Room door open when she arrived, but at the time I did not realise that it was that morning, and being very busy left the matter for subsequent investigation. It was not until Sunday afternoon, when I was working at my house in connexion with the Royal Visit with Horlock,

that I realised that the Strong Room door was open on Saturday morning. Horlock had informed me at my house on Sunday that Stivey had told me in my office on Saturday that the Strong Room door was found open that morning." (Sir Arthur Vicars' Statement of 12th July—Appendix A). It is hardly necessary to comment upon the strange want of any sense of responsibility for the security of his office and of the Jewels entrusted to his care which this statement reveals. The door of his office had been found open on the previous Wednesday; he is now told that the door of the Strong Room had been found open; he has only a vague recollection of this startling statement; he does not take the trouble to ascertain definitely even the day on which the event had happened; and he thinks it a matter that may be left for subsequent investigation. We can only say that, in our opinion, Sir Arthur Vicars' treatment of this incident shows an entire absence of vigilance and care in the custody of the Jewels.

13. It was between 12.30 and 1 p.m. on Saturday, 6th July, that Stivey told Sir Arthur Vicars about the Strong Room having been found open. About 2.15 p.m. on the same day Stivey went to Sir Arthur Vicars' room to inquire whether he might go for the day. Sir Arthur gave him the key of the safe, and the box containing the Collar of a deceased Knight of St. Patrick which had just been returned, and told him to open the safe and place the collar in it. This was the first time that Stivey ever had the key of the safe in his hand. It seems strange that Stivey should at any time have been entrusted with the key of the safe, but that he should have been entrusted with it just after the occurrence of incidents which call for peculiar care seems stranger still. Stivey proceeded to the safe and tried to open it. He found, in the way which is fully described in his evidence, that the safe was actually unlocked. He did not open the safe. Sir Arthur Vicars came downstairs immediately, and Stivey told him the safe was not locked. Sir Arthur thereupon opened the safe, and found that the Jewels and all the Collars and Badges in the safe were gone. The cases which had contained the Jewels, Collars, and Badges had all been carefully replaced, but a case containing his mother's diamonds, which was locked and the key of which was in the hands of Mr. George Mahony, his half-brother, had been removed. The police were then sent for and told what had happened, and even then not a word was said about the Strong Room having been found open that very morning. When Superintendent Lowe said, "What about the Strong Room?" Sir Arthur replied, "It is a modern safe, a Milner's safe, and quite secure; it could not be opened except by its own key." Nobody on



Saturday, the 6th, mentioned to the police either that the outer door had been found open on the morning of Wednesday or that the Strong Room had been found open on that morning (Saturday), and it was only on Sunday, the 7th, that Detective Kerr heard these facts from Mrs. Farrell for the first time.

14. The lock of the Strong Room was carefully examined on Monday, 8th July, by Mr. F. J. O'Hare, a Dublin representative of the Milner Safe Company, who supplied the door and lock of the Strong Room. He took the lock to pieces and took out the seven levers. He found no trace whatever of tampering with the lock. There was not a scratch on the highly polished levers. The Ratner safe, in which the Jewels were kept, was examined on the 9th July by Cornelius Gallacher, an *employé* of Ratner's agents in Dublin. He removed the lock and chamber, took all the levers out, and found no trace of tampering or any scratch on the levers. Both these experts came to the same conclusion ; that there was no picking of the locks or attempt at picking ; that the locks were opened by their own keys or keys identical with them in every respect in make and finish, and that such keys could not be fabricated from a wax impression. Keys fabricated from a wax impression, though they would have opened the locks, would, in their opinion, have left on the levers traces of pressure and friction which would be easily discernible.

15. If the person who stole the Jewels was, as we believe he was, the same person who entered the Office of Arms on the night of Tuesday, 2nd July, and again on the night of Friday, 5th July, it is clear that he possessed three keys—a latch-key for the outer door, a key of the Strong Room, and a key of the safe. As there were at least seven latch-keys outstanding and carried about in the pockets of the persons who used them, there could be no great difficulty in obtaining possession of a latch-key. Sir Arthur Vicars told Sergeant Sheehan on the 20th September that his own latch-key had been lost on the previous 28th June, and that he did not recover it until the 9th or 10th July, when it was found on his dressing-table. It is evident that this latch-key of Sir Arthur Vicars', in whatever hands it was, might have been used to open the door at any time between the 28th June and the 9th July. There were four keys of the Strong Room. One of these, which had for a short time been in possession of Mr. Burtchaell, was at the date of the disappearance of the Jewels, and for a year before, kept concealed in the Strong Room. There was no evidence that this key had ever been removed from the Strong Room until after the discovery of the loss of the Jewels. Another key of the Strong Room was in possession of Mr. P. G. Mahony, *Cork*

*Herald.* Stivey seemed to be under the impression that Mr. Mahony's key was in the Strong Room with Mr. Burtchaell's, but we are satisfied, on Mr. Mahony's own evidence, that his key was locked up in a desk in his own house from some day in April, 1907, when he left Dublin on account of his health, until the evening of Saturday, 6th July, when he delivered up this key to Sir Arthur Vicars, and that it had not been once out of his desk during that interval. There remain only Stivey's key and that held by Sir Arthur Vicars himself. We are of opinion that the Strong Room must have been opened on the night of Friday, 5th July, by one or other of these keys, or else by a key fabricated by a skilled workman from one of the keys of the Strong Room as a model. There was no evidence that any of these keys was ever out of its holder's possession long enough to enable a false key to be made, and we had evidence from the Police that an exhaustive inquiry had been made amongst all the locksmiths and key manufacturers in Dublin, and no such key had been made by any of them. We are also of opinion with Inspector Kane, of Scotland Yard, that it is difficult to believe that any thief would have taken the trouble and risk of getting a false key of the Strong Room fabricated, except for the purpose of removing the valuables from the glass case therein. The person who opened the Strong Room on the night of Friday, 5th July, touched nothing in it.

16. We cannot attribute negligence to Sir Arthur Vicars in the custody of his key of the Strong Room. He seems to have taken as much care of it as any man could do of a key which he carried about with him, and which was in constant use. We have already expressed an opinion that it was an imprudent thing to give a key of the Strong Room to a man in Stivey's position, though he were fully convinced of Stivey's probity. Stivey himself says that he knew of no reason for his having this key except that Sir Arthur Vicars wanted him to carry a key.

17. There were only two keys of the safe, both in the possession of Sir Arthur Vicars. We are of opinion, upon the evidence, that the safe could only have been opened by one of these two keys, or by a key made by a skilled workman from one of these keys as a model. The following is Sir Arthur Vicars' own account of the way in which the two keys were kept:—"So far as I know there are only two keys for the safe, which are always in my custody. . . . The key of the safe which I use I always carry with me along with other keys on a steel ring, except on full-dress nights, when I remove it from the bunch and carry it on a ring of its own in my uniform coat pocket; the other key for the safe I have always kept concealed

in my residence. . . . I recollect leaving the key of the safe in my writing table at my residence about two months ago, but the keys, with safe key included, were brought to me to my office by my servant, Frederick Pitt, within an hour. The keys were found by my maidservant in my writing desk, and she directed Pitt to bring them to the Castle to me." (Statement of 12th July, 1907—Appendix A.) A further statement was made by Sir Arthur Vicars about the second key of the safe to Mr. Harrel, Assistant Commissioner of the Dublin Metropolitan Police, on the afternoon of Saturday, 6th July, the day on which the loss of the jewels was discovered :—"He told me he had a second key for the safe, and that that key was in a drawer in a writing table in his own house. I said to him, 'Would you go and see whether that key is now there?' He said he had so much to do that he could not go then, but would go at the earliest moment possible—about 7 o'clock. I asked him to let me know at once when he went home whether the key was there, and he said he would. And he telephoned to me that evening that the key was there just as he had left it, and that he could see no trace of it having been tampered with."

18. We cannot acquit Sir Arthur Vicars of want of proper care in the custody of the keys of the safe. These keys unlocked the safe which contained Jewels of enormous value and importance, for whose safety Sir Arthur Vicars was wholly responsible. The safe was placed in a room which was easily accessible by day to everybody, and by night to anybody who could get possession of a latch-key. The position and value of these Jewels must have been known to very many people, as Sir Arthur Vicars was in the habit of showing them freely to casual visitors in the Library, where people were passing in and out. It was not necessary to open the safe except upon very rare occasions. Sir Arthur Vicars himself says :—"I seldom have occasion to open it." (Statement of 18th July, 1907—Appendix A.) It appears on his own statement that he did not open the safe between 11th June and 6th July of 1907. Under these circumstances it appears to us that Sir Arthur Vicars ought not to have carried about a key of the safe or left one in his own house. He ought to have deposited the two keys of the safe in a strong room at his Banker's or in some other place of equal security, and only taken out one when it was necessary to open the safe, and returned it again to its place of security as soon as the occasion for using it was over.

19. We have thus given Your Excellency a statement of all the essential facts and circumstances connected with the loss of the Crown Jewels and of the conclusions we have drawn from them as to the vigilance and care exercised by Sir Arthur

Vicars in their custody. Your Excellency will observe that the main facts on which we base any conclusion affecting Sir Arthur Vicars are not in controversy. There has been no conflict of evidence as to these facts before us, and there is nothing to contradict them in the various statements made by Sir Arthur Vicars himself to the Police.

20. We are very sorry that Sir Arthur Vicars did not appear before us to give evidence or to assist us, through his Counsel, in the examination or cross-examination of other witnesses. We think the reasons assigned for his refusal to assist us are wholly insufficient. Objection was at first taken to our Inquiry being held in private. We were ready to hear an application for a Public Inquiry and to grant it, if good reason had been shown for it, but as soon as we intimated our readiness to hear such an application it was withdrawn, and the objection to our Commission based on other and wholly different grounds. Objection was taken to the terms of the reference, though we think that the terms of the reference were wide enough to embrace every matter in relation to the loss of the Crown Jewels in which Sir Arthur Vicars' conduct as their custodian was involved. Objection was taken to the powers of the Commission, although we possessed every power which any Royal or Viceregal Commission can possess without a special Act of Parliament. The absence of power to compel the attendance of witnesses was made a matter of objection by Sir Arthur Vicars and his counsel; but the only witnesses asked by us to attend who refused to come, in addition to Sir Arthur Vicars himself, were Mr. Horlock, his clerk, and Miss Gibbon, the typist, both of whom based their refusal on the ground of the supposed interest of Sir Arthur Vicars. We do not think that the administration of an oath would have affected the results of an Inquiry in which there was little conflict of evidence as to the details, and in which all the salient and essential facts were agreed upon by everybody interested.

21. When much evidence had been given before us which seemed to us to show great want of due care and vigilance on Sir Arthur Vicars' part in the custody of the lost Jewels, we thought it only fair to give him another opportunity of appearing before us and telling his own story in person. (See correspondence with Sir Arthur Vicars—Appendix D.) On the application of the Solicitor-General we agreed to take his evidence and that of any witnesses he might suggest, in public, if he so desired. Sir Arthur Vicars refused this offer, and we have not had the advantage of hearing from himself directly his account of the various matters and occurrences in which he was concerned. In these circumstances it is a great satisfaction to

us to be able to say that, having carefully examined and considered every statement which Sir Arthur Vicars has made either in writing or orally relating to the subject of our Inquiry, we cannot find any conflict between him and the witnesses examined before us as to any matter of fact relevant to our Inquiry.

22. Although it was no part of our duty under Your Excellency's Warrant to conduct a criminal investigation into the robbery of the Jewels, or to take evidence with a view to the ascertainment of the thief, yet as, on the evidence given before us and now in print, it appears that the name of Mr. Francis Richard Shackleton was more than once named as that of the probable or possible author of this great crime, we think it only due to that gentleman to say that he came from San Remo at great inconvenience to give evidence before us, that he appeared to us to be a perfectly truthful and candid witness, and that there was no evidence whatever before us which would support the suggestion that he was the person who stole the Jewels.

23. Having fully investigated all the circumstances connected with the loss of the Regalia of the Order of St. Patrick, and having examined and considered carefully the arrangements of the Office of Arms in which the Regalia were deposited, and the provisions made by Sir Arthur Vicars, or under his direction, for their safe keeping, and having regard especially to the inactivity of Sir Arthur Vicars on the occasions immediately preceding the disappearance of the Jewels, when he knew that the Office and the Strong Room had been opened at night by unauthorised persons, we feel bound to report to Your Excellency that, in our opinion, Sir Arthur Vicars did not exercise due vigilance or proper care as the custodian of the Regalia.

We desire to express our obligations to our Secretary, Mr. C. T. Beard, of the Chief Secretary's Office, for the valuable assistance he gave us in the conduct of our Inquiry.

All which we humbly submit for Your Excellency's consideration.

JAMES J. SHAW.  
ROBERT F. STARKIE.  
CHESTER JONES.

C. T. BEARD, Secretary,  
25th January, 1908.

P.W.



## CHAPTER IV.

### LAW EVIDENCE.

#### EXERCISE No. 10.

##### THE DRUCE CASE: SUMMONS DISMISSED.

AT Clerkenwell, yesterday, Herbert Druce, of The Beeches, Circus Road, St. John's Wood, again appeared before Mr. Plowden to answer the summons charging him with having committed perjury in an affidavit sworn by him on March 28, 1898, at The Beeches, Circus Road, and also in the evidence he gave in the Probate Court on December 3 and 4, 1901, in an action brought against the executors of the will of Mr. T. C. Druce, the defendant's father, for the revocation of probate. The action failed, however, and the will was pronounced for. Both in the affidavit and in the evidence in the Probate Court the defendant swore that his father, Mr. T. C. Druce, the proprietor of the Baker Street Bazaar, died on December 28, 1864, and that he saw him lying dead. This was asserted by the prosecution to be untrue, and that Mr. T. C. Druce was in reality the fifth Duke of Portland, who did not die until 1879, and that a mock funeral was arranged so that the duke might relinquish his dual personality.

Mr. Atherley-Jones, K.C., and Mr. Sydney Goodman prosecuted; Mr. Horace Ivory, K.C., Sir Charles Mathews, and Mr. Ronald Walker represented the defendant; Mr. S. A. T. Rowlatt watched the case on behalf of the Duke of Portland and Lord Howard de Walden; Mr. T. E. Crispe, K.C., and Mr. C. H. Swanton were present in the interest of the shareholders of G. H. Druce (Limited); Mr. J. A. T. Good appeared for a person interested.

This was the 14th hearing.

Sir Charles Mathews proceeded to call evidence with regard

to the exhumation at Highgate, his first witness being Mr. Leslie Robert Vigers, a member of the Institute of Surveyors, of Frederick's Place, Old Jewry. He said he attended the Highgate Cemetery on Sunday, December 29, and made a careful inspection of the Druce vault. Under his supervision the monument was removed.

Sir Charles Mathews.—And how far down was an excavation made?—There was no excavation. The marble kerbs were removed, but the vault was not opened.

That was the point reached as the result of the Sunday afternoon's work?—Yes.

Did you attend again on Monday morning?—Yes.

And did you find the vault and everything in the same condition as you had left it?—I did.

And in your presence were the marble slabs and York stones removed?—Yes; and they were rolled away to the side.

On that being done, did anything come to view?—Yes, a portion of Mrs. Druce's coffin, which was resting on a stone floor. The marble slab and York stones on the other half of the vault were removed in the same way.

And was the effect to bring into view the whole of the coffin?—It was.

What was done with the coffin?—It was raised and placed to the side of the vault.

Were you then able to see and examine the stone floor on which it rested?—Yes; it consisted of eight York stone slabs about  $1\frac{1}{2}$  in. in thickness. They were jointed with cement, and cement was filled in all round against the wall.

And were some men sent down to cut out the joints?—Yes, and the stones were raised.

And when that had been done, what was disclosed?—There was a wall up the centre of the vault making two compartments. There were two coffins there—one adult coffin and one child's.

Whose did the adult coffin turn out to be?—The coffin turned out when raised to be that of Thomas Charles Druce.

Of what was the vault constructed?—Brick, with a brick floor laid in cement. It was ordinary brickwork pointed up and whitened.

As far as you could see, did the vault appear to be in the condition in which it was originally constructed?—Certainly.

Were any of the bricks removed in the floor?—Yes, in the half where the coffin had been removed a number of bricks were taken out from about the centre, near the western end, with a crowbar, and the clay was exposed. The crowbar was then driven in as far as a man was able in two places, and the clay was found to be quite solid.

Let us have the depth the crowbar was driven in?—It was 13in. in the centre and 16½in. at the other point.

Was it what is called virgin soil?—Yes, it was apparently virgin clay.

Was any lead of any description found anywhere in the vault or beneath it to the depth of 16½in.?—No.

You told us you saw the coffin which afterwards proved to be that of T. C. Druce. I believe you saw it subsequently to its being raised and laid aside?—I did.

Can you tell us, had it a brass plate upon it?—Yes.

And an inscription?—Yes. The inscription ran:—"Thomas Charles Druce, Esq. Died 28th Dec., 1864, in his 71st year."

Cross-examined by Mr. Atherley-Jones.—As I understand, you are satisfied as far as you can judge that both the grave and the coffin had not been tampered with?—Certainly.

And also that they pointed, so far as your judgment could go, to having been undisturbed since about the year 1864?—Yes.

Mr. Avory.—To prevent misapprehension, let me ask you, when you say "undisturbed since 1864," is it not clear that the stone on which the coffin of Mrs. Druce was had been built in after its original construction?—Quite so.

Mr. Avory then called Mr. Augustus Joseph Pepper, surgeon, St. Mary's Hospital, and adviser to the Home Office for the Metropolitan Police, who said that on Monday, December 30, at 10.20 a.m., he arrived at the Highgate Cemetery, accompanied by Sir Thomas Stevenson. On arriving at the vault which bore the monument of Thomas Charles Druce he found it already open to the bottom. It was a brick-built vault, with a brick floor. The walls and floor of the vault had the appearance of having been undisturbed since their construction. He was present when the experiment was made with the crowbar. He agreed that the soil had been undisturbed; it was virgin soil. On the floor of the vault he saw three coffins. The coffin bearing the plate of T. C. Druce was by itself in the left-hand compartment. He saw other inscriptions on the other coffins there. The coffin bearing the inscription of Thomas Charles Druce was raised under his supervision. The coffin was covered with blackish coloured cloth. On the lid, besides the inscription plate, there were some brass nails, and at the head there was a trefoil brass cross. At the bottom was a Maltese brass cross. The inscription on the plate was as follows:—"Thomas Charles Druce, Esqre. Died 28 Decr., 1864. In his 71 year." In opening the oak coffin he found a lead coffin. There was an inscription also on that:—"Thomas Charles Druce, Esq. Died 28 Dec." The lead coffin had been, and was still, airtight. The lid of the coffin was removed in his presence. That disclosed an



inner shell, the lid of which came away with the lid of the lead coffin. In the shell he saw the shape of a human body covered by a shroud of white cambric, figured near the margin.

Mr. Avory.—Was there anything over the face?—A linen handkerchief about the size of a pocket handkerchief.

Any mark on it?—The initials "T. C. D." and the figure "12."

On removing the sheet in which the body was wrapped what did you find the body to be?—A male body, aged.

By "aged" what do you mean?—I should say from 65 to 75.

And about what height?—The actual length of the body as it lay in the coffin was 5ft. 7½in., and allowing ¾in. for shrinkage after death would make it 5ft. 8½in. to 5ft. 9in.

Speaking of it generally, what was the state of preservation?—It was extremely well preserved. The skin was only broken in one part of the body.

Was it sufficiently preserved for the features to be recognised?—Oh, quite easily.

Before you describe the details, tell me had you on you at the time this photograph?—Yes, it is the photograph marked "8."

Mr. Avory pointed out that the photograph had been exhibited in the legal proceedings, and showed the subject in a standing position.

Mr. Avory.—With that photograph in your possession did you form, Mr. Pepper, your view as to the identity of the body?—There was a striking resemblance. There was a striking general resemblance, and upon comparing particular points the resemblance was also marked.

How would you describe the face and head to be?—The head was covered with scanty reddish brown hair, with a small part white. It was parted neatly on the left side. One side was brushed slightly over the forehead. The eyebrows were rather thick and wavy. He also had a moustache, reddish brown in colour and dropping straight over the upper lip. The whiskers and beard were of a reddish brown colour, with a good deal of white, and the beard was very bushy. The hair was coarse.

The whole of this hair on the head and face that you are describing was natural hair?—Yes, and still attached to the skin; it had not fallen off anywhere.

Did you notice anything about the outline of the whiskers on the face?—Yes, it is exactly as shown in the photograph. It had the appearance as if he had been shaved in the upper parts of the face.

To put it in another way, it commences in a distinct line?—Yes, exactly as shown in this photograph.

Upon examining the body, did you find any difference in the

lower region—in the state of preservation?—Oh, yes. In the lower region of the trunk there was extreme decay.

Is that what you would expect to find if the man had suffered from fistula and abscesses in that region?—It is quite clear he had suffered from some destructive disease of that kind.

Look at the certificate showing the cause of death. Is the cause given consistent with the appearances that you found?—Yes. The only thing is there is no mention made in the document of the part affected. What I saw indicated that there had been gangrene in that part of the body.

Having made this examination and your notes upon it, did you witness the replacement of the body in the coffin?—Yes.

And the return of the coffin to its original place in the vault?—I did.

With the exception of the lead of which the lead coffin was composed, was there any lead found in or about this coffin at all?—No.

Or in the vault?—No. Of course the other coffins were not disturbed.

Was Mr. Thackrah present with you at the time the coffin was opened?—He was.

Mr. Atherley-Jones, on rising to cross-examine, said that he did not propose to ask any questions of the witness in a critical spirit, but for the purpose of fuller elucidation. “Will you tell me,” he said, “whether you made any investigation to discover whether there were any traces of chloride of lime?” Mr. Pepper replied that there were marks about the middle of the body which might have been chloride of lime.

Mr. Atherley-Jones.—You also spoke about a shroud. Was the body in a sheet?—I think to the ordinary observer it would appear to be a sheet. It was only on unfolding it that one could see what the material was.

To Mr. Plowden.—Human hair may increase after death for a few days; but there was no substantial growth. It was really a shrinking of the skin.

By Mr. Atherley-Jones.—The beard on the face was like that in the photograph No. 9. It was a bushy beard.

Mr. Ivory then put in Mr. Pepper’s report.

At this point Mr. Plowden interposed, and, addressing Mr. Atherley-Jones, said:—I think I must ask you now at this stage of the case what impression this remarkable evidence has made on your mind?

Mr. Atherley-Jones.—I am very grateful to you for that suggestion. I was going to ask your leave to make a statement, but I did not know whether my learned friend Mr. Ivory wished to call some other witnesses on the question of the

exhumation. If so I wish to withhold what I have to say until he has concluded.

Mr. Avory replied that he had another witness, and, having named him, said he should like to put him into the box.

George William Thackrah, of Sunnyside, Woodbury Road, Finsbury Park, a partner in the business of Messrs. Druce & Co., of Baker Street, said that he first entered that business in May, 1860. Mr. Thomas Charles Druce employed him. It was at that time his business in conjunction with his partner. He had largely to attend on Mr. Druce and carry out his instructions. Mr. Druce was a regular attendant at the business.

Mr. Atherley-Jones, interposing, said that he did not wish any further burden should be cast on his friend Mr. Avory, in going into matters apart from the exhumation. He understood that the evidence of the witness was to be confined to that incident.

Mr. Avory.—You must leave that to me to determine what is necessary.

Mr. Atherley-Jones.—I only say so far as I am concerned I do not wish to impose on my friend the necessity of going further.

The witness, continuing, said that he was connected with Mr. Druce about four years until the August or September before his death in 1864. Mr. Druce then left the business because he was ill, and the witness never saw him alive again. When he last saw him he was wearing a beard such as was shown in the photograph produced. Subsequently he attended his funeral on December 31, 1864, at Highgate Cemetery. On Monday last, December 30, he went to Highgate Cemetery and there saw the coffin with "Thomas Charles Druce" on it opened. He saw a body in it, and the face he recognised distinctly as that of the late Mr. Thomas Charles Druce, the man whom he knew from 1860 to 1864.

Mr. Plowden.—You recognised him beyond a shadow of doubt?—Oh, yes, beyond a shadow of doubt. There is no doubt whatever about it.

Mr. Avory intimated that with that evidence he should now close the case for the defence. He also pointed out that the magistrate had before him the evidence which Mr. Herbert Druce himself gave in the shorthand notes, and every word that Mr. Herbert Druce then said with regard to the details of the death and burial of his father had been demonstrated to be absolutely true.

Mr. Atherley-Jones complained of Mr. Avory's remark about closing his case when he (Mr. Atherley-Jones) had already

received an intimation from the magistrate that he desired to hear a statement from the prosecution.

Mr. Avory asked on what ground counsel based his objection, and said he was in command of defendant's case.

Mr. Atherley-Jones said that he made no further comment save this, that his learned friend Mr. Avory heard of the invitation from the magistrate to express the views of the prosecution, and he then, exercising, as he said, "his command of his own case," intervened between him and the magistrate.

Mr. Atherley-Jones then addressed the Court as follows:—Sir,—In reply to your inquiry I wish to give very shortly the views of the prosecution with regard to this case, and I ask your indulgence while I try as briefly as possible to state the attitude which the prosecution takes. You were good enough, when the question of the exhumation of this body was first mentioned, to ask me in a certain contingency what view the prosecution would take of the case. I then answered without deliberation, and indeed without opportunity of deliberation, that in my judgment it would be practically impossible for the prosecution to proceed. Deliberation and anxious consideration since the happening of that event have confirmed the view that I then entertained, and lead me to the conclusion that it would be, even if you permitted it, which I apprehend you would not, it would be an abuse of the powers or prerogative of counsel to press forward the case after the evidence which has been admitted today. Sir, I therefore have no hesitation whatever in saying, speaking for myself and for those instructing me—because I am very glad to say that those who instruct me have placed unreservedly in my hands the disposition of this case, and I can only say that had that conclusion been different on their part there would have been no alternative for me but to have withdrawn from any further participation in this case—that I now withdraw the prosecution. In doing so I wish to make an explanation of the action of those who instruct me in this matter, because there has been in my judgment a very undeserved obloquy cast on those who entered on this prosecution by the learned counsel for the defence.

Mr. Avory, interrupting, said that, if the magistrate was going to allow this, he should claim his right to reply.

Mr. Plowden.—I think not, Mr. Avory.

Mr. Avory.—Mr. Atherley-Jones has no right to address you at all.

Mr. Plowden.—You have closed your case, strictly speaking, Mr. Atherley-Jones has no right to say a word, but I think Mr. Atherley-Jones is quite right in saying he has obtained permission to address the Court. I think he is perfectly right to exercise that privilege, therefore,

Mr. Avory.—All I ask is that, if you give him the privilege of addressing you, you should give me the privilege of reply.

Mr. Plowden.—I will consider that when the moment comes.

Mr. Artherley-Jones (continuing).—I am sorry that my friend should think it necessary to reply. I shall not indulge in any recriminations. My friend, of course, has acted according to his discretion with his instructions. But I do wish to say, it is only fair it should be said, that this prosecution, so far as I understand—I had no onus in advising upon it—this prosecution was entered into as a consequence and result of a large body of evidence which had been collected and was submitted to this Court, and which was, with the exception of that one person, unshaken in material points by the strenuous and prolonged cross-examination of my learned friend. Moreover, we cannot close our eyes to the fact that it was known to those who instruct me, as it was known to the public at large, that there had been, however unfounded they might be, persistent rumours, rumours to which my friend's witness, Miss Bayly, gives the authority of her evidence—rumours as to something mysterious in relation to this matter. Therefore I do think I am justified in saying that the strictures passed on those who instruct me were undeserved with regard to the initiation of this prosecution. Moreover, speaking as I am entitled to do as counsel, I can only say with regard to the instructions they have given to me—if they were errors of judgment that was another matter—but as to the instructions they have given to me, I have never through the course of my long experience at the Bar recognised any stronger disposition on the part of solicitors than was shown by those who instruct me, to seek only that this case should be conducted by reasonable and legitimate ends. I would like to say that why I have come to this conclusion not to further proceed in this case is that the theory of the prosecution undoubtedly was, not only that Mr. Thomas Charles Druce and the late Duke of Portland were one and the same person, but the theory of the prosecution was that this funeral which took place from Baker Street was a sham funeral, not on the theory of any supposititious body, but that they put some material in the coffin and it was conveyed away from the bazaar under pretence of a death having occurred, apparently to Highgate Cemetery. It is impossible after the evidence of exhumation, however much it might be suggested outside that there were a number of witnesses who had sworn that the Duke of Portland appeared as Thomas Charles Druce or simulated Thomas Charles Druce—it is impossible for me to proceed with the prosecution when there has been demonstrated in the clearest and most complete manner that the death did take place at Hendon, that the body was interred at Highgate

Cemetery, and that the body which has been now exhumed is the same body as that which was then interred, and when undoubtedly strong, very strong, evidence of identification of that body as that of the late Thomas Charles Druce has been given. And I should be acting entirely contrary to the best traditions of my profession if I were to proceed in the face of that evidence. It would be most improper for me to make any comment on the evidence of the witnesses I have called. I ought to say nothing to prejudice them. There are two reasons why. In the first place, civil proceedings, I understand, are pending; and, in the second place, these persons are, if my learned friend's suggestions are well founded, actually in peril of being charged with the serious offence of perjury. Therefore I purposely, and, I hope, with your approbation, abstain from saying anything as to what the position of these witnesses may hereafter be or what the value of their evidence was. It is impossible for me to say more than I have done. I have only this to add. I have been no party to the opening of this grave. I am not at all for one moment advised to express my disapprobation as to its opening—I have no right to—but the opening of the grave after the cross-examination of my various witnesses had concluded was a voluntary action on the part of my learned friend the counsel for the defence. It is true you (the magistrate) approved of it, and, if I might say so personally, I should have thought it was a wise course to take; perhaps in some respects regrettable it was not taken before. But I do sympathise with Mr. Herbert Druce on his resistance to that grave being opened, although at the same time I feel what he declined to do under the menace of prosecution he has shown a wise judgment in doing under what I may call the moral pressure of public opinion; and that ought to be some satisfaction to him for any pain that he might have been caused in the matter. That is all I can rightly say with regard to the course of this prosecution. My learned friend, in his opening address, referred to my attitude towards this case as one of levity. He suggested I did not treat the case seriously. I do not know that the state of mind of the learned counsel for the prosecution is very material, but I think I ought to say this—it is only due to you, Sir, that I should—that I never felt a graver sense of responsibility in any case than that which I have felt in this. I have endeavoured to avoid referring to any matters which would give pain to Mr. Herbert Druce, or to introduce collateral matters which were irrelevant to the true issue. A great mass of evidence was submitted to me to be called in this case, but I only selected that evidence which in my judgment was material to the issue, and I do certainly resent and regret that my learned friend, who is really as old a member of the Bar

as myself, should have thought fit to suggest that I had not thoroughly realised the seriousness of this case. I can say no more, Sir, than that I have to—I hope you will not take it as impertinence—I have to thank you for the most fair and impartial discrimination which you have shown in the conduct of this case, and the facilities you have afforded to both sides for the purpose of eliciting the truth.

Mr. Plowden.—Mr. Atherley-Jones, if it is any relief to your feelings—and I can quite understand that you should rather invite some expression from the Bench—I am happy to assure you I have not from first to last in the conduct of the case ever observed any deviation in the slightest degree from that constant honour and integrity one would expect from yourself. Still less have I seen any reason that those who instruct you have not thoroughly and sincerely believed, rightly or wrongly, in the truthfulness of their own case. With regard to the course you have now decided to take, I agree that it is not only a wise and a proper course, but, if you will permit me to say so, the only course which was open to a counsel of your experience in the circumstances. In view of the silent, but not less eloquent, voice that has come to us from the open grave, it would not be possible, in my opinion, to continue this prosecution without serious risk to the highest interests of justice. I will go further. Even apart from this new and dramatic feature which has been imported into this case, I think you must have felt, Mr. Jones, at the close of the last hearing, after the collapse of your most important witness, and after your long, able, but fruitless cross-examination of the nurse, Miss Bayly, that the foundations of your case were even then slipping under your feet. This inquiry may have taken some time, but I do not think any impartial person will say that the time has been wasted. The bubble which has floated for so long and mischievously out of reach has been effectually pricked at last. No one can now doubt that Thomas Charles Druce existed in fact; that he died in his own home in the midst of his family, and that he was buried in due course in the family vault in the cemetery at Highgate. His existence stands out as clear, as distinct, and as undeniable as that of any human being that ever lived. How the myth ever arose that confused him and the fifth Duke of Portland as the same personality it would be idle to speculate. Sufficient to say that this case is an illustration of that love of the marvellous which is so deeply ingrained in human nature, and is likely to be remembered in legal annals as affording one more striking proof of the unfathomable depths of human credulity. The summons is dismissed, if that is the right form to take. It amounts to the same thing whether you withdraw

your summons or I dismiss it. I have only one final word to say. Mr. Herbert Druce leaves this Court with his character for truthfulness absolutely and conclusively vindicated. I think that he also deserves the acknowledgment of the Court for having consented to take a course which, though it may have materially served his defence, was nevertheless in the highest degree distasteful—and I think rightly and naturally so—to his feelings as a son and as a Christian gentleman. Addressing Mr. Herbert Druce personally, Mr. Plowden added:—"The Court thanks you for having consented in the interest of justice to the desecration of your father's grave. You are now discharged."

### EXERCISE No. 11.

#### THE VON VELTHEIM CASE: SENTENCE.

The trial of Franz Von Veltheim, 49, agent, upon the indictment charging him with having on June 11, 1907, caused to be received by Mr. Solomon Barnato Joel a letter demanding property from him with menaces and without any reasonable or probable cause, was resumed and concluded.

Mr. C. F. Gill, K.C., Sir Charles Mathews, and Mr. Bodkin prosecuted; Mr. Vachell, K.C., and Mr. Artemus Jones appeared for the defence.

#### THE JUDGE'S SUMMING UP.

Mr. Justice Phillimore, in summing up the case to the jury, said that, as the learned counsel who had defended the prisoner with his well-known and accustomed skill had told the jury yesterday, the charge was a very serious one, and it was part of the honoured law of England that a man should not be found guilty unless the charge was brought home to him to the reasonable satisfaction of the jury. The charge against the prisoner was one of sending a letter on June 11, 1907, to Mr. Joel demanding from him with menace £16,000 without any reasonable or probable cause for that demand. There were three questions for the consideration of the jury—(1) Did the prisoner send the letter (as to that there was no doubt); (2) did the letter demand money with menaces—serious threats; and (3) had the prisoner any reasonable or probable cause for demanding the money? They had heard the letter read more than once, and he should read it to them again, with such explanations as the prisoner had offered and such comments as counsel



for the prosecution had made upon it. The letter, it was said, was part of a plan and the most important part of it. It was posted from Odessa. The prisoner never was at Odessa, but was residing at Antwerp. The prisoner told them—they had only his word for it, but he did not see why they should not accept it—that he was going to Odessa, but something prevented him, and that he dashed off the letter in ten minutes at Budapest. The letter was followed not long afterwards by a duplicate sent from St. Petersburg, where again the prisoner never was. The prisoner explained that he caused it to be posted at St. Petersburg by the same man who had posted the other for him at Odessa. Subsequently, in September, a letter was received from Mr. Bumiller stating that Mr. Von Veltheim had handed him a bill for £16,000 and asking where he was to present it. Mr. Bumiller was asked to call at Mr. Joel's office, and he then presented the bill of exchange. Either Mr. Bumiller did not know or, if he knew, declined to say where the prisoner was. It was only by following him back to Antwerp and dogging his steps that the prosecution eventually succeeded in tracing the prisoner, first to an hotel at Antwerp, and eventually to Paris. The prisoner's explanation of how he came to write the Odessa letter after an interval of nearly nine years was that he was thinking of going to America to reside, and he wished to settle up all business in Europe before he went, and he had also wished Mr. Joel's anger to cool down. His Lordship proceeded to refer to the writing of the "Kismet" letters by the prisoner to Mr. Joel and his brother, Mr. Woolf Joel, in 1898, at Johannesburg, as being part of the history of the case which was material for their consideration. If the jury had never heard from the prisoner that they were written not exactly as a bad joke, but without any serious intention, they would appear—taking them at their face value—to be just black-mailing letters demanding large sums of money with threats of a most serious character. The writer in the first letter described himself as a desperate man at the last stage of financial depression, who had such a feeling of honour—or sham honour—that he would rather die than live a disgraced man, and was ready to die, but proposed, rather than death, to extract, at the point of the sword or the muzzle of the pistol, a large sum of money from Mr. Solomon Joel, who, he considered, could well afford it. He was ready to kill Mr. Joel and himself too if his demands were not complied with. The sum demanded was £12,000. It was true that in some respects the circumstances did appear as if they were taken out of a melodramatic novel, but, on the other hand, in some respects they exhibited cleverness, so as to prey on the nerves of the receiver. The letters as

they went on acquired a new tone. They praised the spirit of Solomon Joel, and suggested that if he was a venturesome speculator he might profit by a loan, not a gift, of £12,000 to "Kismet." The letter contained the phrase that the "business spells politics." Those letters continued, addressed first to Solomon B. Joel, then to the Joel Brothers, then to Woolf Joel. The last two took a new line. One of them said that "Kismet" had come into money and would trouble him no longer, and the prisoner now said that was for the recipients to show the police to enable them to drop the case. The other letter was practically a begging letter, and it was signed "Baron Von Veltheim." On March 14, 1898, the prisoner went to the office of Messrs. Barnato Bros. at Johannesburg, where Mr. Woolf Joel and Mr. Strange, his manager, were. Somehow or other an altercation arose about money matters—how certain money should be given—and the result was the death of Mr. Woolf Joel, who had three bullets in him. The prisoner, who said that he fired in self-defence, was tried and acquitted by a Transvaal jury and then deported by the Transvaal Government as an undesirable alien who had sent threatening letters. The prisoner's explanation of the "Kismet" letters at his trial was that they were never intended as real threats, but that they were written for a male friend who was in want of money, on the basis of some American novel, but that he himself had not wanted money. In regard to his deportation, the prisoner suggested that the Transvaal Government thought they had got on the track of a conspiracy to overthrow them, and that this killing was a quarrel between conspirators. It might be that the Transvaal Government thought there were persons behind Von Veltheim trying to squeeze Woolf Joel to provide revolutionary funds and that the Transvaal Government were really trying to find out who were conspiring against Woolf Joel. He asked the jury what would be the feelings of Solomon Joel when he received from the man who killed his brother nine years ago, suddenly and unexpectedly, a letter which spoke of an "unsettled account." The learned Judge read the statements made by the prisoner when arrested in Paris in which he characterised the charge as a ridiculous one, and stated that he had received counsel's opinion that the letter could not be construed as a demand with menaces, and also stated that it was an attempt to make out that the Odessa letter was a continuation of some crazy letters he had written in Johannesburg. The prisoner also stated to the police that Mr. Woolf Joel had offered him £50,000 to remove Mr. Kruger and that he had refused, and that Mr. Joel knew that he (the prisoner) could have gone to the Boer Government and got a million for his information.

The answer of the prisoner was that the "unsettled account" mentioned in the letter meant the £12,000 which Mr. Woolf Joel promised him and which, with the interest from the date of the promise—1898—to the present time, brought the sum to the £16,000 represented by the bill of exchange; that the expression "purposely delayed" meant that he had intended to sue Mr. S. Joel, and that "a purely financial settlement" conveyed that it was a settlement without any row in Court. His "grievances" meant the attempt to assassinate him in South Africa. "Regardless of consequences" meant that he had refused to betray people to the Boer Government. How the prisoner could have expected to have any cause for action against Mr. S. Joel he (the Judge) failed to see, or why Mr. S. Joel should prefer to pay £16,000 down rather than risk an action in the English Courts of Justice again he failed to see. In regard to the prisoner's explanation of how he became acquainted with Mr. Barnato through the introduction of a South American diplomatist, it was curious that now Mr. Barnato and Mr. Kruger and the South African Republic were dead the diplomatist—as the prisoner alleged—was squeamish about his name being mentioned. The learned Judge, dealing also with the prisoner's evidence, pointed out that Mr. Barnato, Mr. Woolf Joel, and Miss Caldecott—whose names he had mentioned—were all of them dead, and that the only person whose name he had mentioned who was now alive was Mr. Strange. Those were the circumstances which the prosecution said bore against the prisoner's story. It was further asked why, with all his intimate knowledge of South Africa, Mr. Barnato should have been so struck—as the prisoner alleged he was—with the prisoner's suggestion of a rival Boer candidate for the Presidency against Mr. Kruger, and how the prisoner, who had never then been in South Africa, should know what it would cost to bribe the Boer leaders. The prosecution had told them that Mr. Barnato had no intention of trying to upset the Government of Mr. Kruger, with whom he was on friendly terms, and had taken no part in the reform movement in the Transvaal or in the Jameson Raid.

#### VERDICT.

At the close of the Judge's summing up the jury retired, and after an absence of twenty minutes they returned into Court, finding the prisoner *Guilty*.

#### THE PRISONER'S CAREER.

Mr. Gill said the City Police would give the learned Judge a history of the prisoner.

Inspector Pentin, of the City Police, then entered the witness-box, and read the following statement of the prisoner's career :— The prisoner's real name is Karl Friedrich Moritz Ludwig Kurtze, born December 4, 1857, at Hahausen, in the district of Gandersheim, Brunswick, and his father, who was a forester at Hasselfelde, died there in 1870, leaving the prisoner under the guardianship of one Ferdinand Gustav Thomas, of Hasselfelde, who states that as a boy the prisoner was of bad behaviour, and on one occasion stole his father's watch and some spoons, which he sold and went off with the proceeds. At Easter, 1870, Mr. Thomas took the prisoner to a school at Blankenburg, whence he had to remove him the same year owing to his mischievous tricks. He had possessed himself of a schoolmasters' pistol, which went off in his pocket and marked his face with powder. The prisoner was then taken to an orphanage at Brunswick, where he remained till April, 1872, when Mr. Thomas handed him over to the captain of a steamship at Bremerhaven, as he wanted to be a sailor. The prisoner left that ship in the autumn of 1872 and joined a German sailing ship, from which he deserted and joined an English ship, in which he came to London, when he communicated with his guardian in the name of Louis Werder. His guardian heard nothing more of him till 1879, when the prisoner again wrote to him from London in the name of Werder. It is supposed that he had been employed in various ships in the meantime, but there is nothing definite to show that. On April 3, 1880, the prisoner entered the German navy as a sailor at Hamburg, and on June 18, 1880, he was sworn in as a sailor under the name of Kurtze in the 4th Company Second Sailor Division of the German Army at Wilhelmshaven, where he deserted on September 1, 1880, and then was suspected of stealing a gold watch and chain and a gold seal with the family crest of Von Veltheim thereon from Captain Wilhelm Von Veltheim, who was serving there. The next information obtained regarding him is that, having left a ship named the Heilawarra, of Sydney, in which he served as a seaman in the name of Kurtze, he served in the same name and capacity in other ships. During the interval between one of these voyages he went in the name of Oliver Jackson, and stayed at Neustadt, Germany, where he represented himself to be a British naval officer. When he left the Oriana at Fremantle on July 20, 1886, he proceeded to Perth, Western Australia, where he assumed the name of Von Veltheim, and said he was the son of Baron Von Veltheim.

On November 19, 1886, he married a lady at Perth, and resided with her at Sydney till March, 1887, when he left and proceeded to Cape Town. His wife afterwards left Australia

by the steamship Sydney for England, and on the voyage met a gentleman with whom she became acquainted. On arriving in London she went to reside at Westmoreland Road, where she was joined by the prisoner in 1887, and they lived there together. The prisoner, hearing of his wife's acquaintance with the gentleman whom she met on the voyage from Australia, began to attempt to blackmail him, alleging undue intimacy with his wife, and he demanded £2,000, but ultimately agreed to accept £750 to hush the matter up. The prisoner was warned that the matter would be placed in the hands of the police; notwithstanding which he sent threatening letters for some time afterwards. In 1888 the prisoner went to America and got a situation at New Orleans under the agent for the West India Pacific Steamship Company, for whom he afterwards went as agent at Santa Marta, Republic of Colombia, where he also acted as agent for the Santa Marta Railway Company and the Anheuser-Busch Brewing Company. In 1894 he visited Europe and went to Hasselfelde, where he was recognised as Kurtze by a man, whom he asked not to betray his identity. About September he advertised in the *Frankfurter Zeitung* for a wife, and his advertisement was answered by a lady named Paula Schiffer, of Dresden. He returned to Santa Marta in October, 1894, and was afterwards appointed Consular Agent there for the United States. In December, 1895, he left Santa Marta for England, and he was reported to have collected \$3,000 (£600), which he did not account for, belonging to the Anheuser-Busch Brewing Company, whose agent he was, and to have defrauded his other employers there. He arrived in London on January 6, 1896, with his wife, with whom he stayed at the Hôtel Métropole. In the end of January he went to Germany, where he met Miss Paula Schiffer, with whom he had been in communication after her reply to his advertisements in 1894. He asked the lady's father's permission to marry her, which was refused, and he then arranged with her that they should be married in London, and obtained from her the sum of £500 to establish a business. He returned to England to make arrangements for his marriage with Miss Schiffer, and he took rooms in Gower Street at a boarding house. Miss Schiffer also followed to London, and on May 6, 1896, the prisoner married her at the district registry office of St. Giles's, describing himself as Karl Ludwig Von Veltheim (this marriage was subsequently annulled in the Divorce Court on December 1, 1902, as bigamous, his first wife being alive). The prisoner and Miss Schiffer went to Weston-super-Mare and Lynton for the honeymoon, returning to London in July, 1896, when it was arranged that the prisoner should go to America to establish

a home for them there. Miss Schiffer gave him £1000 for the purpose, making a total of £1,500 which he had obtained from her. She then returned to Germany. On July 11, 1896, the prisoner was again at Gower Street, where he met a Greek lady named Marie Mavrogordato, who was well connected, and said to be well off. She had come to London to bid farewell to her only brother, who was dying in hospital from an accident, and the prisoner became on friendly terms with her. He did not go to America as he had previously arranged with Miss Schiffer, but followed her to Germany, when she, finding she was about to become a mother, pressed him to take her to America ; but he refused, unless she gave him the other part of her fortune. This she declined to do ; and she states he then showed himself in his true colours and afterwards gave her a paper saying she was free to do as she liked with her person and property. He returned to Gower Street in January, 1897, resumed acquaintance with Miss Mavrogordato, and, in order to possess himself of her wealth, married her at the Kensington Registry Office on February 13, 1897, and obtained £300 from her. She afterwards found he was a married man. He absconded and went to reside at an hotel in the East End under the name of "Captain Vincent," and she instituted proceedings to annul the marriage, in which she was successful.

On April 17, 1897, the prisoner proceeded by the steamship *Ionic* to Cape Town in the name of F. L. Kurt, in which name he joined the Cape Police at Kimberley on July 21, 1887. His history came to the notice of the authorities by the publicity given in connection with the erroneous identification by his real wife of the dead body of a sailor found in the Thames, and he was called upon to resign from the Cape Police in December, 1897. In February, 1898, he began to attempt to blackmail the Joel brothers, with the result that he killed Mr. Woolf Joel, for whose murder he was tried and acquitted at Johannesburg in 1898. After his acquittal he was re-arrested on the charge of blackmail and expelled from the Transvaal on the ground that he was a public danger, the case of blackmail being postponed *sine die*. He was sent to Delagoa Bay, and while there he wrote to Miss Schiffer, the lady he had duped in 1896, asking her to send him £200. On December 2, 1898, he returned to the Transvaal and was arrested and subsequently sentenced to four months' imprisonment for breach of the expulsion order. He was re-deported to Lorenzo Marques, where he was arrested as a vagabond, and on June 9, 1899, a passage was taken for him to London at the expense of the Transvaal Government, but he left the ship at Cape Town and had the balance of his passage money (Cape Town to London) returned to him. On

September 25, 1899, he again returned to the Transvaal, and was re-arrested by the Boer Government for breach of the expulsion order and was eventually sent to Pretoria Gaol, where he was found a prisoner of the Boer Government when the British Army took possession of that town on June 5, 1900. As he was a prisoner of the Boers, the British military authorities saw no reason to detain him, and deported him to England, where he arrived in October, 1900. At the end of 1900 he went to Capri, near Naples, and in 1901 and 1902 he was staying at Trieste, where he pretended that he was the only survivor of a number of men who knew where the late President Kruger had buried treasure of the value of about £5,000,000, and on the pretence that he could obtain it he raised capital for which he gave bills of exchange amounting to 500,000 kronen. In April, 1903, he was staying at the Strand Hotel, Nervi, near Naples, where he met a married lady and went with her to Geneva, and, as the result, her husband instituted divorce proceedings against her. He again went to Capri and made the acquaintance of a married lady named Hulse, who was possessed of means and property, and was living apart from her husband. He proceeded with this lady to America and went to reside at Sioux Falls, South Dakota, where Mrs. Hulse obtained a divorce from her husband, and the prisoner then married her in the name of Baron Von Veltheim on March 1, 1904, at Yanktown, South Dakota. They returned to Capri, and both were arrested there on a charge of bigamy on the complaint of the lady's husband. They were released pending inquiries, and returned to America, where the prisoner eventually deserted Mrs. Hulse and their child, and it appears that he afterwards tried to raise money on property which she possessed at Capri.

In June, 1905, the prisoner left New York for Europe, and on the voyage met a young American lady, who states that he followed her to Paris and eventually persuaded her to marry him secretly at St. Cloud, but she afterwards found that the marriage was a mock one and that the prisoner had obtained a friend of his to officiate as priest. As a result of this mock marriage the lady was confined of a child in April, 1906, in a nursing home in London. She has now returned to her friends in America. In August, 1905, the prisoner went to Neustadt, Germany, where he made the acquaintance of the children of a widow named Mathis, whom he had met about 20 years previously at the same place when he was passing under the name of "Oliver Jackson." Having ascertained that Mrs. Mathis was possessed of considerable means left by her late husband, he went and saw her at Offenburg and renewed the

acquaintance with her, representing to her that he was part owner of a large mining business in America, and induced her to give him 16,000 marks (£800) on the pretence of investing it in his mining property. In November, 1905, he received further sums from Mrs. Mathis, making a total of 56,000 marks (£2,800) to be invested for her, and he said that he had personally invested 390,000 marks (£19,500) in the undertakings. He also promised to marry this lady, and gave her an engagement ring. During 1906 he was staying for a considerable time at Basel, and was said to have been spending money freely—probably the proceeds of what he had obtained from Mrs. Mathis. In November, 1906, the relatives of Mrs. Mathis, having become aware of her having entrusted him with so much money, applied for the repayment of it, but, instead of complying with the request, he asked for more and even drew bills of exchange on her, saying that, if she did not accept them, they would both be ruined. In February, 1907, he went to Antwerp and stayed there, except for some short absences, until about August 13, when he went to Paris, where he was arrested for the present offence on September 19. He was then living with another woman, who was passing as Mme. Von Veltheim. This lady is a daughter of a respectable gentleman at Antwerp. On November 11, 1907, Mrs. Mathis, having heard of the prisoner's arrest and other particulars regarding him, committed suicide by drowning, in despair at the loss of her own and her children's fortune with which she had entrusted him. His extradition had been applied for by the German Government for the fraud on Mrs. Mathis. No information had been obtained by the police to show that the prisoner has done any real business or work since he was discharged from the Cape Police in 1897, although he has been receiving and spending considerable sums of money. When he was arrested in Paris he had about £60 in his possession. This was spent in Paris with the exception of about £5 which he had when extradited to this country. Otherwise he appears to have no means, and, when awaiting extradition from Paris, he applied to a newspaper to assist him in his defence.

#### INTERRUPTIONS BY THE PRISONER.

The prisoner several times interrupted the reading of the inspector's statement, saying it was a tissue of lies. He asserted that, when he was re-arrested by the Transvaal Government, he had gone there under a safe conduct from the President, and he was told on his arrest that the first prisoner of war was to be himself. He offered the British Government Mr. Kruger, and said he could get him with 25 men, but Colonel Maxse told him the Government did not want him. No woman could say



he had ever deceived her. If he had ever had anything to do with them, they were perfectly well aware of the facts. He had always told them the facts, and he had never had any money from any of them, except from two who gave it him for certain purposes. He went to New Orleans and worked on a wharf to maintain the lady with him. He eventually became manager, and had 22 great ocean steamships under his control. From there he was sent to organise a new place, with absolute powers. There were no banks open, and he was accustomed to carry \$30,000 (£6,000) or \$40,000 (£8,000) about with him in his trunk. He worked there for five years, and the business was still in existence and flourishing.

Mr. Justice Phillimore said some of the statements read by the inspector had been taken down in a way they were not accustomed to in England. He supposed, as to some of the matters, the prosecution had personally satisfied themselves?

Mr. Gill said they had satisfied themselves by a mass of documents and numerous certificates of the truth of the statements.

Inspector Pentin said a great deal of the information was based on reports received from the police of various countries, from whom they had made inquiries.

The prisoner, being asked if he had anything to say why sentence should not be passed upon him, said the record of his alleged history was an absolute tissue of falsehoods. He had never married any lady except one in 1886, at Perth, Western Australia. The girl wanted him to take her away and they went through a sham marriage at a registry: he meant to be honourable and marry her properly later. He went as far as Zanzibar to chase Stanley (the explorer) out of the country, but when he got to Zanzibar Stanley had left. Subsequently he went to New Orleans, as he had stated, and got work and prospered, and afterwards proceeded to South America to establish a new business. There he met the friend—the Governor of a State—whose name he had declined to mention and who later on in London introduced him to Mr. Barney Barnato. Everything he had said about the Transvaal plot was perfectly true. He had to cover people, and he would cover them now, although he had been found guilty. In the main points, he had told all the truth. He did not intend those wretched “Kismet” letters to be taken seriously. He was not such a fool as to think that such letters would produce money. His conscience was clear on that point. Mr. Barnato was not the principal man in the scheme in which he had asked his assistance, but he was one of a number of them interested in it.

He went to Mr. Woolf Joel and begged his pardon for the "Kismet" letters, and Mr. Joel gave him his pardon. Why should he—a great millionaire—meet him three or four times and treat him like a gentleman and ask him to deceive the police—as the letters showed—if there was no business arrangement between them? Mr. Joel only wanted to be a sleeping partner. Why was not Mr. Strange called there to prove that? He (the prisoner) was tried for the murder of Mr. Woolf Joel and acquitted. Thank God, it was not a British jury then. He meant no reflection on the present jury, but the others were men in a different station of life, who did not measure up everything by pounds, shillings, and pence. They knew he was innocent, and acquitted him. Why was he cheered as he was when he came out of gaol? Because everybody knew he was innocent; and not only that, but that he had risked his life rather than betray the names of those in the plot to the Boer Government. There had been an attempt to assassinate him, who would not hurt a fly or touch anybody, or deceive any woman. He repeated that he had never got money from women, and that the story of the mock marriage and the sham priest was an invention. He had no idea of threatening Mr. Joel when he wrote the letters. He was not whining for mercy. If he had played the game and lost he would not have minded. He had not played that sort of game. The "Kismet" letters were silly—stupid, but he did not think they would be brought up again against him.

#### SENTENCE.

Mr. Justice Phillimore, addressing the prisoner, said:—"I have heard your story and I have heard the account of your life. I am not going to dwell upon that. I address you in the name you have chosen to take yourself—Von Veltheim—although I know it is not one that you have a legal right to and that by taking it you bring dishonour upon an honourable family. I treat you in the name you have chosen—Franz Von Veltheim—and as such I sentence you. I do not take into account all your immoralities as bearing on your punishment, or things in your early life which, God knows, may long ago have been wiped out. I do not take this into account. What I have to consider is, first, that you have been found guilty of one of the most serious crimes known to the law, and, secondly, I must not only punish but prevent, and prevention in this case must mean to prevent you from getting at the man you have threatened and to enable that man and society generally to live in peace from you. I only look upon your past life as showing that you are a man who can be desperate and can do many forms of wickedness in

order to get money and are capable even of carrying out such threats as were contained in these letters. The sentence of the Court is that you be kept in penal servitude for 20 years.

The prisoner, who seemed somewhat stunned on hearing the sentence, was then removed by the attendant warders.

## EXERCISE No. 12.

### THE DRUCE PERJURY CHARGE : MISS ROBINSON'S CONFESSION.

At Bow Street, yesterday, before Sir A. de Rutzen, who again sat specially in the Second Court, Mary Robinson, *alias* Mary Ann Robinson, was again brought up on remand charged with having committed perjury in her evidence in the Druce case at the Marylebone and Clerkenwell Police Courts.

Sir Charles Mathews (instructed by Mr. Sims, of the Treasury) appeared on behalf of the Director of Public Prosecutions. The prisoner was not legally represented. Mr. Paddison, of the firm of Messrs. Paddison, Trevor, and De La Chapelle, solicitors, watched on behalf of Mr. Coburn and Mr. George Hollamby Druce.

#### LETTERS TO THE PRISONER.

Chief Inspector Dew was recalled for the purpose of producing further documents which he found at the prisoner's flat in Sisters Avenue, Clapham. The first put in were an extract in circular form from the *Evening News* of October 27, 1906; and two deposit receipts from the London and Westminster Bank in the prisoner's name, one for £50 deposited on November 18, 1907, and the other for £17 on December 31, 1907. There was a letter to the prisoner from Mr. Coburn, dated November 30, 1907, from 65 London Wall, which at that time were the offices of the Druce Company (Limited). The letter was read as follows :—

“ Dear Miss Robinson,—I will thank you to be in attendance at the Clerkenwell Police Court on Monday next, December 2, at 10.30 sharp, when it is intended that your depositions should be read over to you and signed. Permit me to say that the evidence which you have furnished has been much appreciated by every one having the interest of this cause at heart; and Mr. Druce and myself feel ourselves much obliged to you for

submitting yourself to the unpleasant ordeal of the drastic cross-examination to which you were subjected. Yours truly,  
THOS. K. V. COBURN."

The next letter put in was from Messrs. Oswald, Hanson & Smith, the prisoner's solicitors, dated January 14, 1908, and ran :—

"44 Hammersmith Road, London, W.

"Dear Madam,—*Re Druce*,—We have heard from Mr. Kimber that he will be glad to hear from you regarding the brooch and ring. We may mention, as we have before said, we see no reason why these articles should not be valued. Please let us have remittance for the amount due to us.

"Miss Mary Robinson."

Sir Charles Mathews.—At any time have you yet recovered the ring or the brooch?

The Witness.—I have, Sir Charles.

There was also a letter from Mr. Kimber as follows :—

"15 Walbrook, E.C., Sept. 27, 1907.

"Dear Madam,—I have now seen the agents of Messrs. Harper & Co. in London, who, I find, are a highly respectable firm. They have told me everything that has taken place. It appears the way in which young Harper became acquainted with the Duke of Portland was this. He was on a visit to this country as one of the Australian team of cricketers, and they all went down to Welbeck to see a famous racehorse. The duke happened to be at home, and he invited them all to lunch. This appears to have been the extent of his acquaintance. He says he never saw the letters you had, nor the diary; in fact, he did not know you had the letters. I got from the agents here the substance of the report of the police to this country, which is of a scandalous and libellous nature, and the result, evidently, of communications from other persons clearly animated with a deliberate intention of injuring you and your character; but I have warned them about this, and they said they shall not think of acting upon the suggestions of Mr. Harper, who is evidently very angry about what you have said about him. Chief Inspector Scott, of Scotland Yard, has been here this morning, and says they cannot give me a copy of the report. I told him it would have to be produced on subpoena if necessary. The whole thing points to the machinations of some evil-disposed persons who are quite independent and without the knowledge of either the police or Messrs. Harper, and these persons have evidently ascertained your whereabouts here, and they are manifestly connected with the private

inquiry agent of the duke ; but I have no doubt I shall be able to catch them tripping before long. In fact, I think they have already seriously compromised the duke's case and strengthened Mr. Druce.—Yours, faithfully, EDMUND KIMBER.

“Miss Robinson, 37 Marcus Street, St. Ann's Hill, Wandsworth, S.W.”

#### A BILL OF COSTS.

The next was a letter from Messrs. Oswald, Hanson & Smith to the prisoner, dated January 2, 1908, enclosing their bill of costs. Some of the items were read as follows :—

October 28, 1907.—Attending Miss Robinson on her calling, when in accordance with her request we handed her the diary and took receipt therefor, and Miss Robinson promised to return the diary when she had finished with it, so that we might keep same in safe custody.

November 1.—Attending Miss Robinson on her calling, when she informed us she had had the misfortune to lose her diary, and we expressed our profound sympathy for her, strongly advising her to lose no time in proceeding to Scotland Yard to report her loss in detail. The Hammersmith police authorities were also informed.

December 20.—Attending Miss Robinson on her calling, discussing this matter with her, when she instructed us to write Mr. Edmund Kimber with respect to her witness fees.

December 21.—Writing Mr. Kimber accordingly.

December 27.—Having received letter from Mr. Kimber, writing him acknowledging receipt, and stating we had sent our client a copy of his communication, and we further stated we hoped the remittances would be received regularly in the future. Writing Miss Robinson enclosing copy of the letter we had received from Mr. Kimber.

December 31.—Attending Miss Robinson on her calling, when she handed us a box, locked and sealed, containing certain valuables belonging to her, and we promised to keep same for her in a secure place and gave her a receipt for same. Discussing and advising generally. Writing Mr. Kimber for one week's expenses owing to Miss Robinson in accordance with her instructions.

Sir Charles Mathews.—I will just take it from you, inspector, the grave of Mr. Thomas Charles Druce at Highgate was opened on December 30, the day before the depositing of that box which is said to contain valuables ?

The witness said that that was so. He produced the box in question—an ordinary small tin cash-box—which he explained was handed over to him by Messrs. Oswald, Hanson & Smith.

He opened it and checked the contents in the presence of Mr. Smith, of that firm. It contained some articles of jewelry of an ordinary character, amongst them being a small tin box, containing a marquise ring and a brooch.

Sir Charles Mathews.—Were you present in Court when the prisoner, in the witness-box, pointed to a ring on her finger and took a brooch from her dress, saying that they had been given to her by the fifth Duke of Portland?

The Witness.—I was.

Sir Charles Mathews.—There were some documents in the box, including one that appears to be a copy of a cable addressed to George Hollamby Druce, care of Reuter's:—“£250 sailing February 14. Rinutaka. Very bad sailor. Require lady companion.—ROBINSON. Remit by telegram immediately through Reuter's.”

#### LETTER FROM THE CLAIMANT.

Two letters were next put in, both dated March 8, 1907, and addressed to the prisoner at Teneriffe. One, signed “Thos. U. V. Coburn,” ran as follows:—

“Dear Madam,—I understand that Mr. Druce is writing you by the same mail so I need not enter into any particulars beyond saying that every one interested in the matter is looking forward to your arrival, and that I count very much on your assistance, which I feel sure you will be able to render me in tracing the early history in connexion with the late duke. I had written you on January 11 last to New Zealand, and in case you started before that letter arrived I now enclose copy of same. I heard from Mr. Harper with copy of the diary entries and your statement, which I obtained from his London agents on payment of his and their costs.”

The other letter was from Mr. George H. Druce, as follows:—

“Dear Mrs. Robinson,—I have been looking each mail for a letter from you, but thought that perhaps you would not write until you were leaving New Zealand for London and if you wrote I should get the letter in an other two weeks time. I cabled to you at Montvido of course knowing that our witnesses were interfeared with hire in england. I thought perhaps that they may hav got wind of the time and route you are coming to England by. I said in my cable to you that I should meet the Boat at Plymouth and if there has been any person sent to intersept the Boat at any port they have not been sent by hus. Of course I reeonise the power of the other side. So, Dear Mrs. Robinson, all being well I will meet you at Plymouth when the Boat arrives and

present my card. You will probably know me by the photograph. I hope you are having a good passage across. I must now conclude as I am very busy to-day.—Hoping this will find you and your friend quite well, From yours most respectfully,  
 GEORGE H. DRUCE.”

[The mistakes in the spelling appear in the typewritten copy of the original letter.]

The witness continued that he also found in the box a copy-book, wrapped in brown paper. It purported to be either a diary or a copy of a diary of events which happened in the years 1861, 1862, and 1868-70.

Sir Charles Mathews.—I see that the events of the earlier years appear to have been recorded last. The whole of it is in the prisoner's handwriting. On looking at the entries, inspector, would you say, speaking generally, that they appear to have been made at about the same time?

The witness.—Yes. They appear to have been more or less continuously written.

#### THE PRISONER'S CONFESSION.

Sir Charles Mathews.—After the prisoner was in custody, on or about January 28 in this year, did you receive an intimation that she desired to see you for the purpose of making a statement?—I did, Sir Charles; on January 27 I received the information. On the 28th did you attend at Holloway Prison and there see the prisoner?—I did, with Sergeant Williams. And did she then make a voluntary statement to you which you took down in writing as she made it?—It was taken down and she signed each sheet. She did not conclude it on the 28th, on the score of fatigue?—Yes, and there was not sufficient time. It was resumed on January 29, 30, 31, and again on February 5.

Sir Charles Mathews remarked that he proposed to read some parts of the statement. He did not intend to give the whole of it, because in parts there were reflections of a grave character on third persons not before the Court, and he did not consider it fair to those persons that this statement should be made public in their absence. He proposed to read those parts of it which told how it was that the prisoner came to be a witness in the case, and some of the incidents which occurred in this country after her arrival.

The statement as read by Sir Charles Mathews was as follows:—

“Holloway Prison, January 28, 1908, Mary Ann Robinson, prisoner on remand at the above prison, says:—I desire to make a voluntary statement to you as to how I came to this country. No promise has been held out to me to induce me to

make any statement. I want to say that no promise has been held out to me by the police, and you can make any use you like of this statement. I want to say how it was I left New Zealand. In May, or about that time, 1906, I was living at Falsgrave Street, Christchurch (N.Z.), with my daughter alone. I bought an Australian newspaper by chance, and in this newspaper I saw an account, but not what I call a proper account, of the Druce case. In this paper it says that the fifth Duke of Portland was a wizard, but I knew this was not correct, because I knew him when I was at Worksop. I felt interested, and I thought I would write to the person to whom one had to write, telling him what I knew about the case. The address was at Melbourne, and the name was Druce, but I do not remember the exact address. In my letter I said the duke was not a wizard, but a gentleman; they were labouring under a mistake. I told him I knew the duke and had seen him many times. Mind, I never meant anything bad."

#### THE FIRST NEGOTIATIONS.

"Three weeks or a month afterwards a man called at my house and said his name was Druce. He referred to the matter I had written about. He stood at the door talking to me, and he said, 'Cannot I come in? I have an offer to make to you.' I invited him in. He said that the Druce case was in want of funds; that he had made some inquiries about me, and I was just the person he required. He said he had heard I was clever at writing, and if I would write what he wished and do as I was told, I should receive £4,000. When he said this I considered and thought it must be something very important. I said, 'What am I to do for the £4,000?' He told me he wanted a book written in my own handwriting of the history of all I knew about the duke and his surroundings; to make it as attractive as I could, so that they could raise money on it to meet their expenses. The expenses, he explained, were to enable the firm in favour of Druce to claim the dukedom of Portland. The man Druce said—I think he was the brother of Mr. Druce in London—that he claimed to be the grandson of the fifth Duke of Portland. He also told me that his father came out to Australia at the time of the diggings, that he had £1,000 given him by the duke in '65 to enable him to live out there. I asked him what Druce's father was, and he replied, 'A perfect gentleman and a well-educated man, but a gold-digger.' He then asked me what I knew about the duke. I told him I had stayed with Mrs. Pearce at Worksop, but did not say who she was. I told him I had seen the duke, but not under what circumstances. He then said he wanted me to write in pamphlet form



all I could say or invent about the fifth Duke of Portland. I said, 'I am not going to expose myself to everybody.' He said, 'Say you come from America. We have another person coming from there. He is writing to say so. You won't be alone in writing.' He also said there was a person writing or had written a book, and she had received £600 for it. I do not remember whether he told me these people's names. I thought if other persons were doing this, I might have a show as well. At any rate, the temptation was too strong for me, so I promised I would write. The man said he would call later and see me, but he never did. He may have said something more, but I forget."

Sir Charles Mathews.—That is the way in which she explained that she had been approached? The witness.—Yes, Sir Charles.

The statement continued:—"Before this occurrence I had seen a few scraps in the newspapers concerning the Druce case. This same man asked me if I knew the Baker Street Bazaar, as he said the Duke of Portland was the owner. I told him I had heard some flying news about it, but I was at Worksop. He told me I was to be sure to say I came from America. This man who called on me was aged about 50 or more. He had no grey hair; 5ft. 7in., about the height of G. H. Druce, and very like him; he was clean shaven, except a moustache, hair fair. He was a fair man with blue eyes and a medium build. When I saw Druce in this country I said to myself 'The man who called on me in New Zealand must have been his brother.' When I saw Druce in England he told me he had a brother in Australia. When the man had left my daughter asked me what he wanted. I did not tell her much. I mentioned about the £4,000, and what the man wanted me to do for it. Of course she could not help me much. She said, 'Please yourself. It is worth trying.'"

#### THE DIARY.

"I then wrote on sheets of paper just what I thought would do for it. About the beginning of November, 1906, I heard from England, but before this I had finished the history on paper by about September, and, not hearing from Australia, I thought they had made a fool of me. Before I finished my history I received by post from England six pamphlets, two at a time, one called 'Portland Millions' and the other 'The Druce Case.' Some of these I used for waste paper and some I saved. I did not read them; I was disgusted when I read 'Portland Millions' outside. Miss O'Neil read them. I got the pieces of paper on which I had written the history and transferred it into an old diary book. I came across it amongst a lot of litter I bought as odds and ends. It had a grey linen cover. There was a date inside, but I forget the date. When I transferred it

I kept the sheets of paper already written on. The contents of this diary I compiled alone at the request of the man from Australia, as I thought I was going to have the £4,000. I think it was at the end of October or November that I heard from England, I received a letter and two pamphlets from London. It was from the offices of the Druce Company, and it was either from Druce or Coburn. I think it must have been from Druce, because I knew it was from the office. I cannot remember the contents. Soon after I received another letter from London, and that was signed Coburn. He told me to take the letter to a solicitor and make a statement to him as to what I knew, and the solicitor was to send it on to him. Mr. Coburn said he would pay him when the statement was received for any trouble. Two pamphlets came with this letter, which it was suggested I should circulate amongst my friends. I went to Mr. Harper, and told him what I knew about the duke. I also told him I had a diary, but did not tell him what the man from Australia told me to do. I received letters by every mail from Coburn and Druce, and they wanted to know if I would come to England and bring the diary with me. There was nothing in these letters which would implicate them in anything; they are too artful. I wrote saying I would come over. After this Druce cabled me £250. The letters and cables they sent to me first were addressed to Mrs. Robinson, but they never asked me whether I was Mrs. or Miss. Before this I had a letter from Mr. Coburn asking how much they were indebted to me and how much I should require before leaving. I told him £250, and I told him I was going to bring a companion with me. I never told him she was my daughter, and he never asked me. I left in February last with my daughter, who travelled as Miss O'Neil. I know they promised to meet me at Plymouth. On my arrival at Plymouth Mr. Coburn and Mr. Kimber met me and my daughter. The first thing Mr. Kimber asked me for was my diary. I said the captain had got it. Mr. Kimber asked the captain for it, but he would not give it to him, and he (Mr. Kimber) kicked up a regular row. Mr. Kimber had four or five men with him, but Mr. Coburn did not stir off the launch. I then went to the captain, and he at once gave me the things, the diary and various other little articles. We stayed that night in Plymouth. I told Mr. Kimber that I had lost a package in which were some letters. Mr. Kimber said, 'Stick to your tale. Stick to your tale.' Mr. Kimber said, 'We want to make a sensation; there is nothing done without it.' Mr. Kimber and Mr. Coburn had a long talk in the train about the Druce case. They told me Mr. Druce would be the Duke of Portland very soon, and referred to him as 'His Grace.' In the train Mr.

Coburn said to me, 'You will get your £4,000 without a murmur, perhaps £5,000, if you stick to your guns.' As soon as the captain handed me the diary and the other things Mr. Kimber took possession of them. I have never had my diary again from Mr. Kimber except for three days, when I paid Oswald, Hanson & Smith £2 to get it for me. I asked Mr. Kimber twice for my diary, but he declined to give it to me, saying it was at his bankers."

Sir Charles Mathews.—Then follow statements referring to people outside the case. On January 29 there is a further reference to the diary. The statement goes on:—

"I had a conversation with Mr. G. H. Druce. I do not think on this occasion I mentioned anything about my diary, and he kept away for over a week. Then he called again, and I think he told me this time they were doing well with the diary and were receiving plenty of money on it, and any time that large shareholders came they had to be taken to Mr. Kimber's office to see the diary."

#### HER EARLY HISTORY.

Sir Charles Mathews.—She concludes that day's statement by saying she told Mr. G. H. Druce of the visit she had from a man name Druce in New Zealand. "He said, 'That is all right; that is perfectly true. I know all about it,' having previously said he had had a brother who lived out there. I asked whether he was the younger or the elder, and he said, 'The younger.' I think he said his name was William and that he was in a good position, that he travelled about, and had been in New Zealand several times and to the Cape. He said he was apprenticed to a safe maker. He also told me a lot of nonsense." At the end she states, "My maiden name was Mary Ann Webb, and I am the daughter of James Webb, who was a police-sergeant for many years at Mortlake. I went to school at the National Schools, Mortlake, and was married in Leeds on March 17, 1863, and lived there for a time. Then we went to Nottinghamshire, to Worksop, in 1869, I think. My husband worked as shepherd for a time for the Duke of Portland, and at other places. In 1874 or 1875 we migrated to New Zealand with our two children. We went to Waimati, and my husband died there in August many years ago. After that I went with my children to Christchurch and the outskirts, where I remained until I came to this country."

#### A STRUGGLE FOR THE DIARY.

Sir Charles Mathews observed that in the course of her statement on January 30 the prisoner referred to her journal, and she went on to say:—

“Mr. Coburn asked me to try to obtain my diary from Mr. Kimber to put in his (Mr. Coburn’s) locker, and also for any papers I had had given me by Mr. Kimber or any other papers which had anything to do with the case. I asked Mr. Kimber for my diary, and he refused to give it to me, saying it was at his bankers. Then Mr. Coburn asked me for any other papers. I think I gave him a few, but I cannot remember what they were. I think some of them were little jottings I made myself as to information given to me by other people which I had gathered together. I think I gave him the piece of paper which I had written in New Zealand after the man Druce had called on me. Mr. Coburn laughed very heartily when I gave him this, and said they had made a lot of money in Australia over this, and all they wanted now were good witnesses. He told me they would have to depend on their witnesses, as they did not intend to say anything themselves.”

Then there was a further reference to the diary, which counsel said was unimportant, and the statement went on:—

“The next time I think M. Balham (?) came, and wanted to know if Mr. Kimber had taken my diary to New York to show this man—(Sir Charles Mathews.—Obviously referring to Robert Caldwell)—because if I had got it Mr. Coburn wanted it, so as to copy it. He wanted to take three copies of it. He said they had had a cable from Mr. Kimber, who was still in America, as to whom he was staying with, and saying that he would be back in a few days, but that the man was not coming with him, as Mr. Kimber had not the money to pay him. Mr. Jenkins came the next time, and told me Mr. Coburn was going to America to see this man and bring him back. I then asked whom this man was that they were going to bring back, and he told me it was Caldwell.”

Sir Charles remarked that he would omit certain passages which followed. He continued reading:—

“The next I heard was that Caldwell and his solicitor were leaving, and there was a great dinner to entertain them, I think, at Liverpool.” Further on the statement continued:—“I never did see Caldwell in my life until I saw him in the Police Court at Marylebone when I went to swear my information. Mr. Allen, his solicitor, was there also. That was also the first time I had seen Mrs. Hamilton. I did not speak to her, and I was not introduced. I think Druce introduced me to Caldwell, saying, ‘This is the lady who has come from New Zealand, and who wrote this wonderful diary that has caused so much sensation and raised so much money.’ Caldwell said he hoped he should be able to do as much for them as I had done, and

said he would bet his life that he would have Herbert Druce in gaol. Mr. Allen (Caldwell's solicitor) then took possession of me, and I must say I never enjoyed any one's company so much as his. He said, 'I hear you are a very interesting person, but do you know Scotland Yard?' I said, 'Well I cannot say that I don't, and I think to myself if I don't my poor old father did.' Mr. Allen said that his idea was that they could not catch worms, and he went on to speak in praise of the New York police. When we removed to Sisters Avenue, Clapham, Mr. Kimber did not send his clerk with the money, because Druce would not give him the cheques. I had a letter from Mr. Kimber saying that Scotland Yard was after me, and that I was a bad character, and had been chased out of New Zealand by the police there. When I got this letter I thought Mr. Kimber was drunk, and my daughter and I called on Mr. Watt, and showed him Mr. Kimber's letter. He said it rested with Mr. Kimber's clerk, and they should not come to my house again. After this Mr. Crickmer used to call and pay me. He called a few times, and then he knocked it off. After that Mr. Druce and his son (Lord William) used to call. About a week before I went to Marylebone to swear an information I had a letter from Mr. Kimber and a document, typewritten, about some evidence I was to give. I did not like this, and I sent it to Messrs. Smith and Hanson and Co. They told me not to swear to anything I objected to, and I either sent it back or gave it to Mr. Watt. I called on Mr. Watt on that day. Coburn came after this and said he wanted me to go to Court and swear about some lead in the coffin. I told him I would not swear it for any one, as I knew nothing about the lead in the coffin. The day after this Mr. Allen called upon me. He told me he was a detective. I said, 'I thought you were a solicitor.' He said, 'So I am in America.' He asked me about my diary, and said he should like to get hold of it. He called on me several times, and asked if I had got my diary, as if it once got into his hands he could make some money out of it from the newspapers. Coburn, Kimber, Watt, and Druce were all at this period trying to get my diary. It was at this time in the hands of Mr. Smith, who got it from Mr. Kimber, so that I could read it over before I went into Court. I wanted my tale in the witness-box to appear a little feasible, even although it was all lies. The diary remained with Mr. Smith about a fortnight. Then I went to Smith and got it. He did not let any one know I had done so. The first thing I did on getting it was to read it to see that it was all there."

## COPYING THE DIARY.

“We bought a couple of exercise books. It took me three days to copy it. I did not make the copy exactly as the original diary. I did not copy some of the pages as I did not have time. I did not leave out much. The reason I hurried so was that I wanted the original out of the house. I also had a note from Mr. Crickmer offering to come with me to deposit the diary in a safe or he would take it himself. As I was determined that Mr. Coburn should not have the diary I determined to take it to Smith. The story I have already told as to the loss of the book, diary, etc., is a true one. I never actually told any of them that I had manufactured the contents of my diary, but I think that they knew it from what they said and the manner they treated me. They were always telling me I should be run in or poisoned. I was not questioned by any one as to how I knew what I was going to swear. They took it all for granted. When Mr. Kimber called on me the day after I had been to Hanson and Smith he said, ‘We shall have to draw out a rough agreement as to your future allowance,’ and Mr. Kimber dictated as to what I should write. I wrote out two. One he took with him and one I kept. That is the one read out in Court last week. Mr. Kimber told me it was no good as it was not stamped. All I care to say about the Duke of Portland is that I knew him and he knew me well, and he was very kind to me when I lived at Worksop with my husband. I never saw Mr. Atherley Jones and Mr. Goodman until they examined me in Court. I never had any letters from the Duke of Portland. But I did have two from Charles Dickens. These were missed in transit from Wellington on the boat.”

## PURPOSE, IN COMING TO ENGLAND.

Continuing her statement on January 31, the prisoner said:—  
“I remember when the man Druce first called on me in New Zealand he said he would give me £25 as soon as I made a start on the diary, but I never did so. When I left New Zealand to come to England it was for the purpose of raising money on my diary or to raise any other sensation. But I never came to swear falsely. I never came to swear that T. C. Druce was the Duke of Portland—only to say what I heard of him. When the man called on me he said, ‘Say, T. C. Druce, of the Baker Street Bazaar, was the same person as the fifth Duke of Portland.’ I could not do this in the diary right off, and so I had to work it round, because if I had put it in at first that would have closed the seam and there would have been no more to say. I remember my aunt, who lived at Tunbridge Wells,

told me that a magistrate's name there was Druce, and I thought that this name would fit in all right. She was an aunt by marriage, I think. I fixed 1861 and 1868 out of my imagination. I never thought I should have to swear what was in my diary. No one said anything to me about swearing until a few days before I attended the Marylebone Police Court. With regard to copies of letters found at my flat purporting to come from the Duke of Portland and from Charles Dickens, those from the duke were written for my amusement. The one from Dickens is practically a copy of a letter received by me from him. I did know Charles Dickens. I first saw him when I was at the Home and Colonial [college]. One of the girls knew him and took me home and he was there. When I was at Worksop he visited there, and I went and saw him. He remembered me when I spoke to him. I have visited Worksop since coming to England. I bought some of the picture postcards there and some were given to me by Coburn and Hanson. The piece of paper in Mr. Kimber's handwriting was given to me by Mr. Kimber himself when he called at Sisters Avenue. He told me not to let any one see them. He told me that he should bring witnesses to prove that what I said was correct. After I had been to Worksop I received two guides. I don't know who sent them. It was suggested to me before this that I should get a guide to Worksop to assist me in my memory. As to the truth of my statement no question was ever put to me. The first person who ever questioned me was Mr. Avory. All Mr. Kimber did in this respect was to ask me several times if I wrote the diary myself."

Sir Charles Mathews went on to say that on February 5 the prisoner related how, after she was in custody Mr. Kimber called to see her at Holloway Prison. Her statement went on:—"The last time I told him I should plead guilty and show the lot of them up. He said, 'You must not do that. If you do you will get seven years.' Then I made up my mind I would tell the police all about all I knew. My father was a policeman and I thought I would rather tell the police than any one else."

#### NEW EVIDENCE.

Inspector Reed, of the Thames Police, was then called. He said that on March 30 of last year the prisoner saw him at Wapping Station and complained of the loss of a number of original letters—three from the Duke of Portland and seven from Charles Dickens—while coming from New Zealand on the Rimutaka. She alluded to Miss O'Neil as her cousin. She named a passenger whom she strongly suspected of the theft and wished to give him into custody. The witness declined to take any

such course on the ground that there was no evidence whatever against that person. She described her trunk as thief proof, specially made of steel. Witness made inquiries on board the Rimutaka and found that there was no corroboration of the prisoner's story.

Asked if she would like to ask this witness any question the prisoner replied, "No, I think I had better wait a bit."

The prisoner was again remanded.

Sir Charles Mathews intimated that the only other witness, except those coming from New Zealand, was Mr. Thacker, who was an official connected with Druce (Limited).

The remand was fixed for next Monday.

### EXERCISE No. 13.

(*"The Times," February 19, 1908.*)

#### CHARGE OF FALSE PRETENCES.

At West London, yesterday, William Tyler, aged 42, described as a stationer, living in Holland Road, Kensington, was charged on a warrant, before Mr. Garrett, with obtaining a cheque for 31s. 3d. by false pretences from the Rev. Alfred John Pitkin, curate in charge of the parish of Aldbourne, Wiltshire, on August 6, 1906.

Mr. Arthur Gill, who appeared to prosecute on behalf of the Director of Public Prosecutions, made a long opening statement, from which it appeared that the accused had been making for some time the most extraordinary efforts to secure ordination at the hands of the Archbishop of Canterbury and of different Bishops for the purpose of becoming a missionary in the Colonies. In dealing with the charge before the Court, Mr. Gill stated that in July, 1906, the Rev. Mr. Pitkin inserted the following advertisement in the *Guardian*:—"Locum tenens wanted for a month; open, bracing country; fine church; bachelor rooms, attendance, etc." A reply was received from a person signing himself as the Rev. E. W. T. Greenshield, and addressed from 177 Holland Road, Kensington. The writer stated that he was at home on a holiday from Canada, where he was a missionary, and would be glad to do some work during his holiday. After some correspondence, the applicant expressed his intention of going down to Aldbourne before deciding to take duty, and on Sunday, August 5, the accused arrived at



Aldbourne and represented himself as the Rev. Mr. Greenshield. He gave a very full description of himself to Mr. Pitkin, stating that he was ordained by the Bishop of London, and that he was engaged in mission work in Canada. That Sunday he took part of the service at Aldbourne and in the evening he preached the sermon, leaving the next morning after receiving from Mr. Pitkin a cheque for 31s. 3d., being a guinea fee and expenses. As a matter of fact, Mr. Gill observed, the Rev. Mr. Greenshield was at that time in Canada, and the accused had forged his name to the different letters which he had written to Mr. Pitkin, and had obtained the cheque by those false pretences. During his visit to Aldbourne Tyler wore clerical attire, and on the only subsequent occasion on which Mr. Pitkin saw him—namely, one Sunday at Reading Railway Station—he was similarly attired. He never took a month's duty at Aldbourne, and nothing more was heard of him until his arrest. There would be a further charge against the accused, continued Mr. Gill, of forging and uttering a letter, dated December 5, 1907, purporting to be written by the Rev. O. W. Taylor, acting commissary to the Bishop of Saskatchewan, Canada. The accused's real name was Jabez William Tyler, he was born in 1851, and his mother's maiden name was Redstone. In June, 1905, he made an attempt to procure ordination at the hands of the Archbishop of Canterbury. He was then occupying three rooms in Bridge Road, Hammersmith, and he carried on a printing business there. For the purpose of procuring his ordination he wrote a letter in the name of the Rev. W. G. White, acting commissary to the Bishops of Moosonee and Qu'Appelle, recommending Mr. Tyler as a person suitable for ordination. Before that date an appeal had been inserted in the *Record* by one of those Bishops for aid in missionary work, and in reply two persons, or rather, as the prosecution alleged, one person—namely, Tyler, using the two names of Tyler and Redstone, had applied to go out as missionaries. At that time the accused was taking part as a layman in church work at St. Mark's Mission Church—a mission attached to the parish church of Hammersmith. The colonial Bishop considered that the age of the applicant Redstone was a bar to his usefulness in the mission field, but he favoured the application of Tyler. The latter, thereupon, with the aid of the forged letter purporting to come from Mr. White, applied to the Archbishop for ordination. Correspondence followed between the Archbishop's chaplain and Tyler, and the former intimated that the Archbishop required to be satisfied of Mr. Tyler's fitness for ordination. Thereupon another forged letter, bearing Mr. White's name, was sent to the Archbishop, in which Mr. White was made to say that the colonial Bishop was quite satisfied of

Mr. Tyler's fitness. In a letter which Tyler himself wrote to the Archbishop he enclosed a letter purporting to have been written by the Rev. J. Parry, vicar of Hammersmith, in which the writer expressed his desire that he (Tyler) should receive ordination. That letter, though it bore the printed heading of Hammersmith Vicarage, was, Mr. Gill pointed out, another forgery, and the notepaper had evidently been stamped with the address on the prisoner's printing machines. From further correspondence between the Archbishop and Tyler it appeared that the latter desired to be ordained for the Colonies generally, and not for any particular colonial diocese, and after some demur, the Archbishop appeared to be willing to comply with that desire. Steps were taken for the necessary legal formalities to be observed in the case of an ordination—these being, amongst others, the production of the accused's baptismal certificate and the publication of the *si quis*—the ceremony at which the applicant for ordination announces in the church of his parish his forthcoming ordination. As regards the baptismal certificate, Tyler produced a certificate, purporting to be signed by his brother, showing that he was baptised at St. Mary's, Southampton, in December, 1863. The brother would be called to prove that he never signed the document and that he knew nothing of the matter. The ordination was subsequently postponed by reason of the fact that the formalities could not be complied with in proper time. Simultaneously with this attempt, the accused was endeavouring to be ordained by the Bishop of Southwark, letters similar to those which had been received by the Archbishop being sent to the Bishop of Southwark and the name of the Rev. W. G. White being used in the same way. Mr. White's letter, however, came under the eye of Mr. Fox, of the Church Missionary Society, and he, knowing Mr. White's handwriting, warned the Bishop's chaplain against Tyler's application. In September of the same year the accused applied to the Bishop of London to be ordained, and after some correspondence he was admitted to retreat at Fulham Palace before ordination. One day the Rev. W. G. Woolsey, who knew something of the accused's antecedents, called at the palace, and, recognising Tyler, gave certain information to the Bishop. The Bishop thereupon wrote a letter to the Rev. J. Parry, vicar of Hammersmith, and despatched the accused himself with it. When the missive reached Mr. Parry, he noticed that, while the envelope bore the Bishopric arms, the handwriting was not that of the Bishop, and he communicated with his lordship. The accused was taxed with having tampered with the envelope, and he made a lame explanation to the effect that he dropped the original envelope in the mud and then put the note in a fresh

one, which he went back to the palace to fetch. There could be no doubt, said Mr. Gill, that he broke the seal for the purpose of ascertaining the contents of the letter. As a result of the Bishop's inquiries, the accused was refused ordination, and he was dismissed from the retreat. At a later date—in November last year—the accused, in the name of Tyler, made an application to the Archbishop of Canterbury to be ordained for the Colonies, and in support of his application he sent a forged letter in the name of the Rev. H. M. Viret, vicar, "in charge of St. Mark's Mission, West Kensington." That letter, which contained a glowing tribute to the applicant, and the writer, after saying "our only fear is whether it is not a mistake to let him leave this country," observed "it is sad that so many obstacles should be put in the way of one so earnest and with a true vocation for the ministry." In addition to these applications by the accused in the name of Tyler, there would be, concluded Mr. Gill, several cases in which, using the name of Redstone, he had, by means of similarly forged letters of recommendation, etc., made the utmost endeavours to secure ordination. A warrant was obtained, and the accused was arrested by Detective-sergeant Carlin as he was about to move from Holland Road, Kensington, where he carried on a printing and stationer's business.

Evidence was given by the Rev. A. J. Pitkin, curate in charge of Aldbourne, Wiltshire, who described how, in answer to his advertisement in the *Guardian*, Tyler came down to Aldbourne and took the prayers at the morning and evening services. In the evening he also preached the sermon, "an excellent sermon," added Mr. Pitkin, smiling. He told him he had written to the Bishop of the diocese (Salisbury) for the necessary permission to act as *locum tenens*, and was waiting for a reply. The witness replied that, in accordance with the usual custom, he should write himself to the Bishop. He gave his name as the Rev. E. W. T. Greenshield, and said he was in England on a holiday from Canada. The witness gave him a cheque for 31s. 3d., which was duly paid by his bank, endorsed "E. W. T. Greenshield." He did not see the prisoner again except once, at Reading Station, one Sunday.

The Rev. Edgar William Tyler Greenshield stated that in July and August, 1906, when the prisoner was at Aldbourne, he (the witness) was in the Arctic regions, in Baffin's Land.

Mr. Gill.—Do you know the prisoner?

The witness.—Yes, I have known him for a long time.

The Rev. William Grenville Boyd, chaplain to the Archbishop of Canterbury since October, 1905, produced the correspondence which took place between the accused and himself in regard to the former's application for ordination,

At this stage the magistrate decided to adjourn the hearing for a week.

The prisoner.—Can I have bail? My brother and the Rev. Mr. Greenshield, my nephew, will stand bail.

The prisoner's brother.—Your Worship, this has been a mania of my brother's since childhood.

The magistrate refused to grant bail.

## CHAPTER V.

### PUBLIC SPEECHES.

#### EXERCISE No. 14.

##### LORD CURZON ON THE TRUE IMPERIALISM.

LORD CURZON of Kedleston, as president of the Birmingham and Midland Institute, delivered an address in the Town Hall, Birmingham, last night. He took for his subject "The True Imperialism."

In the course of his address Lord Curzon said he did not suggest that there was a false Imperialism, though it might be that strange figures sometimes masqueraded under a disguise to which they could lay no claim. He spoke of Empire in the first place because he was a convinced and unconquerable Imperialist, who by the accident of events had been called upon to spend the whole of his working manhood in the study or the service of Empire, and to whom it had come to be a secular religion, embodying the most sacred duty of the present and the brightest hope for the future. His second reason was this, to what place could he come more likely to receive such a message with an enlightened but businesslike comprehension than here? The citizens of no mean city, who with a genius for industrial enterprise and a local patriotism that was almost Hellenic in its ardour had raised their town to a unique place among the great manufacturing capitals not merely of England, but of the world, they had for the past 20 years identified themselves with the politics of Empire. They had nourished in their midst and had again and again sent out on his public mission the greatest Imperial statesman of this generation—the man of whom, whether they agreed or disagreed with his particular views, it would be stark prejudice to deny that he was animated by a noble devotion to his country and an

impassioned belief in its destinies. At a time when other places and districts had fallen away they had stood fast to their convictions, as he doubted not that when the opportunity offered they would do again. Where, then, could he better come than to Birmingham to attempt an analysis and demonstration of the faith that he believed to be equally in them and in him? From what platform so suitable as that Town Hall, which was almost the central altar of the British democracy, should he address his countrymen in the endeavour to show them what it was that Empire meant, in what sense it was vital to them, why it ought to be deep in their hearts and fervent, though never boastful, on their tongue? (Cheers.)

Proceeding to speak of the history or growth of the British Empire, he said two theories had been much in vogue to explain the facts. The first was the idea that the Empire had been built up by a succession of wicked and unscrupulous men, that Empire-makers were, as a rule, Commandment breakers, and that Proconsuls—a class to which he was so fortunate or unfortunate as to belong—represented in general a peculiarly dangerous type. Years ago, before Mr. John Morley had had the opportunity of showing that he could deal with a great Empire in the spirit of a great statesman, he wrote a book in which he spoke of Warren Hastings as “the great criminal” and the foundation of British dominion in India as “a long train of intrigue and crime.” He did not know whether with fuller knowledge Mr. Morley would hold these views now. He hoped not. Anyhow, he believed them to be incapable of historical demonstration. Some Empire-makers had been bad and vicious men. By no stretch of imagination could Caesar or Napoleon possibly be described as good men. But these characteristics had not been confined to the making of Empires. If they looked at the list of the men who had carved out the British Empire, they would find that moral virtues, a spirit of humanity, and an almost Puritanical fervour had been more common qualities than those of the filibusterer or the bandit. In India in particular, after a careful examination of the evidence, he held that no substantial case could be made out against either Clive or Warren Hastings, and that those who had added most to our Empire there had been men with clean hands and a high moral purpose. The second theory, which he believed to be equally fallacious, was summed up in the famous phrase that the British Empire was acquired in a fit of absence of mind, or in the more recent apophthegm that what was won in a night might be lost in a day. It had needed many days and nights, even in the widest acceptance of the terms, and the concentrated purpose of many minds to build the British

Empire. He would describe the Empire as the result not of an accident or a series of accidents, but of an instinct—that ineradicable and divinely implanted impulse which had sent the Englishman forth into the uttermost parts of the earth, and made him there the parent of new societies and the architect of unpremeditated creations. As a result of three centuries of such effort we had the British Empire as it now existed. About one-fourth of the world's surface and more than one-fourth of the world's inhabitants were included in the British Dominion. It was the largest Empire that now existed or that ever had existed. It was also unique in character and organisation. But numbers were not the main thing, except as indicating the scale of importance and responsibility; the test was not size, but the work done, the good things accomplished, the bad things wiped out, the general impress left upon the well-being of mankind. Wherever the Empire had extended its borders, there misery and oppression, anarchy and destitution, superstition and bigotry had tended to disappear, and had been replaced by peace, justice, prosperity, humanity, and freedom of thought, speech, and action. There also had sprung, what he believed to be unique in the history of Empires, a passion of loyalty and enthusiasm which made the heart of the remotest British citizen thrill at the thought of the destiny which he shared, and caused him to revere a particular piece of coloured bunting as the symbol of all that was noblest in his own nature and of best import for the good of the world. When Rome was threatened by the barbarians she called to her standard her scattered legions from far and near, and they frequently rebelled and mutinied on the way. But there never rallied to her aid the offspring of her own loins, as Australia and Canada poured their volunteer manhood into South Africa.

Great Britain, however, was by no means alone in her career of Empire. She started earlier upon the quest. But the example had found faithful followers, and expansion seemed to be the law of the modern vigorous and progressive State. How futile it was to decry Empire, or to protest that virtue was only found or was more readily found in small communities, when they observed that other nations, alike the most autocratic and the most republican, were following a similar bent. If Russian expansion was capable of being regarded as Caesarism, and of being identified with the Imperialism of material rather than moral force, what was to be said of the Empire-making phase upon which America, the most democratic and hitherto the least Imperial of all great countries, had entered? He believed that even at this moment, if they were to poll the whole of the United States, they would find a large and possibly an over-

whelming majority opposed to any concrete policy of Imperial expansion. But circumstances had proved too strong for the Americans. The same impulse that carried them early in the last century to the Rockies and the Pacific, now that the continent had filled up, was driving them further afield. It had compelled them to lay hands upon the Samoan and Sandwich groups in the open Pacific, to assume charge of Puertorico, as they would ultimately have to assume charge of Cuba, to clutch at the Isthmus of Panama, and in the case of the Philippines to stretch out their hands even to the shores of Asia. Political parties might denounce, and the more thoughtful Americans might deplore, the expansion. But he doubted if any President, Democratic or Republican, would come to Congress with a Message proposing to revoke it. If then, even in the case of a nation where there was so little of the instinct of militarism or aggrandisement as America, the country was found heading straight towards an Imperial destiny, was not the conclusion inevitable that she was merely obeying a general law, and that Providence, once pronounced to be on the side of the big battalions, was now found to be on the side of the big nations? In Europe the same lesson was taught by Germany, which had repudiated Bismarck's warnings against over-seas adventure; by Italy, which had barely achieved national consolidation before she started forth upon external expansion; and by France, the growth of whose colonial empire was only second to that of our own. Japan had been swept into the same vortex and could not resist the inexorable compulsion. If the doom of small nations had not sounded, at least the day of great nations seemed to have dawned. Amid these modern Empires the British Empire stood distinguished not merely by its earlier start and its superior extent, but also by its unique composition. It was not a mere grouping of territorial acquisitions achieved by the valour or good fortune of the race. It was not a cluster of subordinate units grouped in deferential pose round an Imperial centre. It was neither a military Empire, as was that of Rome, nor a Federal Empire, as was that of modern Germany.

He remembered reading a few years ago a remark made by the present Prime Minister, that the object of his party was the strengthening of the centre of the Empire, instead of wasting our force upon its outskirts. The first part of the sentence was sound enough. But there was a world of fallacy, and, as he thought, of danger, in the second. It showed in a flash the difference between the Imperial and the anti-Imperial standpoint. To the Imperialist the outskirts of the Empire—India, Canada, New Zealand, Natal—were not less important than



London, Liverpool, or Birmingham. We ought not to think more of them, but we ought not to think less. If the Colonies had taken a similar line we should have had no Colonial contingents in South Africa. If they should henceforward begin to think mainly or exclusively of themselves as the inhabitants of these islands were invited in this passage to do, we should very soon have no Colonies to think about at all. If there were no outskirts there would be no Empire. As America had gone so might Canada, Australia, and South Africa go. There were plenty of influences at work to tempt or encourage the severance. A sheaf of popular arguments could easily be found for casting off the Indian burden. He asked what this country would be without the Empire, and whether, when India had gone and the great Colonies had gone, they supposed we could stop there. Our ports and coaling stations, our fortresses and dockyards, our Crown Colonies and protectorates, would go too. For either they would be unnecessary as the toll gates and barbicans of an Empire that had vanished, or they would be taken by an enemy more powerful than ourselves. Then with a Navy reduced, for there would be nothing but these shores for it to defend, and with a small Army confined to home service, what would be the fate of our home population? England, from having been the arbiter, would sink at the best into the inglorious playground of the world. Our antiquities, our natural beauties, our relics of a once mighty sovereignty, our castles and cathedrals, our mansion-houses and parks, would attract a crowd of wandering pilgrims. People would come to see us just as they climbed the Acropolis at Athens or ascended the waters of the Nile. A congested population, ministering to our reduced wants, and unsustained by the enormous demand from India and the Colonies, would lead a sordid existence, with no natural outlet for its overflow, with no markets for its manufactures beyond such as were wholly or partially barred to it by hostile tariffs, with no aspiration but a narrow and selfish materialism, and above all with no training for its manhood. Our emigrants, instead of proceeding to lands where they could still remain British citizens and live and work under the British flag, would be swallowed up in the whirlpool of American cosmopolitanism, or would be converted into foreigners and aliens. England would become a sort of glorified Belgium. As for the priceless asset of the national character, without a world to conquer or a duty to perform, it would rot of atrophy and inanition. (Cheers.)

Great Empires before now had sunk to small States. It might be that in the fulness of time the turn of England would come too. But at least let it not be done of her own act, and in

the plenitude of her powers. Whatever our politics, let us not voluntarily allow our locks to be shorn. In Empire we had found not merely the key to glory and wealth, but the call to duty, and the means of service to mankind. Let us no more forswear Empire than we would abjure our own souls. Such being the manner in which Empire had been won and was now held, in what spirit should it be administered or regarded? The answer to that question would give them the true Imperialism. If they had an Empire they must have Imperialism, Imperialism being the essence and spirit of Empire. An Empire could not be maintained without Imperialism any more than a workshop could be run without a knowledge of mechanics, or a picture gallery without a sense of art. (Hear, hear.) He repudiated the many caricatures which were put forward with such suspicious alacrity by those who were enemies to Imperialism because they were enemies to Empire itself. Sometimes they were told that Imperialism was militarism, which he saw defined in the dictionaries as an excess of the military spirit. He confessed that to accuse us in this country of militarism, when it was with the utmost difficulty that we obtained recruits for our exceedingly limited Army, when the soldier's uniform, instead of being regarded as it ought to be, as a source of pride, seemed generally to be treated as if it were something to be ashamed of and hidden away, when we were so absurdly backward in military organisation that every fresh War Minister sought to distinguish himself by inventing a new military system (which commonly passed into oblivion along with its author), and so deficient in military knowledge that we went to war without maps of the country which we were called upon to invade or defend, when it was notorious among foreign nations that a British Government almost had to be kicked and cuffed before it would consent to fight, and when, having gone to war, we only came through, if we did, after a series of deplorable fiascoes and blunders at the start—he said that to accuse such a people of being easily tempted into a policy of military adventure or braggadocio was almost a joke. (Cheers.) If, on the other hand, militarism were held to imply that upon every nation was imposed the obligation of self-defence, and that national independence did rest in the last resort upon the possession of adequate force, then he wished that we were rather more militarist than we were; for he held compulsory training to be of the essence of citizenship, and he thought that our Empire would very likely some day break down unless it were applied. There was no call to draw the sword from the scabbard or to brandish it in the air. It was a common saying that we held India by the sword, and in the last resort

every dominion must rest upon the sanction of force. But when he went there as Viceroy he registered a vow that he at least would never use the phrase, for it seemed to him that we held India far more by moral force than by bayonets ; and in seven years he was never unfaithful to his pledge. The Army was strong in India, stronger than in any other part of the Empire. But even there, unless we were foolish enough to impair the supremacy of the civil authority, militarism could not prevail. A variation of the same charge was the allegation that Imperialism meant jingoism, which he took to be a swaggering and aggressive attitude ; or Chauvinism, an image for which we had to cross the Channel, and which he fancied meant the sort of exaggerated national pride that found vent in the war-whoops of the music-hall stage. But music-halls were not the council chambers of statesmen, and Cabinet Ministers were not, or were not supposed to be, comedians, and he doubted if a public man could now be found in any country who would conduct a policy in any such spirit. Even if there were, it would not be in the ranks of Imperialists that he should expect to find him. (Cheers.) No generalisation could be more historically inexact than to say that Great Britain had been urged into an Imperial career by national vanity or territorial greed. If our Empire had advanced by leaps and bounds, it had commonly been in spite of our Government and statesmen. There was hardly an important acquisition from which we had not at some time or other tried to recede. The parings of the British Empire throughout the world—*i.e.*, the areas which it had at one time held and had afterwards surrendered—would make a respectable empire of themselves. He could not see how any fair-minded student of history could peruse its pages without realising that, however our Empire had grown great, it had certainly not been from the passion of territorial cupidity or from an appetite for dimensions. (Cheers.)

Among the false images of Imperialism which had been set up by its enemies, there was one only against which he thought that we ought to be on our guard. In a country so qualified as ours by aptitude and experience for the pursuit of commerce there was always a fear that empire might rest upon too material a basis. Commercialism and materialism were dangers against which the Imperialist required to be specially upon his guard. The maxim that trade followed the flag suggested the planting of the flag in order that it might be followed by trade. In his view the reverse was much more historically correct—namely, that the flag followed the trade. (Cheers.) They had seen how our Empire had been developed until it had attained its present form, and that Imperialism was the spirit in which the

problem of Empire was handled. That spirit involved both a conviction, a policy, and a hope. The conviction was the firm belief that the Empire represented no mere fortuitous concurrence of atoms which by a succession of accidents had been united under the hegemony of the British Crown, but that it was a preordained dispensation, intended to be a source of strength and discipline to ourselves and of moral and material blessing to others. It had been said that the first great Imperialist was Oliver Cromwell. A long succession from Chatham and Pitt to Beaconsfield, and Cromer and Chamberlain had handed on the sacred torch. Each of these men had been firmly convinced of the destiny of his country. The same belief shone out from the speeches of another great Imperialist, Lord Milner. An honourable pride in our inheritance, a belief that it carried with it great obligations, and a resolve to retain it intact were characteristics of the life work of all these men. He believed these sentiments to be shared by the great majority of the working classes of this Empire. He was not himself a believer in Socialism, though there was much to attract in the Socialist ideal. But even were he a Socialist, he would see no reason why his ideas should not be set in the framework of an Empire as well as in that of an industrial Republic. But it was certain that, if the Empire of the future was to continue, it must rest upon a democratic basis and must satisfy democratic ideals. He declined altogether to believe that this was an impossible aspiration. Whether democracies would possess the sobriety and the patience, the breadth of view, and the tenacity to maintain great Empires intact remained to be proved. That democracies would have the sense and the insight to understand Empire and to incorporate it in their political formulas he entertained no doubt.

Imperialism, however, must give us more than a conviction. In the case of the British Empire, at any rate, it would ill justify itself unless it were to furnish us with a policy. What that policy must be was clear. The Empire was still only in a fluid and transitional formation ; it had yet to be welded into a great World-State. The constituents were there ; the spirit was there ; but the problems were still unsolved and the plan had yet to be produced. We had so to work that the concentric rings should continue to revolve round the central star, not merely because it had hitherto been the law of their being, but because it was their interest and their voluntary choice. In the economy of the Imperial household we were dealing not with children but with grown men. At our table were seated not dependents or menials, but partners as free as ourselves, and with aspirations not less ample or keen. That

they were bound to us by sentiment was a priceless asset ; to throw it away would be a criminal blunder. This was the colonial problem. The Indian problem was much more difficult, for there we were dealing, not with young and ardent democracies of our own blood, but with a society cast in a conservative and rigid mould, divorced from our own by religion, custom, and race, though here, too, a spirit of nationality was moving on the face of the waters, and unsuspecting forces were dimly struggling to light. It was vain, however, to pretend that India could be granted self-government on the colonial lines. It would mean ruin to India and treason to our trust. The Empire could not apply the same policy to the Colonies as to India ; but it could be animated by the same spirit and it could pursue the same end, which was continued and contented incorporation in the Imperial union ; albeit, here again the limits of disruption would be very different. Were the Colonies to break away they would survive and ultimately flourish, but the Empire would be weakened. Were India to be lost she herself would reel back into chaos, and the British Empire, at any rate in Asia, would perish. (Cheers.) As he had said, the policy of Imperialism was confronted with many problems which it must attempt to solve. They would keep it fully occupied for generations to come. The mechanical problem—*i.e.*, the problem of conquering distance—was being rendered less formidable every day by the astonishing development in electricity and steam, although in one case, that of India, the shrinkage that resulted cut both ways, bringing the two countries physically nearer—a condition which facilitated communication, and therefore knowledge, between the two—but estranging the heart of the Englishman in India from his work, a consequence which was in every way to be deplored. The racial problem must always remain an anxious one, since when excited it was capable of transcending all others in explosive energy and importance. The political or administrative problem would also have to be faced. It was impossible for the Empire to continue permanently to be governed by the existing organisation. Some form of Imperial council, advisory if no more, must sooner or later emerge. The defence problem—*i.e.*, the question how the Empire was to divide the burden of military and naval defence between its members—and the tariff problem, or the question whether the Empire could be made more self-contained and self-sufficing in respect of its trade, were still only in the preliminary stages of evolution. At least a quarter of century would elapse before they were solved, if then. Of one thing he was certain—*viz.*, that in proper hands

the Crown would become, if not more powerful at any rate more indispensable and more important. He looked forward to the day when the Sovereign would visit his dominions in person, and hold his Court in Calcutta or Quebec. Nor could he imagine any stronger cement of Empire than that its Government and unity, as typified by the Sovereign, should from time to time be incarnated in the allied States or dominions. The capital of the Empire would probably never leave London. But there was no stationary necessity or obligation in the Crown. (Cheers.)

He had sketched the tasks, the urgent and paramount tasks, with which the Imperialism of the near future was charged. That any other policy or any other political creed could successfully solve them there was no reason to believe. Insular Radicalism could not solve them; cosmopolitanism could not; Socialism could not. To Imperialism alone could they look to satisfy the needs and to hold together the framework of the British Dominion. (Cheers.) But if Imperialism was to play this part, let them be sure that it was animated by the supreme idea, without which it was only as sounding brass and a tinkling cymbal—namely, the sense of sacrifice and the idea of duty. Empire could only be achieved with satisfaction or maintained with advantage provided it had a moral basis. To the people of the mother State it must be a discipline, an inspiration, and a faith. To the people of the circumference, it must be more than a flag or a name, it must give them what they could not otherwise or elsewhere enjoy; not merely justice or order, or material prosperity, but the sense of partnership in a great idea, the consecrating influence of a lofty purpose. As to the future, if he found any audience of his countrymen who were plunged in doubt as to what it might bring forth, and who wondered whether the handwriting might not already be tracing its sentence on the wall of our Empire, as it had done upon those of Babylon, and Nineveh, and Rome, he would say to them, "Have no such craven fears. From the sordid controversies and the sometimes depressing gloom of our insular existence look forth, and, if the summons comes to you, go forth, into the larger fields of Empire where duty still calls and an illimitable horizon opens. Preserve with faithful attachment the acquisition of our forefathers, not tabulating them with vulgar pride, but accepting the legacy with reverence, and holding no sacrifice too great to maintain it. Be sure that in our national character, if we can keep it high and undefiled, still lies our national strength. Count it no shame to acknowledge our Imperial mission, but, on the contrary, the greatest disgrace to be untrue to it, and even if God no longer thunders

from Sinai, and His oracles are sometimes reported dumb, cling humbly but fervently to the belief that so long as we are worthy we may still remain one of the instruments through whom He chooses to speak to mankind." (Loud cheers.)

## EXERCISE No. 15.

### LORD CROMER ON FREE TRADE.

Lord Cromer was the guest at luncheon yesterday of the Glasgow and West of Scotland Unionist Free Trade Club. The company, who numbered about 200, were presided over by Mr. J. G. A. Baird, and included Lord Balfour of Burleigh, Sir Hugh Shaw-Stewart, Sir Charles Bine Renshaw, Sir J. Stirling-Maxwell, Mr. Cameron Corbett, M.P., Mr. Alex. Cross, M.P., Mr. St. Loe Strachey, and Dr. Robert Gourlay (chairman of the club).

The Chairman, in proposing "The Empire, the Union, and Free Trade," said that we had been told to think Imperially and invited to make sacrifices. That was all very well; but who were to make the sacrifices? The man in comfortable circumstances might, but the poor man could not. There was a danger if the idea got into the heads of the electors that the Empire was too great a burden for their shoulders. When the people talked of consolidating the Empire they usually thought of Canada, Australia, New Zealand, and South Africa, but they never mentioned that part of the British dominions which really constituted the Empire—the great dependency of India. (Cheers.) They heard very little about how India was to be treated if the tariff reformers had their way. The second head of the toast was the Union, the common rallying ground for Unionists of all descriptions. (Cheers.) Upon the third head the chairman remarked that their opponents were not over civil in their fiscal controversy, and thought it might very well be carried out without those amenities. Cobdenite was used as a term of reproach, but nobody ever mentioned Sir Robert Peel, the Minister who introduced free trade, as a name for reproach. (Hear, hear.) It might be that they would incur censure for holding that meeting and for endeavouring to introduce a split into the Unionist party, but there was another loyalty which was far above party loyalty, and that was loyalty to the best interests of their country. (Cheers.)

Lord Cromer, in replying to the toast, said:—Mr. Baird and

Gentlemen,—A short time ago I was present at a meeting of the Unionist Free Trade Club in London, on which occasion I had to answer a toast similar to that with which the chairman has done me the honour to couple my name. Subsequently, I heard from many quarters that we were a politically insignificant body, and that, unless we were ready to abandon one of our most cherished principles, we could not hope to exercise any influence on the opinions of our fellow-countrymen. What are those principles? They are twofold. In the first place, we hold that there should be no tampering with the links which bind together the United Kingdom of Great Britain and Ireland. In the second place, we maintain that freedom of trade should continue to be the basis of our fiscal policy. It seems to be held by some Unionists that those who are unwilling to cast to the winds the second of these two vital principles should be ostracised from the Unionist party, although a tendency, which we may welcome, has recently been evinced to mitigate the severity of this sentence. Now ostracism is a Greek word, and I have no great liking for the importation of these strange foreign terms, which often clash with our ideas of liberty, into British political discussions. Nevertheless, in this particular case, an unconscious compliment is paid to free-traders; for according to no less an authority than Aristotle, who may be assumed to have known something of the subject, ostracism was a handy method adopted by the Athenians for getting rid of some of the most eminent of their fellow-citizens. According to this definition, therefore, Unionist free-traders, though they may be insignificant, are at the same time eminent. The two adjectives seem to me to clash somewhat with each other. Well, gentlemen, in spite of the gulf of political insignificance which yawns before them, and in spite of the threat to adopt drastic Athenian procedures against those who place principles before party, I find not the least disposition to abandon those principles on the part of those with whom I am proud to be associated in London. On the contrary, unless I am very much mistaken, a strong disposition exists to hold fast to them. Does this same spirit animate the Unionist free-traders in Glasgow? I hope and believe that your presence here to-day shows that it does. (Cheers.)

Before going any further, I should like to say a few words in answer to some of the criticisms—always most friendly and courteous criticisms—which have been made upon the speech which I delivered recently in London. I was criticised for adhering to what some call an antiquated fiscal faith which, it is alleged, has served its time. Well, I greatly prefer adherence to a system of proved merit rather than rushing blindfold into



a radical change, the results of which not the wisest amongst us can foretell. Amongst numerous other advantages, I believe that the fiscal faith to which we hold, antiquated though it may be, is a safeguard against the creation of those huge trusts, which have done so much harm in America and which are to a great extent the outcome of protection. Free trade, moreover, has more especially benefited the poorest classes of the community. Statistics of prices and wages show that a labourer gets about 65 per cent., a factory operative 75 per cent., and a skilled mechanic 90 per cent. more of the necessaries of life than he did 50 years ago. Free trade has not, of course, been the sole cause of this remarkable improvement, but it cannot be doubted that it has been one of the principal contributory causes. Then, again, I have been told that I have lived for so long abroad that I have lost touch with British public opinion. I daresay this is quite true. Certainly I find it very difficult at times to differentiate between Liberals and Conservatives, and still more difficult to define, with any degree of precision, the political faith of either party. At times, again, I am somewhat puzzled at the subtle distinctions between protectionists and tariff reformers, and it may be that my doubts and hesitations are shared by others who have not lived for so long abroad as myself. But my bewilderment reaches its climax when I endeavour to classify Socialists. They crop up in the most strange places; occasionally, which is natural enough, on the extreme left of the Liberal party, and again amongst ardent tariff reformers on the extreme right of the Conservative party. There is, however, nothing really surprising in this latter connection. Socialists and extreme tariff reformers, who are really protectionists, meet in Australia and elsewhere on the common ground that each entertain an exaggerated belief in the power of the State to remedy economic evils.

To return to the criticisms on my recent speech, I wish to say that when speaking in London my observations bore chiefly upon the changes which would result in our foreign relations if our free-trade policy were abandoned. I cannot help thinking that the best way of ascertaining the opinions which exist in foreign parts is to live amongst foreigners. This is what I have done for many years past. Speaking as a convinced Imperialist to other Imperialists, and speaking also as one who has been a good deal concerned in the execution of a policy of Imperialism, I said that free trade was the most sound basis on which that policy could rest; that a return to protection or preference would tend to stimulate whatever latent Anglophobia exists in the world, and would thus probably lead to an increase in our

naval and military expenditure. I adhere to every word of this statement. Various answers have been made to my argument, but I venture to think that none of them are adequate. In the first place, I have been told that we may surely do what we like in our own territory. I fully agree. Every man, if he chooses, has a right to cut off his nose to spite his face; but most wise men forbear from executing this operation. In the second place, I have been told that other nations have adopted a protectionist policy without incurring any special animosity on the part of their neighbours. This also is quite true; but what other nation possesses an Empire like ours? It is world-wide. We boast that the sun never sets on the dominions of the King of England. To find any case analogous to that of the British Empire we must go back to the days of Ancient Rome. I say, therefore, that we must adapt our policy to the special circumstances in which we are placed. In the third place, I have, as was to be anticipated, been told that we can defy opposition. This is what I may call the familiar "Who's afraid?" argument. It appears to me, however, that there is a very great distinction between a craven truckling to foreign nations and adopting the attitude of the proverbial Irishman at a fair, who goes about asking if anybody would like to tread on the tail of his coat. I say that we want to maintain the peace, if we can honourably do so, and that a free-trade policy makes for peace, whereas a protectionist policy tends in the opposite direction. (Cheers.)

There is one other criticism to which I should wish to allude briefly. It has been stated that, although I may be a free-trader in England, I approved of a protectionist policy in Egypt. This is a purely personal argument. Had I been ever so protectionist in Egypt I do not see that the fact would help the tariff reformers much, although it might show that I was guilty of inconsistency. But, in fact, although I do not say that the present Egyptian practices as regards both Customs and Excise duties are everything I could wish, the fiscal policy adopted of recent years in Egypt, so far from bearing the smallest resemblance to protection, has on all essential points been based on free-trade principles. I will state the facts briefly. At the commencement of the British occupation an 8 per cent. *ad valorem* Customs duty was imposed on all goods coming into the country. Also, in all the towns, and even in many of the principal villages, an octroi duty of 9 per cent. was levied on local produce. The latter pressed far more hardly on the population, and especially on the poorer classes, than the Customs duty. It has been completely abolished. Moreover, the 8 per cent. Customs duty has been reduced to 4 per cent. on

coal, timber, live stock, petroleum, and on some other articles. I wish, moreover, to observe that whether the Customs duty in Egypt is levied at 8 or 4 per cent., or at any other figure, it does not in any way offend against free-trade principles. It is imposed for strictly revenue purposes; and I am not aware that any free-trader objects to the imposition of Customs duties for such purposes, although he may regret the necessity for doing so. What free-traders object to is the imposition of Custom duties for protective purposes. (Hear, hear.) Now, the only important case which has occurred in Egypt where this special issue was raised was in connection with the duty on cotton goods. Until a few years ago, there were no cotton factories in Egypt. When they were established, an Excise duty, equivalent to the Customs duty, was put on the indigenous manufacturers. Otherwise, local industry would have been protected. This Excise duty, which is similar to that which used to be levied on certain articles in the United Kingdom but a few years ago, and which is now levied in India, was not imposed in order to please Manchester, as is sometimes alleged, but in order to prevent an artificial industry from springing up, and in order to safeguard the Customs revenue of Egypt.

I pass on to fresh ground. I do not think, in speaking to the present company, that I need dwell on the well-known arguments in support of a free-trade policy. I take it for granted that we are all free-traders here, or, if we are tariff reformers, we adopt that appellation in a somewhat different sense from that in which it is generally used. I am a tariff reformer. I should like to see the duty on sugar reduced. I think that would be an excellent tariff reform. Leaving aside, therefore, these familiar points, I wish to say that the more one reflects on the subject, the more does it appear that what lies at the root of the whole matter is the question of public expenditure. If free-traders once recognise what I take to be the main article of the tariff reformers' faith—namely, that it is absolutely necessary to raise a large additional revenue, they may, it is true, fall back on their second line of defence, and urge that the revenue should not be raised by increasing indirect taxation. But then, to be logical, they must indicate how the revenue should be raised, and in dealing with this question it has to be borne in mind that direct taxation is already objectionably high. The main point, therefore, appears to me to be this—Is the additional revenue really required? And this brings me naturally to the consideration of another point—namely, Is a very costly non-contributory old-age pension scheme desirable and justifiable? On this point, you have lately had the

good fortune in Glasgow to hear the opinions of an ex-Minister, and a very successful ex-Minister, under whom it was my privilege to serve for many years. What did Lord Lansdowne say on this subject? He said that the universal application of a non-contributory old-age pension scheme was a policy which "spelt disaster," both on account of its cost and on account of the demoralisation which it would bring to all concerned. As to the demoralisation, there cannot, in my opinion, be a shadow of a doubt. It would lead me too far afield were I now to attempt to deal with this important question at any length; but I may say that I have passed the greater part of my life in countries where the State is expected to do everything, and where the people do very little for themselves. I have had good opportunities of judging of the apathy, the helplessness, and, to use Lord Lansdowne's own expressive phrase, the demoralisation produced by this system. It is both with surprise and keen regret that I find, on my return to political life in this country, an endeavour being made to foster the growth of the noxious plant which for years past I and many others with me have been doing our utmost to eradicate in other countries. Self-help has, up to the present time, been the mainstay of our national character. Let us, in the name of commonsense, pause before we throw this priceless jewel away. I find it very difficult to believe that the best and most intelligent amongst the working men of this country, when they come to reflect on the matter, will not wish that they and their families should be independent of assistance afforded to them by the general body of taxpayers. (Cheers.) As to expenditure, a very competent authority has been kind enough to furnish me with figures showing the net increase in the revenue raised from taxation, both Imperial and local, during the last ten years. It comes to rather over 60 millions—that is to say, for ten years the average increase in the burden laid on the people of this country has been no less than six millions annually. It is now apparently proposed to add a very large sum to provide for a universal old-age pension scheme on a non-contributory basis. There appears, so far as we yet know, to be no intention of providing the whole of the huge amount which will be necessary at once; but a beginning is to be made. Now, from the point of view of a financier, I always mistrust these beginnings. In 1853 one of the greatest financiers of the age, Mr. Gladstone, made a beginning to get rid of the income-tax. A very elaborate and what, at the time, appeared to be a very reasonable plan was conceived to get rid of the tax in seven years. We know what happened. The Crimean War and a number of other unforeseen events occurred, with the

result that the scheme came to nothing. And this will always, probably, occur with any large financial plan of wide scope which is based upon a future which no one can, in the smallest degree, foretell. (Hear, hear.)

It is also to be remembered that old-age pensions will not be the only fresh claim upon the public purse. There is education—a class of expenditure which I do not at all grudge, provided the money is forthcoming without additional taxation, and provided it is well spent. Then there is the question of maintaining the efficiency of the Army and Navy. We may, indeed, indulge in a pious hope that public opinion on the Continent will eventually force rulers to abandon the ruinous race in armaments in which they are now engaged ; but until this Utopia has been realised—and there does not seem much prospect of its speedy realisation—we certainly cannot afford to lag behind. The time may arrive when we shall have to fight for our national existence. It would be madness in any Government not to recognise this unquestionable fact and to be prepared for it. I ask, Where is all this money to come from ? No country can stand increasing its public expenditure at the rate which it has been increased of late years in the United Kingdom, and even to enhance the rate of progression, without crippling its national resources and impeding its own development. We are, indeed, sometimes told that any fresh taxes which may be imposed will not bear upon the working man. Now, every one who has studied questions of this sort knows that nothing is more difficult than to work out beforehand the incidence of a new tax, and particularly of an indirect tax. I shall be very much surprised if, in whatsoever form new taxation is imposed, it does not, in some form or another, hit the working man. Notably, there cannot be a greater error than to suppose that the working man is never touched by imposing a duty on an article which he does not consume. I shall be still more surprised if a non-contributory old-age pension scheme, however skilfully the details may be arranged, does not result in the thrifty being made to pay for those who are unthrifty, and the industrious having to support the idle. (Cheers.) Then, again, we are told by those who wish to broaden the basis of taxation that the net should be spread very wide, and that a small tax should be imposed on a large number of articles. In dealing with this subject, which in past days has frequently been discussed, it has to be remembered that no system of taxation which the mind of man has yet devised is free from objections of one sort or another. If few taxes are imposed, their pressure is, almost of necessity, unequal and uncertain. If the State resorts to the

imposition of a large number of small taxes, the cost of collection is greatly increased, owing to the numerous official staff whose services will be required ; very complex legislation of one sort or another becomes necessary, and the system necessarily brings in its train a deal of vexatious interference with individual freedom to which the inhabitants of this country are unaccustomed, and which they are specially prone to resent. A French Finance Minister once said that the art of taxation consisted in plucking the goose so as to get the largest possible amount of feathers with a *minimum* amount of squealing. Our present Customs system, although on some points it may be justly open to criticism, appears to meet this practical requirement as well as, and perhaps better than, any other which fallible human beings have as yet devised. It has worked well for many years. Unless more cogent reasons than we have yet heard can be advanced for effecting a radical change, we had better leave its main principles alone. Beware, therefore, I say, of this newborn and ill-advised enthusiasm for fresh taxation. Like a depraved appetite, it will grow with the food which nourishes it. (Cheers.) In past days a good deal used to be said of what was called the "ignorant impatience of taxation." I most earnestly hope that the attempt, which is now apparently being made, to stimulate an unnatural impatience of taxes because there are not enough of them, will prove unsuccessful.

Again, we are often told that it is no use to lay a policy of pure negations before the electors of this country. We must have some positive proposals to submit to them. Something, it is said, must be done. That, I venture to think, is a very dangerous frame of mind for a responsible politician ; for if he once recognises that something has to be done, without having a clear idea of what should be done, he will not improbably end in doing a good many things which he will afterwards wish had been left undone. I speak under some disadvantage on this subject, for I do not profess to be versed in the science of electoral manipulation. Nevertheless, I would ask, Is it not a positive policy to provide for our national defence by means which will not involve a risk of killing the goose with the golden egg, by the imposition of fresh taxes ? Is it not a positive policy to enforce economy, and to see that we get true value for the money spent on our Army, our Navy, our educational system, and other branches of the public service ? Is it not a positive policy to endeavour to reduce taxation and to leave the money which would otherwise pour into the Treasury, to fructify in the pockets of the people ? Is it not a positive policy to take up some of the many social and national questions which may be solved without incurring enormous additional expenditure,

such, for instance, as the question of local taxation, which loudly calls for treatment? Is it not a positive policy to take up seriously the question of modifying the composition of the Upper Chamber? Is it not a positive policy to ask for time to reflect on radical changes and to study their probable effect, instead of rushing helter-skelter we know not whither? It seems to me that this is not only a positive, but a very wise policy. Such a policy, I venture to assert, would be regarded with much greater equanimity, not only by free-traders, but by all the most intelligent classes of this country, than one which involves frequent attempts to pull up our fiscal and constitutional plants by the roots, to see how they are growing; and such is the policy which, I trust, Unionist free-traders, whether they are to be treated as outcasts or allies, will do their utmost to support, both in Glasgow and elsewhere. (Cheers.) Finally, let me beg the Unionist free-traders not to be discouraged. I cannot help thinking that the views which they hold are shared by a much larger body of their countrymen than would appear at first sight through the thick mist which has been created by the careful manipulation of electoral agencies. Do not let us reject compromise if it is offered to us on fair terms, but let us hold fast to our essential principles. Those principles are sound, and their soundness will, I believe, become more than ever apparent, if ever an attempt is made to give practical effect to the system now advocated by the tariff reformers, and more especially by the extremists among them. (Cheers.) It will then be found that the feet of the idol which they call on their countrymen to worship are made of clay. Therefore, I say to any weak-kneed brethren who are inclined to succumb to pressure of the Athenian type, to which I alluded at the commencement of my remarks, courage, and again, courage. (Loud cheers.)

Mr. St. Loe Strachey, in proposing the toast of "The Club," said that free trade was not a bloodless scientific doctrine, a mere affair of logic and statistics. It was the enemy of injustice and monopoly, and secured to the poor man the fullest remuneration of his toil. The arguments against protection might be condensed into one word—"waste." Traced to their necessary consequences, the results of any of the schemes now urged upon us involved waste in some form or other. We need not fear the competition of Germany for the command of the sea, even if we were forced to build whole navies of Dreadnoughts, provided we conserved our economic energies by free trade, while their opponents wasted theirs by protection.

## EXERCISE No. 16.

## MR. CHURCHILL ON AFRICAN AFFAIRS.

Mr. Churchill, M.P., was welcomed by the members of the National Liberal Club on his return to England at a dinner given at the club on Saturday evening. Lord Carrington, president of the club, was in the chair, and there were about 250 guests, among those present being Dr. Macnamara, M.P., Sir H. Cotton, M.P., Sir G. Newnes, M.P., Sir H. Regnart, Mr. G. H. Radford, M.P., Mr. Berridge, M.P., Mr. S. Collins, M.P., Mr. C. D. Rose, M.P., Mr. G. A. Hardy, M.P., Mr. Phipson Beale, K.C., M.P., Captain the Hon. FitzRoy Hemphill, and Mr. Dudley Ward, M.P., Dr. Ginsburg, Mr. R. Steven, and Mr. Donald Murray, secretary.

The Chairman, before calling on Captain FitzRoy Hemphill to propose the toast of the evening, referred to the death of the Attorney-General. He said it was as impossible to over-estimate the loss the Liberal party had sustained in the sad death of Sir John Lawson Walton, the Attorney-General, as it was to voice the sorrow and regret they all felt at his untimely death, and their sympathy with the dear ones he had left behind. He felt that he was interpreting the thoughts of every gentleman in that room when he so spoke of this sad occurrence. (Hear, hear.)

Captain Hemphill proposed the toast of "Our Guest," which was received with the greatest enthusiasm.

Mr. Churchill, in responding, also referred in sympathetic words to the death of the Attorney-General, and said that he could not but feel that it would have been better if their meeting had been on some other night than that. As his colleague in the House of Commons, he would like to say how often, as one of the younger members of the Government, having to deal sometimes at short notice with difficult legal and constitutional questions arising out of South African politics, he had referred with confidence to the Attorney-General's advice, and he had always found him ready, in spite of the onerous and arduous duties of his office, to give him that advice in the most generous manner. The Attorney-General would be greatly missed by his colleagues, and he thought his loss would be felt by the members of the Conservative party in the House of Commons who had always found him a courteous antagonist. He was quite sure, also, that there were many humble people in Leeds who would feel that they had lost a friend in their political relationships. (Hear, hear.)



Proceeding, Mr. Churchill said that the invitation they had sent to him reached him on the White Nile and gave him the most keen and lively pleasure. He was very grateful to the National Liberal Club, which had always been very kind to him. He remembered that almost as soon as he had left the Conservative party, almost as soon as he had been driven out of that party—(cheers)—the members of that club invited him to a banquet and received him in the frankest and most cordial manner possible, giving him, at a moment when he greatly needed it, support, encouragement, and help, and enabling him to join the Liberal party with some dignity. Their whole-hearted welcome did a good deal to relieve the reproach and suspicion which always attached, and he thought in many cases rightly attached, to political change. He was glad to think that, now that he had been two years in the collar as a Liberal Minister and as a member of the present Government, nothing had occurred to induce them to regret the countenance and the welcome which they then gave him. (Cheers.) It was, no doubt, a disadvantage to exchange the salubrious and cool breezes of Uganda for the hot, exhausting atmosphere of the House of Commons. It was a disadvantage to come from the calm solemnity of the Great Lakes to the storm in a teacup of a Devonshire election. (Laughter.) But in spite of those contrasts, he was very glad to be safe home again, to find himself once again among his friends and comrades of the Liberal party; and to come again into the fighting line of controversial politics. He came back in the best of health—(cheers)—and, as he frankly said, with every disposition, which he thought most of them shared, to force the fighting up to the closet possible terms. (Cheers.) He believed that the Session to which he had come back held out to their party many cheering prospects. He saw Liberal principles pervading the whole administration of the British Empire, steadily making their way to the most remote bounds of our administrative organisation. He saw even their opponents forced to talk the language of the Liberal party and to turn their attention to those social problems which they had sedulously pressed upon them. Before the Unionist party got into power again they would have to win the English democracy with plans and positive proposals which would actually benefit them in their daily lives.

He did not think the Government had anything to regret since they took office. He saw each year large landmarks of progress being erected. In 1906 they accorded a charter to the trade unions of Great Britain—those great social bulwarks which were an indispensable counterpoise and natural corrective

of a high competitive system. They accorded to them a charter which would be the bedrock of industrial arrangements for the next 20 years. In 1907 they set up Parliaments in the Transvaal and the Orange River Colony, the erection of which had meant that Boer and Briton had at last laid aside their long quarrel and set to work to develop their common country under the shelter of the Union Jack. (Cheers.) What were they going to do in 1908? He thought if they could fulfil that old pledge made by those for whom they had no responsibility, if they could do something to secure the closing days of the hard-working, hard-pressed men in our country by establishing some system of old-age pensions, which he believed would stimulate and not destroy the thrift and self-respect without which humanity would lose its driving power, the year 1908 would not be empty, would not have been barrenly expended. (Cheers.) And if, in 1909, they could complete the series of measures affecting the land by a proper system of taxation of the values of urban properties according to the advantages reaped by their possessors from no exertions of their own, and if in 1910 they could submit to the country their proposals for curbing once and for all the arbitrary veto of the House of Lords—(cheers)—in such a manner as to secure the reasonable, but effective supremacy of the representative Chamber without breaking the golden thread of English history and without departing from the level road of constitutional evolution, and if, all the time, they were able to preserve free trade against the menacing assaults of ignorance and claptrap—(cheers)—then, he thought, they would be found to have gained the approbation of their fellow-countrymen, and even if they had not gained it he was quite sure they would have done one or two big things which would stand in need of no approbation from any quarter. (Cheers.)

Proceeding to speak of his recent journey, Mr. Churchill said it was rather a doubtful attempt of an Under-Secretary to visit the countries beyond the seas from which he had just returned. There were precedents, but they were not numerous, and there was criticism, and it was not always friendly. He ventured, however, to think that it was a matter of importance, particularly in the administration of the Colonial Office, that those who were responsible for taking a share, however small, in the large decisions of policy should have first-hand information, should have, at any rate in regard to some of the countries, a realisation of the values and the proportions of the issues with which they had to deal. (Hear, hear.) There was another reason. Parties came and went, but we were all working for great ends, we were all trying to build up a great nation

possessed of a great estate, and he thought it important that those who, in distant countries, were called upon to work hard and live their lives in bad climates, often under conditions of great difficulty and often of dulness and monotony, should feel that the tremendous transference which occurred in January, 1906, meant, indeed, a great change in the point of view from which the British Empire was administered ; but it did not mean that there was any lack of sympathy, of interest, or of zeal to comprehend and study the problems and the needs of the large possessions of the Crown beyond the seas. (Cheers.) If they asked him what was the prevailing, the predominant impression of his journey, he would say frankly that it was one of astonishment. It was not the first time he had travelled abroad. He had had an opportunity of examining Africa from both ends, from the Sudan and from the south, and he had travelled widely in India ; but he confessed that he had never seen countries so fertile and so beautiful, outside Europe, as those through which he had travelled on the journey from which they welcomed him home. There were parts of the East African Protectorate which, in their beauty, in the coolness of the air, in the richness of the soil, in their verdure, in the abundance of running water, in their fertility, unquestionably surpassed any of the countries which he had mentioned, and challenged comparison with the fairest regions in England, France, or Italy. He had seen in Uganda a country which, from end to end, was a garden—inexhaustible, irrepressible, and exuberant fertility upon every side—and he could not doubt that that extraordinary system of lakes and waterways which was to be seen on the map of Africa must one day, as a centre of tropical production, play a most important part in the economic development of the whole world. He could not tell them with what pleasure and with what interest he had moved through these wide and comparatively unknown regions, or with what feelings, almost of awe, he was able to follow the Nile from the point where it flowed, over the rim of the Victoria Nyanza, to where nearly 3000 miles away it supported the daily life of the millions who live in Egypt. (Cheers.)

There was a reverse to the medal. The fact that the air was cool in East Africa ought not to lead one to forget that one was on the Equator. The direct ray of the sun struck down on the head of man and beast, producing a sensible effect on all it touched. The sensation that the air was buoyant and bracing did not alter the fact that an altitude of five, six, or seven thousand feet was a very unusual one for a European to live at ; and the beauty of the landscape could never remove the savage beasts, noxious insects, and dangerous diseases which confronted

the settler or the pioneer. It would be a mistake to attempt by artificial means to augment emigration to these countries. The best way to allow their populations to develop was to make a success of the people who were there already, and to let the success of these people encourage others naturally and economically to follow their example and imitate their fortunes. (Cheers.) It was not proved that the white man could live for ten or twelve years even in the best parts of Equatorial Africa without some nervous or physical degeneration : still less was it proved that he could rear children and maintain his species for several generations without sensible deterioration ; and until that was proved, the destiny, the ultimate form of development—he did not say the value, for that was beyond dispute—of these countries must remain a matter of considerable uncertainty. Still, many of the difficulties now pressing upon those who lived in that land would be removed by the continued application of modern science and by the continued development of communications and civilised apparatus generally. (Hear, hear.)

The development of the country should be persevered in without flagging. From a mere financial point of view we ought not to waste our money on a concern we were not going to make a success of. The sums we spent on our African possessions and protectorates through grants in aid were and would continue to be large until they were raised to an economic level. Many of these possessions, in a short time, would be self-supporting and would aid in the development of the countries immediately around them. But he said frankly that there would need to be capital expended, especially on the essential communications of the country, before we should be relieved of the unpleasant necessity of making these provisions in our annual Budgets. We must bear in mind about these protectorates on the east and west side of Africa, which we had acquired with so little struggle or effort, that they would increasingly supply the working population of this country with the raw materials so indispensable to their great industries. Cotton, rubber, fibre, hemp, and many other commodities would come in in an increasing stream. In regard to cotton especially, he believed that our dependence on a single source of supply had in many cases enabled unhealthy speculation to force up the price of raw material to an excessive level and to levy a heavy toll on the industries of the hardworking population in the great Palatinate of Lancaster. But the most important reason which he submitted to all Liberals for not relaxing our efforts in the countries for which we were responsible was the interest of the native races who

dwelt there. From time to time in the administration of large affairs detached incidents occurred which everybody regretted and which scarcely anybody defended; but he was most pleasantly impressed with the manner in which a great number of our civil and military officers whom he met out there construed their duty towards the native populations among whom they lived. He found them resolved to protect these populations against the mere exploiter and the speculator and those who only wished to use them for some financial advantage. (Cheers.) It would be an evil day for the populations of East Africa and of Uganda if they were handed over from the careful and disinterested control of British Imperial officials to the hard self-interest of some small local community. (Hear, hear.)

The most attractive and the most interesting spectacle which he witnessed was the native State of Uganda. Mr. Hemphill had referred to peoples whom it was difficult to supply with gloves until they had been provided with other even more indispensable articles of sartorial adornment. (A laugh.) No greater contrast could be experienced than the spectacle of Uganda after one travelled slowly through the East African Protectorate for hundreds of miles, meeting native savages whose method of showing you honour was to paint their skins in every colour under the sun, and deck their heads with feathers and their bodies with shells, and dance to a monotonous hopping dirge around the chair in which the visitor took his seat. (Laughter.) Once in Uganda you went into another world. You found there a completely established polity—a State with every one in his place and a place for every one. You found clothed, cultivated, educated natives. You found 200,000 who could read and write, a very great number who had embraced the Christian faith sincerely and had abandoned polygamy in consequence of their conversion. You found, in short, in Uganda almost everything which went to vindicate the ideal which the negrophile had so often held up before the British public and before the House of Commons, and in regard to which he had so often in other places been disappointed by the hard logic of facts and the disappointing trend of concrete and material events. We owed a great deal in Uganda to the development, on, he thought, an unequal scale, of missionary enterprise. (Cheers.) In some other parts of the British Empire he had found the official classes distrustful of missionary enterprise. In Uganda he found them very grateful. Devoted Christian men of different Churches but of a common charity had laboured earnestly and strenuously, year in, year out, to raise the moral and spiritual conceptions

of one of the most intelligent races in the whole of the African continent, and they had succeeded undoubtedly in introducing a character of progress and decorum into the life of Uganda which made that State one of the most interesting of those for which the British public had ever become directly or indirectly responsible. (Cheers.)

It was a very sad thing that this race, which had made such rapid progress and which showed itself so susceptible of assimilating and so willing to assimilate the good things we had it in our power to teach, should have been preyed upon, at a time which synchronised with our arrival in the country, by so terrible a scourge as sleeping sickness. He hoped most earnestly that the administrative measures which had been taken would enable us to reduce the mortality, or at any rate to check the spread of that fell disease. In protecting a race so amiable and so capable of progress from this terrible destruction science and civilisation had a mission to fulfil, which no man, whatever view he took of politics, could possibly challenge or impugn. (Cheers.)

One other subject on which he would touch was one of gravity and delicacy. They had all been concerned at the position and the situation of the British Indians in South Africa. It was possible that there would be a debate on that subject when Parliament assembled, and it would only be respectful to reserve the full argument which he wished to use until he was called upon to give it from his place in the House of Commons. All he would say that night was that, while he yielded to no man in his admiration for the Indian Empire and in his respect for the people of Hindustan, he could not himself dispute the right of General Botha's Government in the Transvaal to make what arrangements they might think necessary to the welfare of their own people in respect to immigration from Asia. (Cheers.) He could not dispute their right any more than he could dispute the right of the people of Australia. It was entirely within the authority deliberately conceded to them by this House of Commons, from which such great advantages had flowed in other ways, which they all recognised and for which they were all thankful. He hoped that in any discussion which might take place before Parliament assembled, or in that which took place in the House of Commons, on a subject upon which the white population of South Africa were absolutely united and which affected their most vital and intimate interests, there would be an honest attempt made by those who took part to grasp the colonists' point of view, to understand their difficulties, and above all to avoid the use of harsh or intemperate language, which would

only have the effect of weakening that moderating and conciliatory influence which the Colonial Office would not cease to exert by every one of the various channels open to it. (Cheers.) The approach of this difficulty had not been unexpected. There were some present who would remember that he told his right hon. friend Sir C. Dilke, when he brought a deputation to him before he started on his travels, that he would make it a matter particularly to be considered whether the Equatorial Protectorates of Africa could not in some manner, or in some degree, be made to supply a compensating field for the colonising enterprise of our British subjects in India. (Hear, hear.) After all, the East African Protectorate and Uganda were the countries nearest to India. They were opposite to India. The Uganda railway was built by Indian labour. Sikh soldiers at present maintained the authority of the Crown throughout Uganda. (Cheers.) Indian traders had been for generations intimately associated with the whole development of East African territory, and were at this moment indispensable to the cheap and convenient development of trade and of communication throughout very large areas indeed. The Government welcomed their entry into the country. Their rights were fully safeguarded, and official employment in many cases of a responsible character had been, and would continue to be, open to Indians of intelligence and of praiseworthy character. In view, however, of the fact, which every one must recognise, that the two races, Asiatic and European, did not mix well on the even terms of trade competition and social life, and in view of the strong feeling which was expressed vehemently to him and to others by white settlers who had already arrived in the country, it would be our duty to reserve certain areas where the coolness of the air and the elevation of the land made life particularly suitable for the British and European settlers. We were also bound to consider the rights of the aboriginal natives, who were the first possessors of the country and who had sometimes been injuriously affected by Indian influences which had reached them from the other side of the water. But when all that had been said and disposed of there was room enough in those splendid lands for all. There were enormous areas of fertile and beautiful country in which Asiatics could live and thrive and multiply, and which in a very short time could be opened, if they were not already opened, to the enterprise of colonists from India. If that policy could be carried out, and in proportion as it was given effect to, we should witness in the circle of the British Empire the arrival, not of a daughter State, but of a granddaughter State, a State which was the outcome of a dependency, and we should

by that means relieve the tension which existed in South Africa, and remove the misunderstandings which, he feared, might have been growing in our Indian Empire, by affording the necessary and natural outlet for the colonising genius and the commercial enterprise of the native of India. (Cheers.)

In conclusion, Mr. Churchill said he trusted that they would not think, because he had been talking of departmental affairs that he wished to divert the attention of the British electorate from the grave problems of social reforms which confronted them at home. A just sense of proportion would easily convince any one who thought or cared to think that the fame and prosperity of our people could be won and preserved only by maintaining the spirit and stamina of those who dwelt here in our own islands. To preserve the British Empire, to gild it with the rays of true glory, there must be an Imperial people. The burden could never be borne on the shoulders of stunted millions crowded into the slums of cities, trampled into the slush of streets. But all legitimate interests were in harmony, and a Liberal Government would be actually stronger for the purposes of social reform if it showed itself alive to the tips of its fingers. To command the confidence of the varied and powerful forces which formed and constituted British public opinion it was necessary that an Administration should show itself capable of wisdom and constructive energy in every one of the immense departments of the State. Liberalism comprised two ideas—sympathy and hope. To this Radicalism added one word—"thorough." Guided by those three, they might advance with courage to the realisation of a British Empire which would not be the hobby of the leisured classes, or a weapon of party warfare, or the profitable occupation of a few, but a field of action and responsibility in which every citizen might find opportunities of serving great causes, and might sometimes feel that he had served them well. (Loud cheers.)

## EXERCISE No. 17.

### STATE OPENING OF PARLIAMENT.

By the consent of all those who have witnessed every State procession from Buckingham Palace since King Edward, reviving the custom of the earlier years of his great mother and a practice of preceding monarchs also, opened the first Parliament of his reign in person, the open air ceremonial of yesterday



was incomparably the most successful of its kind that has yet been seen. Moreover, this was the case not only when the procession was on its outward way, but when it returned also; and because this was so—because, although the outdoor pageant is but the preliminary or prelude to the more imposing ceremony in the House of Lords, it is for the people outside essentially a separate pageant—it is well on this occasion that an attempt to reproduce an impression of it should be made all in one piece, so to speak. For the memory which remains with me, and with thousands of others besides, is essentially of one not very long and entirely delightful experience. Happily, full programmes of the things planned to occur, of the order of carriages and their occupants, of the military arrangements, and the like, have already been published; so that I am free to devote the brief space at my disposal to a description of the crowd which saw and heard, to the conditions under which it used eyes and ears and voice, and to the things seen and heard as they impressed one unit in that crowd.

By a little after 1 o'clock, the troops and police being already in position, the broad margins of the route of the procession along the Mall began to be lined with patient spectators, who had plenty to look at as the State carriages of noblemen drove through from time to time in the direction of Westminster, as Life Guardsmen moved past with a genuinely strong sun glancing from their cuirasses, and as the crowd itself thickened. Soon that crowd began to be extraordinarily interesting, partly by virtue of its volume—it was incomparably the largest crowd collected in St. James's Park during recent years—partly by reason of its constitution. It contained representatives of every rank of society, peers and commoners, officers of the Navy and of the Army, Bishops and other clergy, innumerable ladies, foreigners of European extraction, many coloured spectators who might or might not be subjects of the King. It was, in short, a very memorable collection of persons assembled to see the King and Queen and, incidentally, the Prince and Princess of Wales also, and to do them honour. The minutes crept on; and, precisely at 20 minutes to 2, the music of the bands within the Palace was heard, the Life Guardsmen were seen to be in motion, and the State carriages, five in all, composing the preliminary part of the procession began to move slowly towards the Horse Guards. They passed in silence, for the crowd was waiting for the State carriage of the King and Queen; and, for that reason, it was most dense of all near Buckingham Palace, and the Prince and Princess of Wales, who went from Marlborough House in advance, were less noticed than on ordinary occasions.

But, when at last the gorgeous and really, in its way, very beautiful State coach appeared, when King and Queen could be plainly distinguished through its glass sides, the King in his Field-Marshal's full dress, the Queen wearing a small crown, and bowing, the King saluting repeatedly, there was a perfect storm of cheers and applause. Cheers and lifted hats and waving handkerchiefs all the way—that is the story of the procession from Buckingham Palace to the Horse Guards, and from the Horse Guards to Westminster. The prettiest and most affecting parts of it—for it is affecting to see and to hear such a display of loyalty—were as the procession passed the steps at the Duke of York's column, which were absolutely crammed, and, when it could be seen, the State coach just about to pass under the archway of the Horse Guards, for there, as of course, there was room for an enormous concourse of people, and that room was all occupied. So to the House of Lords.

The Throne in the House of Lords was divested of the draperies which usually cover it and its two chairs stood revealed, carved, gilded, and studded with crystals, on the canopied dais of crimson and gold. This was the most conspicuous feature of the beautiful Chamber, as the peers and peeresses, the Judges, and the representatives of foreign nations assembled. The two seats of the Throne are exactly alike in design and ornamentation, but the one on the right which the King occupies is slightly higher than that of the Queen Consort. The Throne of England is often spoken of constitutionally, and in the historic sense, denoting the sovereign power and dignity of the land. If there be a material Throne at all it is surely this imposing structure in the Lords, where the King sits, surrounded by his officers of State and constitutional advisers, and declares the purposes for which he has called Parliament together.

For this great ceremony, appointed for 2 o'clock, the Chamber was opened at noon. The earliest to come were peeresses. Eager to be in time or to get good seats, many of them arrived shortly after 12 o'clock. But their places evidently were allotted by precedence, according to rank. As they came in singly, or in twos or threes, the long trains of their Court dresses sweeping over the green carpet, each lady gave a card to one of the group of attendants, under the Master of the Ceremonies, and was by him shown to her seat. On special benches nearest to the Throne, on the left, were the duchesses. The marchionesses, the countesses, the viscountesses, and the baronesses had each also their particular benches on the floor. In the placing of peers, however, the distinctions of rank were ignored, save with respect to the highest order of the peerage; and, as is customary on ceremonial occasions, the usual political

division of the House, into Ministerialists to the right of the Throne and the Opposition to the left, was discarded. The dukes had a bench on the left, close to the Throne and immediately below the duchesses. In the case of all the other ranks of the peerage, those who came early sat where they pleased in the front, and the late comers, as the Chamber became crowded, sat where they could find room towards the bar.

There was the usual display of beautiful draperies and jewels by the peeresses. In the tints of the dresses were seen soft and delicate yellows, pinks, mauves, and greys; and here and there decided blacks, greens, and blues. But the prevailing colour was white—beautiful white lace on the corsage and white plumes in the hair. The peers wore their heavy scarlet robes and encumbering collars of ermine. Indeed, in the scheme of colour scarlet and white were in excess. The spiritual peers, sitting to the right of the Throne opposite the dukes—the Archbishop of Canterbury and the Archbishop of York conspicuous in their midst—wore not the black satin gowns with lawn sleeves in which they are seen at the ordinary sittings of the House, but scarlet robes and ermine capes hanging halfway down the back. The Judges of the High Court, gathered together at the foot of the Throne between the dukes and the Bishops, also contributed to the prevailing colours. The Lords Justices of Appeal were in black and gold, but the more numerous Judges were in scarlet and white. The one corner of the Chamber which stood out distinctly and apart as regards colour was the temporarily erected stand behind the Bishops, where the Ambassadors and Ministers of foreign Powers were assembled. The uniforms of the diplomatists were as divergent in character as the races they represent. If they vied with the peeresses in their colours and their stars, they exceeded them in their early appearance on the scene. It is perhaps characteristic of diplomatists that they should be soon on the spot. At any rate they were all in their places long before the appointed time—indeed, an hour before the King was due, and when few of the peers were yet present.

The following is the official list of the peeresses and Judges who were present:—

**DUCHESSSES.**—Somerset, Westminster.

**MARCHIONESSES.**—Townshend, Hertford, Bute, Downshire, Dowager Donegall, Sligo, Bristol.

**COUNTESSES.**—Erroll, Eglinton and Winton, Dowager Mar and Kellie, Kinnoull, Dysart, Dundonald, Hardwicke, Dowager Bathurst, Malmesbury, Bessborough, Dowager Arran, Kingston, Annesley, Erne, Caledon, Chichester, Orford, Beauchamp, Stradbroke, Amherst, Kimberley, Ancaster.

VISCOUNTESSES.—Dowager Torrington, Clifden, Dowager Gort, Hill, Esher, Goschen, Ridley, Iveagh, St. Aldwyn.

BARONESES.—Darcy de Knayth and Conyers, St. John of Bletsoe, Saye and Sele, Dormer, Borthwick, Elibank, Belhaven and Stenton, Bagot, Berwick, Dowager Inchiquin, Inchiquin, Newborough, Rossmore, Ellenborough, Garvagh, Dowager Heytesbury, Denman, Oranmore and Browne, Stanley of Alderley, Leigh, Dowager Vivian, De Freyne, St. Leonards, Dowager Raglan, Dowager Coleridge, Brabourne, Ampthill, Hindlip, Savile, Dowager Hood of Avalon, Dowager Rookwood, Dowager Knightley, Llangattock, Playfair, Dowager Inverclyde, Inverclyde, Glanusk, Dorchester, Shuttleworth, Ritchie of Dundee, Northcliffe, Michelham, Desborough, Loreburn, Weardale, Haversham, Pirrie, Allendale, Collins, Swaythling.

JUDGES.—The Master of the Rolls, the President of the Probate Division, Lord Justice Moulton, Lord Justice Buckley, Lord Justice Kennedy, Mr. Justice Darling, Mr. Justice Joyce, Mr. Justice Jelf, Mr. Justice Eady, Mr. Justice Warrington, Mr. Justice Deane, Mr. Justice Parker, Mr. Justice Pickford.

Close on 2 o'clock the Prince and Princess of Wales came. The assembly rose in greeting as their Royal Highnesses took their seats on low chairs beside the Throne. The Prince, sitting on the right, wore the robes of a duke with four bars of ermine. The Princess, on the left, was dressed in pale blue satin. A soft dim light prevailed. Suddenly the many electroliers dependent from the groined and decorated ceiling were turned on. At the same moment the Royal procession appeared; the subdued hum of conversation was stilled; and the assembly stood up with a rustle of silks and robes.

The pursuivants and heralds came in their tabards, followed by officers of the Household, in various uniforms, and Ministers who are peers in their robes. Then entered the King, leading the Queen by the hand. The King was arrayed in a wide flowing robe of crimson velvet, edged with gold lace, and a long mantle of ermine. His Majesty was bareheaded. In his left hand he carried the white-plumed hat of a Field-Marshal. The robe of the Queen was crimson and white also, but not so ample and flowing as that of the King. Standing before the Throne, their Majesties bowed to it, and still hand in hand ascended the few steps to the dais, their long trains being held up by young Pages of Honour in scarlet doublets and white knee breeches. The King stood on the dais till the Queen was seated, and one of the Gentlemen in Waiting brought her a footstool, and adjusted her robe around the Chair. The King then bowed to the assembly and took his seat. The long train of his robe was spread down the steps of the dais by the

Gentleman Usher to the Robes, in whom a familiar figure in the Commons, Mr. Erskine, the Sergeant-at-Arms, was recognised. Throwing back his robe, his Majesty disclosed the scarlet of a Field-Marshal's uniform, crossed by the bright blue ribbon of the Order of the Garter. The Queen wore a dark dress. The gold and jewelled insignia of many Orders sparkled on her corsage, and from her neck hung a long string of pearls.

"My lords, pray be seated," said the King. At the command of the King the assembly resumed their seats; and the disposition of distinguished personages around the Throne could be observed. The Lord Chancellor, wearing the robes of a baron, with his large grey wig, stood immediately to the right of the King, behind the Prince of Wales. Close at hand was the Lord President of the Council (Lord Crewe) with the Imperial Crown—arches of gold, encrusted with diamonds, enclosing a purple cap—on a velvet cushion; and Lord Winchester, carrying on top of a short staff the Cap of Maintenance, made of crimson velvet upturned with ermine. At the foot of the Throne stood the Duke of Norfolk as Earl Marshal. At the other side, standing on the dais beside the Queen, was the conspicuous figure of Lord Carrington, President of the Board of Agriculture, holding aloft the huge Sword of State, in its crimson velvet case. Beneath him, on the steps of the Throne, was the Lord Great Chamberlain (Lord Cholmondeley) with his right arm in a sling, the result of his recent accident in the hunting-field. At a nod from the King, the Lord Great Chamberlain despatched Black Rod, Admiral Sir Henry Stephenson, who wore his naval uniform, to summon "the faithful Commons." Then a few minutes of silence intervened. So deep was the hush that Big Ben, sounding the quarter-past 2 o'clock, could be heard distinctly. A subdued rush and rustle was heard at the lower entrance to the Chamber, and Mr. Speaker, accompanied by the Deputy Sergeant-at-Arms and the Chaplain, and followed by several Ministers and other Commoners, was conducted to the bar by Black Rod. The Speaker made a low obeisance to the King. The full assembly for the opening of Parliament was now completed. The King was on the Throne before the three Estates of the Realm—the Peers, spiritual and temporal, and the Commons. Yet the impression conveyed by a look round the Chamber at this moment was that it was an assemblage rather of gracious ladies than of the grave and reverend legislators of the land. The two conspicuous side galleries were crowded with ladies, immediate friends of the King and Queen, as well as daughters of peers. On the floor the best and most prominent positions nearest to the Throne were also occupied by ladies. The main body of the peers were

crowded at the end of the Chamber, and most of the Commoners were gathered under the shadows of the galleries over the bar.

There was a movement among the crowd of notables around the Throne. The Lord Chancellor emerged from the throng and, kneeling in front of the King, presented his Majesty with a printed document. It was the Speech from the Throne. His Majesty, putting on his white plumed hat and remaining seated, then read the causes for the calling of Parliament together. The long list of promised measures was followed with intense interest. "Your labours upon these and upon all other matters," said the King in a solemn concluding passage, "I humbly commend to the blessing of Almighty God."

The ceremony was over. The Speaker and the Commoners left the bar. The King, rising, took off his hat and, giving his hand to the Queen, descended the steps of the Throne and passed out of the Chamber, followed by the Prince and Princess of Wales. The brilliant company then quickly dispersed amid animated conversation and merry laughter. The ceremonial proceedings occupied but a very short time. By half-past 2 o'clock, in fact, the House of Lords was deserted.

In the interval the crowds did not, as has been usual, disperse; did not even grow perceptibly thinner. On the contrary, they moved about, clustered round the railings behind A. Battery of Royal Horse Artillery as it fired the salute, and waited patiently for the return of the procession. When that came the beauty of the day had gone somewhat, but the enthusiasm of the people had not faded at all; and as, a few minutes before 3, the King and Queen re-entered Buckingham Palace, the crowd was larger, its applause was therefore naturally louder and more demonstrative, than it has been at the same place on any similar occasion during King Edward's reign.

## EXERCISE No. 18.

### PARLIAMENT.

HOUSE OF LORDS, MONDAY, FEB. 24.

The Lord Chancellor took his seat on the woolsack at a quarter past four o'clock.

### THE CONGO FREE STATE.

The Earl of Mayo rose to call attention to the affairs of the Congo Free State and to move for papers. The papers he asked

for, he said, were the same as those he asked for last Session—namely, copies of titles granted to monopolists and any information as to their power to force the natives in the Congo to labour. Misrule in the Congo had been the theme of many essays, newspaper articles, and debates in both Houses of Parliament, and at hundreds of meetings in the country, culminating in the huge meeting on Friday last at the Queen's Hall. Owing to the pressure of public opinion in England, our Government had invited the Belgian Government to annex the Congo. The Belgian Press had suggested that we wished to interfere, not for the sake of the natives, but because we wanted the Congo for ourselves; in fact, they had looked on our action as an unfriendly interference in the domestic affairs of Belgium. But this was an international question. The Belgian public knew nothing about the Congo, and he did not think they cared to know. When the Commission appointed by King Leopold confirmed all the abuses, scarcely any notice of the report was taken in Belgium. There were, however, politicians in that country better able to judge in this matter than the mass of the people, and they had come to the conclusion that the only way of putting an end to the Colonial autocracy of King Leopold was for Belgium to annex the Congo State. Negotiations had taken place between King Leopold and his Ministers, but no decision had been come to, and now it was stated that a compromise had been arrived at. King Leopold had lately been paid a large sum of money arising from the Crown domains, and it was suggested by the compromise that these funds, instead of being dealt with by the King, should be administered by a committee, mostly members of the Belgian Parliament, nominated by King Leopold. There was no alteration in the way the revenue was to be spent, but only in the *personnel* of those administering it. The compromise could not be taken as a serious effort on the part of the Belgian Government, and against it he earnestly protested. There was something in *The Times* of to-day which he quoted as showing what was going on between the Ministry and the King. *The Times* correspondent in Brussels telegraphed:—"I hear on good authority that serious difficulties have arisen between the King and the Government. There is danger that a Ministerial crisis may develop shortly." According to a statement in the *Etoile Belge*:—"It is certainly the case that the exchanges of views which have taken place during the last few days have not led to any result, and an agreement has not been reached regarding the list of public works to be carried out with the revenues of the special fund which is to be derived from the Crown domain." What, then, became of all the reforms in Congo administration

they had been looking for? The King and his Ministers were simply fighting about whether certain buildings in the Congo are to be built or not; there was no question of reforms in the Congo whatever. He must ask the Government, was this really the "Belgian solution" they were looking for? He could hardly believe it. It was but a short time since his Majesty's gracious Speech was heard in the House, but he would read a paragraph of it:—"My Government are fully aware of the great anxiety felt with regard to the treatment of the native population in the Congo State. Their sole desire is to see the government of that State humanely administered in accordance with the spirit of the Berlin Act, and I trust that the negotiations now proceeding between the Sovereign of the Congo State and the Belgian Government will secure this object." He would take it that was the policy of the Government, and that the Government intended to carry it out. In no party spirit did he press this matter; it was no party question, as was clearly demonstrated at the huge meeting held in the Queen's Hall the other evening. He felt sure that the dilatory tactics between King Leopold and his Ministers would be continued. There was an instance in the pretended compromise, which he might call by an ugly name. We could not always be waiting and watching. A suggestion he had, which had been made before. By one of the articles of the Convention of 1884 between our Government and the International Association of the Congo we had a right to appoint Consuls in those regions. At present, in the whole of the territory—as large as Europe less Russia—we had but one Consul and two Vice-Consuls. If our Consuls were appointed, it would not prevent other Powers putting Consuls in the Congo, and it would be some assurance against ill-treatment of the natives. As his noble friend Lord Lansdowne, speaking on the subject on July 3, 1906, said, the presence of half a dozen representatives of European Powers would do more than any number of inspectors and officials of the Congo State. The abuses continued, and the warehouses at Antwerp were filled with Congo rubber. A letter in *The Times* of to-day showed that there had been very little alteration in the methods of obtaining that rubber. Besides this, he would ask the Government to declare to Belgium that annexation under the present terms was totally unacceptable, and, in the next place, the rights of the natives in the soil and its products should be insisted upon. The honour of this country was affected. England suppressed the slave trade, and how could she remain inactive when conditions worse than slavery existed next door to her own African possessions? (Hear, hear.) He formally moved for papers.



Earl Cromer.—Your lordships will pardon me for taking part in this discussion. I do not think it is necessary to dwell at any length on the manner in which the ruler of the Congo State has discharged the high and honourable trust conferred on him by Europe. The indictments against Congo administration were at first received in this country with a certain amount of incredulity, but the facts are now well known. I have seen something, and I have heard more, of maladministration in backward States in the hands of despotic, irresponsible rulers, but I assert without hesitation that never in my experience have I seen or have I heard of misrule comparable to the abuses that have grown up in the Congo State. (Hear, hear.) There has been a cynical disregard of the native races and a merciless exploitation of the country in the interest of foreigners for which I believe a parallel cannot be found in the history of modern times. (Hear, hear.)

#### PRINCIPLES OF ADMINISTRATION.

I do not base my severe condemnation only on the cruelty and oppression of the natives, though on this charge an unanswerable indictment might be made; I base it in addition on the disregard of three principles in administration, and I say that unless a radical change is made in the system of administration no serious improvement can be anticipated. In all countries similar to the Congo territory three essential principles must be accepted as preliminary to the establishment of anything like good administration, and all these principles have been flagrantly violated in the Congo State. The first principle is that the duties of administration and the commercial development of the country should not be vested in the same individuals. (Hear, hear.) The counter-principle of associating the two functions we tried ourselves years ago with the old East India Company, and though we had at the head of it many men who were not only merchants, but statesmen, the system of government, if not a failure, was at the best but a very modified success. But in the Congo the officials employed have been commercial agents rather than administrators, and it cannot be doubted that they have been judged for their services by the standard of the amount of money they, by any means justifiable or the reverse, have poured into the Congo treasury. The first principle has thus been flagrantly violated. The second principle is that by the establishment of a Civil List the amount placed at the personal disposal of the ruler of the State should be a fixed amount and that the revenue from the country should be applied by properly qualified and responsible authorities to objects in which the subjects of the State as distinct from the

ruler have an interest. A despotic ruler always demurs to this. I remember some years ago—I think it was in 1879—there was a question of appointing an Englishman to supervise the financial affairs of Turkey, and the Sultan did me the honour to consider my name in association with the service. I asked if his Majesty would be prepared to accept the settlement of a Civil List, and then, as I had anticipated, further discussion of the subject was allowed to drop. (Laughter.) Well, in the Congo there is no Civil List, and the whole of the revenue of the country is at the absolute disposal of the ruler; and a large portion of it is applied to the construction of palaces and to other objects in which the natives have not the remotest interest. The second principle then is violated. The third principle is that the Crown domains should be settled and administered by responsible qualified authorities in the general interest of the community. In the Congo State almost the whole country has been handed over to speculators, and the chief of the State is the principal speculator among them. These speculators have ruthlessly exploited the resources of the country in their own interest. A very similar state of things existed in Egypt some twenty years ago. Ismail Pasha had managed to accumulate in his hands a million acres of the best land in Egypt by arbitrary and illicit means under a thin, transparent veil of legality. When the Powers of Europe came to deal with the subject of finance they considered it an abuse of power to acquire this as private property for the ruler, and the whole was converted into property to be administered by proper authorities for the good of the country, and it was sold to native proprietors. I am quite sure no satisfactory solution is possible in the Congo unless a similar course is followed and one class of interests is sacrificed. There are to be considered the interest of the Congolese, of the Belgian taxpayers, and the interest of the *concessionnaires*. I estimate the interests of the Congolese and of the Belgian taxpayers very highly, but I place the interest of *concessionnaires* in the third rank, and rather low at that. If there is a sacrifice to be made they should make it; and I hope the Belgian Parliament, to whom we must first look, will not deal too tenderly with the rights of *concessionnaires*.

#### RIGHT OF INTERFERENCE.

Turning to another point, let me say I would be the last to advocate any excessive interference with the domestic affairs of a foreign country. More than this, I sometimes think the British public in the exercise of their unquestioned right to say anything they please, sometimes go to rather indiscreet lengths in the direction of advising foreign nations how they should

manage their own affairs. In this case we need not be deterred by any scruples of this nature. The Berlin Act is perfectly plain. It lays down that there is to be freedom of trade, and it condemns the creation of monopolies. The Act of 1884, which was passed by agreement between the British Government and the Congo Association, is also perfectly clear. Moreover, the declarations of M. Beernaert in 1885 when he was Prime Minister of Belgium, and of Baron Lambert, who was the Belgian representative at the Berlin Conference, were also perfectly explicit. I will read what was said by the noble marquis behind me (Lord Lansdowne) in 1906. I do so because the statement has been challenged, and, although I have no doubt he could give a much better answer himself, I will, if he will permit me, give a rejoinder for him. He said:—"Quite irrespective of any right we enjoy under the letter of these Acts, we have a moral right to interfere, which comes to us in consequence of the false pretences—I cannot use a gentler word—under which the Congo State has acquired its privileged position in that part of Africa." The Belgian Commissioners contested this right, and on page 151 of their report stated the alleged rights of the Congo State—in other words, those of King Leopold—in the following very plain language:—"The Congo State can dispose itself solely of all the products of the soil, prosecute as a thief any one who takes from that land the least of its fruits, or as a receiver of stolen goods any one who receives such fruits." It is necessary to deal with this point a little, not only because I think Mr. Morel is perfectly right in thinking that this question of freedom of trade lies at the bottom of the whole business, but also because it is essential to establish our right to make our voice heard, not merely on grounds of public morality, but of indisputable treaty rights. On what grounds are these rights contested? Apparently on the grounds that freedom of trade exists, and that no monopolies have been created. M. Woeste, a distinguished member of the Belgian Parliament, made the following statement:—"Lord Lansdowne declared, in the British House of Lords, that the Congo was covered with monopolies of an abusive character, he committed an astonishing confusion of thought; he mixed up monopolies with the legitimate and rational development of private property belonging to specified landlords." Therefore it appears that the argument and the application of the argument are something of this kind. In the first place it is held that the natives of the Congo have no proprietary rights in the soil of their country or its products, and that the whole of these rights are vested in the ruler of the Congo State. In the next place, the ruler hands over the whole of these rights to

certain "specified landlords," he himself being the first specified landlord; and with the help of armed forces which could not be at the disposal of private individuals there is introduced a barbarous system of collecting the revenue, which necessarily leads to the enslavement of the greater part of the population. The third link in the chain of this reasoning is that any one, not being a "specified landlord," who buys from the natives of the country the only product they have to sell—rubber—is to be treated as a thief and a receiver of stolen goods. Under this system it is stated that free trade exists and there are no monopolies. This is the system which was described by Baron Lambert at the Berlin Congress as one which gave everybody unlimited right to buy and sell. If this is free trade I give the tariff reformers full permission to write me down a protectionist or anything else they like, except a free trader. But in point of fact the united authority of lawyers in Belgium and all Europe will not convince me that a system of this sort is sanctioned by any law, human or Divine, or that it could be made to harmonise with the treaty right of other Powers including that of Great Britain. (Cheers.) The view the Government take of this important question was stated in August, 1903, in a circular addressed to the Powers, containing these words:—"His Majesty's Government maintain that until unoccupied land is reduced to individual occupation, and so long as the produce can only be collected by the native, the native should be free to dispose of the produce as he pleases." This principle, which I hold to be perfectly sound, is one which I have no doubt was asserted after taking qualified legal advice; and I trust this principle will be maintained in spite of any quibble by which it may be attacked. The right of the British nation to make its voice heard is perfectly clear, and the only questions for discussion are as to the desirability of exercising that right and the time and method of exercising it.

#### DIFFICULTIES OF BELGIUM.

Both the Belgian Government and the Belgian people are in a position of great difficulty, and I should much regret that any language used either by me or by any one else in this House should add to their embarrassment. It cannot be doubted that a strong feeling of indignation has been excited in this country by the manner in which the Congo has been administered; and, moreover, that is accompanied by a feeling of shame that, as one of the signatories to the Berlin Act, Great Britain should have been in any way contributory to such a system as now exists in the Congo. The Congo Reform Association is naturally impatient at the slowness with which the international mill

grinds, and I can fully sympathise with this feeling. I have had a prolonged and somewhat bitter experience of that mill; and I know how heart-breaking it is to look on while some flagrant abuse calls for reform, and yet it is impossible to apply any prompt and effective remedy. The Congo Reform Association appear to contemplate that in certain contingencies some decided action even more drastic than that to which the noble earl alluded should at some time or another be taken by his Majesty's Government. I think it would be premature to discuss this matter at present. (Hear, hear.) It has to be remembered, undoubtedly, that in a matter of international concern any step which separates this country from the international concert is one of a very serious nature. It is well to remember that under the Act of 1884 his Majesty's Government had the right not only to appoint Consuls, but to establish Consular Courts. I hope that should the occasion arise that right will be exercised. I cannot help thinking that if Consuls were appointed and at the same time means of locomotion were provided to enable them to move freely up and down the river, and Consular Courts were established, and if at the same time we insisted on the unquestionable right of British subjects to trade throughout the Congo, some effective pressure would be exerted on the Congo Administration, and a considerable step in advance would be made. In spite of what the noble earl has said, I still cling to the hope that the Belgian solution may be possible. I do not go nearly so far as to say that we are under any obligation to accept anything which may be settled in Brussels. Far from it. Our right to make our voice heard is perfectly clear, and I venture to think that no solution will be satisfactory unless it gives full and complete Parliamentary control over the whole of the Congo administration. It must be borne in mind that, although we know something of the discussion going on in Belgium, the Belgian proposals in their final form are not yet before the world. When they are known I hope that the noble lord the Under-Secretary for Foreign Affairs will be able to assure the House that the Government will not acquiesce in any arrangement which does not give the full parliamentary control of which I speak. (Cheers.) If that Parliamentary control is once assured, there will then be some solid guarantee that the Act of Berlin will be accepted and the administration of affairs will be improved. If once a real and effective control is secured, I should not, for my own part, be inclined to scrutinise too closely the other details of the Belgian arrangements; but that control must be fully secured. In the meantime we can no doubt do a great deal to enlighten Belgian public opinion. It cannot be too clearly understood that we do

not wish any territorial advantage. I conceive that it would not be at all in the interests of this country to add to our world-wide responsibilities by assuming the direct administration of any portion of the Congo State. All we want is that the Congo should be governed on such principles as commend themselves to the civilised world. It must be borne in mind that the Belgian people and Parliament are labouring under great difficulties. Not only is the issue complicated by the introduction of other matters connected with the internal affairs of Belgium, with which we are not concerned; but the greater portion of the Belgian Press has up to the present time been under the control of the Congo administration, with the natural result that the Belgians themselves are ill-informed of the facts. It has been suggested that the noble marquis behind me, in the speech from which I have already quoted, said something which was tantamount to alleging that the people of this country had been duped. So also had the Belgians. They had been entirely deceived as to the true facts of the case. So far as I can understand a considerable section of the Belgian public are reluctant to take the great responsibility of governing the Congo, more especially in view of the financial responsibilities; and I am not at all surprised, for if the country is to be properly administered, the revenue, which depends largely on the rubber, is certain to fall off. On the other hand large reductions may be made in the expenditure. Why is the present large military force maintained in the Congo if not to aid in the present iniquitous system of collecting taxes? (Cheers.) I have myself seen on the Congo police stations on the Upper Nile garrisons far larger than in Uganda and Assuan. I believe these garrisons might be largely reduced with great advantage. The financial difficulties, though very great, may not be found insuperable if the question is tackled in a proper spirit; and the proper spirit in which to tackle it is to look to the interests of the Congolese with real regard to the necessities of the various taxpayers rather than to the interests of the *concessionnaires*. Keep the river open and have a due police force on the river bank. The main portion of the territory will then require little administration at all. The main thing is that we should destroy the present system, and that we should not pause in that work of destruction merely because it would not be possible to place immediately anything very satisfactory in its place.

#### EGYPT AND THE CONGO.

Let me add that I know something of the difficulty of substituting free for forced labour. We had to deal with it in Egypt, and a difficult and thorny problem it was; but it was

solved in the face of obstacles which, I think, were greater than those that now exist in the Congo. A solution will never be obtained in the Congo if the first object of the Congo Association is to pay large dividends. Up to the present the question, as it affects the Congo, has been considered from a point of view wholly different to that from which we viewed it in Egypt. In a paper issued by the Congo Association I read a statement to the effect that the triumph of law was to make the black man work. In Egypt we thought that whilst giving every inducement to the Egyptian to work, the triumph of the law consisted in preventing him being flogged for voluntarily choosing to remain idle. It is for the Belgians to say which is more in harmony with the practices of the civilisation under which we live. I feel confident that his Majesty's Government will receive the full support of Parliament and public opinion in endeavouring to find some satisfactory solution of a question which touches the honour and interest of this country. We sympathise with the Belgians in their difficulty; but we await their solution. It will be time to consider what further steps should be taken if that solution is considered unsatisfactory. The alternative to the Belgian solution is said to be some form of international Government. An appeal has been made by us to other nations; and the result has not been altogether encouraging. I think the only potentate in Europe who evinced any desire to co-operate in the reform of the Congo was the Sultan of Turkey. (Laughter.) It must, moreover, be remembered that international administration—though sometimes it has been made use of in default of anything better—is, at best, a cumbersome and inefficient machine. Further, in view of the state of affairs in Macedonia, the moment is hardly propitious for inviting the Powers to an international concert about another matter. Therefore, when the Belgian solution is better known it will be examined in a friendly spirit, and will not be rejected unless for paramount reasons. But it must be a reasonably satisfactory solution. If it be but a mere cloak under which the present system in the Congo is to be continued, I hope his Majesty's Government will have no hesitation in unanimously rejecting it. (Cheers.)

The Archbishop of Canterbury thought it was no disparagement to the statesmen and diplomatists who had addressed the House on this subject year by year to say that the House had just listened with exceptional interest and respect to a speech by one whose administrative record in Asia and Africa had given him in his country's history an enduring place as a past master in the science which treated of the relations to one another of men of different race, religion, and colour. (Hear,

hear.) The noble earl's speech was a reminder that this question was not an isolated question concerning the Congo alone. Another great African administrator, Sir Harry Johnston, had written the following memorable warning :—

“ Unless some stop can be put to the misgovernment of the Congo regions, I venture to warn those who are interested in African politics that a movement is already begun, and is spreading fast, which will unite the negroes against the white race, a movement which will prematurely stamp out the beginnings of the new civilisation we are trying to implant, and against which movement, except so far as the actual coast line is concerned, the resources of men and money which Europe can put into the field will be powerless.”

It was the terrible peril, thus foreshadowed, which brought upon the stage in this matter those of them who for the most part were accustomed to stand outside the difficult and delicate questions of diplomatic controversy and international polity. It could not be too often recalled that the creation of the Congo State was, in part at least, the handiwork of men whose interest lay in philanthropic and religious work. It would be untrue to say that the commercial element was wholly absent. But the creation of the Congo was not due to a desire for national aggrandisement on the part of Belgium, or England, or any other State. It was in a large measure an honest desire for the civilisation and betterment of a great tract of Africa, the character of which had been brought almost suddenly to the knowledge of Europe. That was the reason why the Lord Mayor presided at the great meeting in the Queen's Hall recently, not as the head of the commercial life of the City, but as the central figure in England's philanthropic efforts. The citizens, generally, felt that responsibility for the state of things in the Congo rested heavily upon them. They turned to the Foreign Office representatives, not for the facts in the Congo—for those, unhappily, they knew too well—but for information as to the forces and powers behind those dark deeds. It was true that negro slavery had been resuscitated in perhaps its darkest or reddest form in the Congo. It was true that for that England was in part responsible. Was the only answer they were to get but this—“ We must wait and hope for the best ” ? Two things the country wanted. First, a consecutive statement from the Foreign Office of the steps which had led up to the announcement on the subject in the King's Speech, and of what exactly that announcement amounted to. Secondly, what grounds the Government had for the opinion—if it were their opinion—that it would be easier to get redress for the black men's wrongs after the Congo was annexed by Belgium than



before. To some of them, amateurs in these matters, it might seem that if this country were acquiescent in an annexation which carried on, though in other hands, the old *régime* of ownership by Belgians of those black men's property, and, indeed, their lives, it would be harder and not easier to make protest against it when the arrangement had been adopted by Belgium. He might be mistaken in that view, but it was one of those things upon which he should like to have fuller information and guidance than we had at present. After the momentous and responsible utterance in the King's Speech he felt that this was an occasion which far transcended any mere question of contemporary politics. It was surely true to say that we were here face to face with the big principles of right and wrong. The moral law, as they had been reminded by great teachers, was not written for men alone in their individual capacity, but also for nations. If the English people, on whom responsibility indisputably rested, rejected by their indifference or inaction the application of the moral law, some penalty, on whomsoever it fell, must follow. We had experience, we knew what the past had cost us, we had suffered, and suffered rightly, for the neglect or the wrongdoing of other days. They wanted to be sure that we were not incurring afresh by our inaction a like answerableness for new wrongdoings to-day. It was upon that that they awaited in eager anxiety the reply which the Government would give. (Hear, hear.)

Lord Clifford of Chudleigh said that inadvertently and ignorantly this country was almost as much responsible for what was going on in the Congo to-day as any of the parties concerned. We acquiesced in the formation of that State, and were delighted that the King of the Belgians should place himself at its head. Many hard things had since been said about the King of the Belgians, but he for one honestly believed that that Monarch had been actuated by the ideals with which others had at first credited him. There was one vital blot on the whole scheme which this country ought to have discerned. A Government of a civilised nature set up in a savage country could not for some time be financed out of the taxes raised from that country. The curse of forced labour was introduced because there was no other means of raising revenue, and they knew that when forced labour was once introduced it was used for the development of a country. They appealed to his Majesty's Government to use their most strenuous efforts to induce the Belgian Government to take over the absolute control of the finances and government of the Congo State. (Cheers.)

Lord Fitzmaurice said the repetition of debates in that House

upon the subject of the misgovernment of the Congo must not be taken as a sign that it occupied that place in their discussions denoted in another place by the term "a hardy annual." He was convinced that these debates were not of that character. He believed that slow as the progress might appear to some impatient spirits, nevertheless an advance was marked on each of these occasions. He had twice before addressed the House on this subject since the Government took office. On the first occasion there was little to say except to lament and accentuate the terrible tale of misgovernment.

#### THE BELGIAN SOLUTION.

When he spoke last year he was at least able to say that there was on the edge of the horizon, though not much above it, a chance of a solution. That solution was the Belgian solution. He then expressed the hope that when he had again to speak on the subject he would be able to announce some further progress. He agreed with every word that had been said by Lord Cromer and the most rev. prelate as to the disappointment which we might perhaps justly feel that things had not gone further than they had; and he could heartily endorse the view of Lord Cromer that, bearing in mind the enormous difficulties of the situation, both internationally and in Belgium, and in this country, we must not be unduly impatient. Further, bearing in mind that barely a year and a half had elapsed since the important resolution of December 14, 1906, known in Belgium as the *ordre du jour patriotique*, which practically decided in principle that the question of annexation was to be taken up, that we were now watching the crisis of the negotiations, that the points of difference had been reduced to a shape which everybody could grasp, and that such negotiations were necessarily slow and delicate, he considered it would be an exaggeration to say that no progress had been made since last year, and a still greater exaggeration to say that no progress had been made during the last two years. In justice to Belgium it ought also to be borne in mind that the Congo was not the only difficult question with which it had to deal. Its Parliament had, like ours, to deal with many great domestic and social questions, and these reacted on the course of Belgian policy, not only at home but abroad. Twice during a very short period recently Ministries had resigned or been reconstituted. We were now at a period when the points of difference in Belgium between the reforming party and the party who wished to keep matters more or less as they were had reached an acute stage. If it was imprudent at any time for a Minister or a representative of a Minister to appear to be giving an opinion on what was going on

in another country, it was certainly imprudent at a moment such as the present. Words spoken here on behalf of the Foreign Office might be misinterpreted, and produce exactly opposite effects to those which the speaker desired. The other day he was accused in certain Belgian newspapers of having compared the King of the Belgians to the Sultan of Turkey simply because at a public meeting he had stated that he did not intend in his speech to say anything about the Congo or Macedonia. If such an observation could do harm, how cautious it was necessary he should be that evening in saying anything which could be regarded in Belgium as showing a desire to apply pressure or as containing some subtle imputation upon Belgian statesmen or parties. At the same time, he felt that absolute silence might be misunderstood here. He must therefore say a few words, but they would be little more than an amplification of what might be found in the Speech from the Throne. Before doing that he might tell his noble friend who had introduced the subject that papers would be in their lordships' hands immediately, and that he hoped they would shortly be followed by another paper containing further reports which only arrived a few days ago. In that paper or some other he trusted it might be possible to insert something about the concessions and the legal effect of certain clauses in them. The Government had not lost sight of that question. Some suggestions had been made—not for the first time—as to what this country could do without asking the leave of the Powers or anybody else. He had stated before that the Government had not overlooked the possibility of their having to exercise the right of setting up Consular Courts; but until they knew whether the Belgian solution was going to be a reality it would be premature to make a definite pronouncement on that question. The number of Consuls mentioned that evening had been increased. There were now not only a Consul at Boma and two Vice-Consuls, but a third Vice-Consul had been appointed. His exact sphere had not yet been determined and, together with the spheres of the other Vice-Consuls, was at present receiving the attention of the Secretary of State. His Majesty's Consul at Boma had been provided with a steam launch, and the question of supplying the Vice-Consuls at two other places with similar launches was now being considered. There was another measure which had not been mentioned that evening, and which might have still larger results. The Berlin Act of 1884 contemplated the appointment of an International River Commission. Sir H. Johnston had often told him that the establishment of a Commission, including representatives of all the Great Powers, would, in his opinion, be by far the most valuable thing that

could be done to bring the breath of public opinion upon these regions. But we could not set up such a Commission by ourselves. The consent of the Powers would be required, and those who were acquainted with the history of the Danube Commission would know that that was not a matter which could easily be arranged.

#### THE APPEAL TO HUMANITY.

He made no complaint that the most rev. prelate had alluded to the aspect of the question which was summed up in the words, "The appeal to humanity." He was convinced that in this matter we had not only treaty rights, but also a duty, and it was that aspect of the question, he thought, which had struck the public mind. (Hear, hear.) He was glad to say that the feeling in this country had also made a great appeal to the people of the United States of America (cheers); and that was of great importance, not merely because of the influence and power of the United States, but because the United States was absolutely free from, and could not in any conceivable circumstances be charged with, what we, whatever we might say or do, were unfortunately still charged with sometimes by our critics abroad, and especially in certain papers which represented what might be called the influence of the Congo State as it is—namely, that we were animated in this matter by purely selfish motives—by territorial and commercial ambitions. No one could make that charge against the people of the United States. (Hear, hear.) They were amongst the very first, if not actually the first, to recognise the International Association of the Congo, and, therefore, if they came forward, and co-operated with us, as they were now doing, it was a fact of first-rate importance. (Hear, hear.) His Majesty's Government had been in consultation with the Government of the United States, our Minister and theirs had been in communication with each other in Brussels, and nothing could be more valuable for Congo reform or more agreeable to his Majesty's Government than that that co-operation should continue and extend. (Hear, hear.) There was one matter in which the people of the United States and the people of this country were particularly interested, and that was the refusal of the Congo State to carry out its treaty obligations with regard to the granting of sites for churches, schools, and missions. He had hoped to be able to say something satisfactory on that question, but he was sorry to say that during the last few hours he had received information from Brussels which showed the attitude of the Congo State to be more unsatisfactory on this question than it was a year ago. He could only promise that the Foreign Office

would not lose sight of the question, and would continue to press it. He was glad to say with regard to the charge sometimes made, that the whole object of the Congo reform movement was nothing but agitation got up by the Protestant missionaries, and that the Roman Catholics took no interest in it, that it only remained now in the minds of a few individuals here and there. Many of the most prominent leaders of the movement in Belgium were leading Roman Catholics. Every one of the undertakings which the Sovereign of the Congo State allowed to be made had in practice been reduced to an absolute nullity by influences and powers entirely outside the Belgian Government, the Belgian Parliament, or the Belgian people ; and the result had been, perhaps, as great a negation of international treaty rights, as great a defiance of public law and as great a sacrifice of the interests of humanity as anything the modern world had heard of.

#### A MELANCHOLY RECORD.

He would not ask their lordships to look forward with pleasure to reading the White paper he had promised. It was a melancholy record. It came from men on the spot, and in it would be found the first outward and visible sign of the co-operation between the United States and ourselves to which he had alluded, in the shape of a very interesting report from the United States Consul. Anxious as he was to avoid saying anything which might tend to complicate matters, he was obliged to say that the Government here viewed the present situation with anxiety. These debates went on, but no results were achieved. When he said that, he spoke with a full consciousness of the enormous difficulty of the task before them. Lord Cromer had done two things that night. He had brought his unrivalled experience to confirm the view that this maladministration in the Congo State was no figment of a feverish and disordered imagination ; and, secondly, he had told, not only their lordships, but, what was more important, friends and supporters outside, that he realised how enormously difficult the task of the Government was. The Government looked to their lordships, to the other House, and to the people of the country to be with them. He believed the Belgian people thoroughly understood that no comment had been made or suggested here upon them. (Cheers.) If he had to sum up the position he would say that the present state of things is contrary both to the dictates of humanity and to treaty obligation ; and, while not desiring to enter into too great detail as to matters regarding which we must primarily rely on the wisdom and patriotism of the Belgian people and Parliament,

the Government could not regard as satisfactory any arrangement which did not vindicate or secure the vindication of both treaty obligations and the claims of humanity. (Hear, hear.) That was substantially what was contained in the Congo paragraph of the King's Speech. He thought the state of things disclosed in Mr. Thesiger's despatch, included in the papers presented to Parliament, showed that the state of the Congo was such as had been described by the noble lord opposite, and the Government considered it to be in accordance with treaty obligations, on which the Congo State was founded, that the need for reform should be recognised in whatever arrangement was made, and that assurances should be given that reform should be carried out, not only in theory, but in practice, by the Belgian or any other authority assuming responsibility for administration. (Hear, hear.) He trusted these words would adequately convey to Parliament and the people of this country that the Government looked to the people of Belgium and believed that a body elected by that people conscious of the existence of an educated public opinion in their own country and in Europe might be trusted to remember the high historical traditions connected with the liberties and freedom of Belgium, and would extend the rights they themselves enjoyed, so far as that was possible, to unhappy, long-oppressed natives of the Congo State. (Hear, hear.)

The Bishop of Southwark said the House recognised the strain of responsibility under which the noble lord had spoken, listening with that peculiar attention which showed a sense of the importance of the words as they fell. It might seem presumptuous for a mere amateur to follow the noble lord ; but as amateurs in great numbers had discussed the matter outside it was just as well that one should speak inside, and as the facts were fully known, outsiders had some justification for speaking. The most ardent of those outsiders would be at one with the noble lord in what he had said as to the relations between this country and Belgium. To the appointment of a third vice-consul he did not attach much importance as a remedy, but he did attach value to the use of a launch ; the swift movements of the official within his district would certainly be most useful. Nor was he much interested in what the noble lord had said about missionaries ; he would rather leave all questions of religion out of account until other elementary matters were settled. He was grateful, however, to the noble lord for having destroyed one of the arguments used against the agitation—that it was a matter of Protestant against Catholic. That could now hardly be maintained. It was evident that the Congo rulers desired to keep out of the country everybody who could see,

hear, and report. Missionaries, at great peril and labour, had gathered the facts and had been faithful reporters. A significant phrase had been dropped by the noble lord; he said the Government had still to see whether the scheme of annexation was a reality or not. That was precisely where outside opinion was most sensitive and most disturbed. The fear was something of this kind, that the Government, feeling the enormous pressure of the international difficulty, would be too much inclined to see whether after all it would not be enough and, indeed, better to say: "We know this scheme of annexation is really quite unsatisfactory, it gives no security for radical change, but it does this, it does bring Congo administration into some kind of relation, imperfect though it may be, with the Belgian Chamber and its debates, and such is our faith in Parliamentary discussion that we think this must bring about amelioration." He could not help thinking that there was very real danger in that—he might almost call it a temptation—to which this or any Government might be exposed. In the first place, this was mainly an administrative question, and the administration would remain entirely in the hands in which it has hitherto been, and discussion would be carried on by those who had not the money to carry out changes. Any real change would mean a demand Belgian finance could hardly bear. Belgium had not the knowledge and experience to deal familiarly with colonial affairs, and the Belgian Chamber was not accustomed to interest itself with matters outside its own land. Nor was there power to enforce improvements. There would, therefore, be a very imperfect advantage to be hoped for, while, on the other hand, there would be the loss to this country of the opportunity for frank, consistent action under treaty obligations. The moral feeling of the country, of which the noble lord had spoken, was one of its most precious assets. If they always opposed to it this wall of international difficulty it would get accustomed to beat at the door in that wall in vain, and the feeling would spread, as he thought he saw it already spreading, that it was no good appealing to principles of justice in this country. If in this case, where the facts were not disputed, England could not live up to her old traditions as a protector of freedom and an emancipator of slaves, the effect on the future of that most precious asset—its own moral force—might be more serious than perhaps we thought. (Cheers.)

The Marquis of Lansdowne.—I rise mainly because if one or two words were not spoken from this bench the impression might be created that there was a difference of opinion between the two sides of this House upon this important subject—a difference of opinion in which I for one do not in the least

believe. I have on several occasions addressed your lordships on this subject, using, I think, stronger language than that which I am generally in the habit of using in this House; but of what I have said on former occasions I am not disposed to retract one single syllable. (Cheers.) For another reason I may perhaps excuse myself for saying more than a few words. My noble friend (Lord Cromer) on the cross-benches was good enough to single out from speeches of mine one or two of the most emphatic statements which I have ventured to make, and to justify me with a weight of authority to which I cannot pretend. I hope it may not be the last time on which my noble friend will give me the support of his great authority. I believe that in all parts of the House there is an agreement that the present situation in the Congo is intolerable (cheers); and that feeling will certainly not have been diminished by the statement which I understood my noble friend who represents the Foreign Office to make to the effect that the attitude of the Congo Government at this moment was, if possible, more uncompromising than before. That is a very serious announcement. (Hear, hear.) We are most of us in favour of what has been described this evening as the Belgian solution, by which I mean that the jurisdiction and privileges now possessed by the Sovereign of the Congo State should be transferred to the Belgian Government. In our view that transfer must be a real and complete transfer—not a transfer which any of us would regret, as would be the case even in acquiescence, if there were any reservation of rights, any conditions made which might have the effect of impairing the full and complete control of the Belgian Government over the whole of the territories without exception now administered by the Government of the Congo State. We are not yet able to say with any degree of certainty whether the settlement which is likely to be accepted by the Belgian Government will or will not include these conditions. There is a colonial law which has been before the Parliamentary committee and there is a draft treaty of cession. These documents, so far as I am able to understand them, certainly seem to contain many conditions of a very disquieting character. But the matter is still—so I understand it—before the Belgian Parliament; and it does not seem to me that we are yet in a position to pass judgment finally upon the settlement which is likely to be effected. What I venture to put to your lordships very strongly is this—that we should hesitate before we do anything which might embarrass the Belgian Government in dealing with this very problem which now awaits solution at their hands. Let us not forget that all the circumstances of the case are of a kind which entitle the



Belgian Government to the utmost consideration. This is not an enterprise of their seeking. They would probably be very glad, if they could, to escape altogether the heavy obligations which the transfer of the Congo State will impose upon them. Their task will be one of tremendous magnitude. It will be nothing less than the transformation of the whole system under which the government of this miserably oppressed country has been conducted. Let us not also forget this—that this work of colonial administration is not work of which the Belgian Government has had any experience or to which it is at all accustomed. We are therefore going to ask the Belgian Government to undertake a task of very great difficulty, and one which no doubt will involve it in great expense. Because, as has been truly said during the course of this discussion, if the Congo Free State is to be administered with ordinary regard to the dictates of humanity, the ill-gotten profits of recent years are bound to disappear; and it is by no means improbable that these profits will be replaced at first by considerable loss. I therefore trust that we shall give the Belgian Government such a chance as ordinary fair play suggests; and it seems to me altogether premature that we should at this moment talk, as some people have talked, not in this House, of sending ultimatums to the Belgian Government to withdraw the *exequaturs* of Belgian Consuls, or even of sending gunboats—there is always a gunboat at the bottom of these suggestions—to the Congo River. There are remedies and remedies; and I was glad to hear my noble friend Lord Mayo speak in terms of approval of a particular remedy which has always seemed to me to be an appropriate one, I mean the increase in the number of British Consuls; and if these Consuls are to be given, as Lord Cromer proposed, consular courts, and if British traders are to be freely admitted into the country, I should look forward to excellent results following the introduction of such a change. It also seems to me that the appointment of a river commission to which my noble friend referred was a very wholesome proposal. Public opinion in this country has been more moved over this question than by almost any question which I can remember (cheers); and I hope that we are not wrong in believing that the public of Belgium also has at last been moved by the terrible accounts which have reached us as to what has been going on in the Congo. I trust that the result of the discussion, which will no doubt be carefully followed in Belgium, will be to satisfy the people and the Government of that country that the people and the Government of Great Britain are earnestly bent upon the complete reversal of the whole policy with which the Congo Free State has lately been

administered, and that they are determined that an end shall be put to a condition of things that they have long regarded with feelings of horror and shame. (Cheers.)

The Earl of Crewe agreed with the noble marquis that on this subject there was singular unanimity in all parts of the House. The same unanimity, he believed, also prevailed all over the country. They had read accounts of a system of forced labour in the Congo which was not only not to be distinguished from slavery but was infinitely harsher than many forms of slavery which existed on the African continent. He was glad to know that the policy of the Government in somewhat increasing the Consular establishments in the Congo met with the approval of the House. There could be no question that almost all the records of ill-doing in Africa, whether by individuals or communities, had been very largely caused or aided by the absence of publicity. He thought it was Mr. Lecky who had said that perhaps the only instance of a really pure and disinterested agitation was the agitation against the slave trade in the early part of the nineteenth century. The public feeling in regard to the Congo was equally pure and disinterested. Lord Cromer had not minced matters in speaking of the Congo State. There was no reason, so far as its administration was concerned, why he should. But the noble lord recognised to the full the position of difficulty in which the Belgians were placed; and the leader of the Opposition had laid further stress upon the point. It was one of very great importance. What the Belgian people were asked to do was, without previous colonial experience, to take over liabilities of an entirely unknown character, because it was beyond dispute that the sweeping away of the present system in the Congo must be attended by considerable cost. At any rate, negotiations with a view to transfer were now proceeding between King Leopold and the Belgian people. If the proposed transfer was a genuine one, and held out the promise of an improved administration of the country, his Majesty's Government should heartily welcome it. But if it could be shown that it had elements of unreality—that was to say, if it were going to leave the power where it was, they certainly could not regard it as a proper solution. They should then have to look at the matter afresh, bearing in mind the two grounds upon which they had the right to express an opinion—first, our rights under treaty; and, secondly, our rights of humanity, which we shared with every civilised nation. Meanwhile they did not desire in any way to prejudice the conduct of these negotiations, or to throw any kind of obstacle in their way. Those gentlemen in Belgium who most desired to see the administration of the Congo reformed would

be placed in a position of great difficulty were there anything like an attitude of dictation from this side of the channel. The Government would, therefore, await the result of the negotiations, feeling confidence in the sound instincts of the Belgian people and with the hope that by this means a solution of a most difficult problem would in due course be found. (Hear, hear.)

The motion was agreed to.

## CHAPTER VI.

### GENERAL LITERATURE.

#### EXERCISE No. 19.

#### DEATH.

ONE ought, I feel, deliberately to reckon with death, and to discount it. It is, after all, the only certain future event in our lives.

And yet we struggle with it, put it away from us, live and plan as though it had no existence; or, if it insistently clouds our thoughts, as it does at intervals, we wait resignedly until the darkness lifts, and until we may resume our vivid interests again.

I do not, of course, mean that it should be a steady, melancholy pre-occupation. If we have to die, we are also meant to live; but we ought to combine and co-ordinate the thought of it. It ought to take its place among the other great certainties of life, without weakening our hold upon the activity of existence. How is this possible? For the very terror of death lies not in the sad accidents of mortality, the stiffened and corrupting form, the dim eye, the dreadful pageantry—over that we can triumph; but it is the blank cessation of all that we know of life, the silence of the mind that loved us, the irreparable wound.

Some turn hungrily to Spiritualism to escape from this terrible mystery. But, so far as I have looked into Spiritualism, it seems to me only to have proved that, if any communication has ever been made from beyond the gate of death—and even such supposed phenomena are inextricably intertwined with quackeries and deceits—it is an abnormal and not a normal thing. The scientific evidence for the continuance of personal identity is *nil*; the only hope lies in the earnest desire of the hungering heart,

The spirit cries out that it dare not, it cannot cease to be. It cannot bear the thought of all the energy and activity of life proceeding in its accustomed course, deeds being done, words being uttered, the problems which the mind pondered being solved, the hopes which the heart cherished being realised—"and I not there." It is a ghastly obsession to think of all the things that one has loved best—quiet work, the sunset on familiar fields, well-known rooms, dear books, happy talk, fireside intercourse—and one's own place vacant, one's possessions dispersed among careless hands, eye and ear and voice sealed and dumb. And yet how strange it is that we should feel thus about the future, experience this dumb resentment at the thought that there should be a future in which one may bear no part, while we acquiesce so serenely in claiming no share in the great past of the world that enacted itself before we came into being. It never occurs to us to feel wronged because we had no conscious outlook upon the things that have been; why should we feel so unjustly used because our outlook may be closed upon the things that shall be hereafter? Why should we feel that the future somehow belongs to us, while we have no claim upon the past? It is a strange and bewildering mystery; but the fact that the whole of our nature cries out against extinction is the strongest argument that we shall yet be, for why put so intensely strong an instinct in the heart unless it is meant to be somehow satisfied?

Only one thought, and that a stern one, can help us—and that is the certainty that we are in stronger hands than our own. The sense of freewill, the consciousness of the possibility of effort, blinds us to this; we tend to mistake the ebullience of temperament for the deliberate choice of the will. Yet have we any choice at all? Science says no; while the mind, with no less instinctive certainty, cries out that we have a choice. Yet take some sharp crisis of life—say an overwhelming temptation. If we resist it, what is it but a resultant of many forces? Experience of past failures and past resolves combine with trivial and momentary motives to make us choose to resist. If we fail and yield, the motive is not strong enough, yet we have the sense that we might have done differently: we blame ourselves, and not the past which made us ourselves.

But with death it is different. Here, if ever, falls the fiat of the Mind that bade us be. And thus the only way in which we can approach it is to put ourselves in dependence upon that Spirit. And the only course we can follow is this: not by endeavouring to anticipate in thought the moment of our end—that, perhaps, only adds to its terrors when it comes—but by resolutely and tenderly, day after day, learning to commend ourselves to the

hand of God ; to make what efforts we can ; to do our best ; to decide as simply and sincerely as possible what our path should be, and then to leave the issue humbly and quietly with God.

I do this, a little ; it brings with it a wonderful tranquillity and peace. And the strange thing is that one does not do it oftener, when one has so often experienced its healing and strengthening power.

(A. C. BENSON—*The Upton Letters.*)

## EXERCISE No. 20.

### EGOTISM.

But I must confess that I like all memoirs. I like them for their form, just as much as for their matter. In literature mere egotism is delightful. It is what fascinates us in the letters of personalities so different as Cicero and Balzac, Flaubert and Berlioz, Byron and Madame de Sévigné. Whenever we come across it, and, strangely enough, it is rather rare, we cannot but welcome it, and do not easily forget it. Humanity will always love Rousseau for having confessed his sins, not to a priest, but to the world ; and the couchant nymphs that Cellini wrought in bronze for the castle of King Francis, the green and gold Perseus, even, that in the open Loggia at Florence shows the moon the dead terror that once turned life to stone, have not given it more pleasure than has that autobiography in which the supreme scoundrel of the Renaissance relates the story of his splendour and his shame. The opinions, the character, the achievements of the man, matter very little. He may be a sceptic like the gentle *Sieur de Montaigne*, or a saint like the bitter son of *Monica*, but when he tells us his own secrets he can always charm our ears to listening and our lips to silence. The mode of thought that *Cardinal Newman* represented—if that can be called a mode of thought which seeks to solve intellectual problems by a denial of the supremacy of the intellect—may not, cannot, I think, survive. But the world will never weary of watching that troubled soul in its progress from darkness to darkness. The lonely church at *Littlemore*, where “the breath of the morning is damp, and worshippers are few,” will always be dear to it, and whenever men see the yellow snapdragon blossoming on the wall of *Trinity* they will think of that gracious undergraduate who saw in the flower’s recurrence a prophecy that he would abide for ever with the *Benign Mother* of his days—a prophecy that *Faith*, in her

wisdom or her folly, suffered not to be fulfilled. Yes; autobiography is irresistible. Poor, silly, conceited Mr. Secretary Pepys has chattered his way into the circle of the Immortals, and, conscious that indiscretion is the better part of valour, bustles about among them in that "shaggy purple gown with gold buttons and looped lace" which he is so fond of describing to us, perfectly at his ease, and prattling, to his own and our infinite pleasure, of the Indian blue petticoat that he bought for his wife, of the "good hog's harslet," and the "pleasant French fricassee of veal" that he loved to eat, of his game of bowls with Will Joyce, and his "gadding after beauties," and his reciting of *Hamlet* on a Sunday, and his playing of the viol on week days, and other wicked or trivial things. Even in actual life egotism is not without its attractions. When people talk to us about others they are usually dull. When they talk to us about themselves they are nearly always interesting, and if one could shut them up, when they become wearisome, as easily as one can shut up a book of which one has grown wearied, they would be perfect absolutely.

(OSCAR WILDE—*Intentions.*)

## EXERCISE No. 21.

### NATURE'S METHOD.

When a child falls, or runs its head against the table, it suffers a pain, the remembrance of which tends to make it more careful; and by repetition of such experiences, it is eventually disciplined into proper guidance of its movements. If it lays hold of the fire-bars, thrusts its hand into a candle-flame, or spills boiling water on any part of its skin, the resulting burn or scald is a lesson not easily forgotten. So deep an impression is produced by one or two events of this kind, that no persuasion will afterwards induce it thus to disregard the laws of its constitution.

Now in these cases, Nature illustrates to us in the simplest way, the true theory and practice of moral discipline—a theory and practice which, however much they may seem to the superficial like those commonly received, we shall find on examination to differ from them very widely.

Observe, first, that in bodily injuries and their penalties we have misconduct and its consequences reduced to their simplest forms. Though, according to their popular acceptations, *right* and *wrong* are words scarcely applicable to actions that have none but

directly bodily effects; yet whoever considers the matter will see that such actions must be as much classifiable under these heads as any other actions. From whatever assumption they start, all theories of morality agree that conduct whose total results, immediate and remote, are beneficial, is good conduct; while conduct whose total results, immediate and remote, are injurious, is bad conduct. The *ultimate* standards by which all men judge of behaviour, are the resulting happiness or misery. We consider drunkenness wrong because of the physical degeneracy and accompanying moral evils entailed on the drunkard and his dependents. Did theft give pleasure both to taker and loser, we should not find it in our catalogue of sins. Were it conceivable that kind actions multiplied human sufferings, we should condemn them—should not consider them kind. It needs but to read the first newspaper-leader, or listen to any conversation on social affairs, to see that acts of parliament, political movements, philanthropic agitations, in common with the doings of individuals, are judged by their anticipated results in augmenting the pleasures or pains of men. And if on analysing all secondary superinduced ideas, we find these to be our final tests of right and wrong, we cannot refuse to class bodily conduct as right or wrong according to the beneficial or detrimental results produced.

Note, in the second place, the character of the punishments by which these physical transgressions are prevented. Punishments, we call them, in the absence of a better word; for they are not punishments in the literal sense. They are not artificial and unnecessary inflictions of pain; but are simply the beneficent checks to actions that are essentially at variance with bodily welfare—checks in the absence of which life would be quickly destroyed by bodily injuries. It is the peculiarity of these penalties, if we must so call them, that they are simply the *unavoidable consequences* of the deeds which they follow: they are nothing more than the *inevitable reactions* entailed by the child's actions.

Let it be further borne in mind that these painful reactions are proportionate to the transgressions. A slight accident brings a slight pain; a more serious one, a severer pain. It is not ordained that an urchin who tumbles off the doorstep, shall suffer in excess of the amount necessary; with the view of making it still more cautious than the necessary suffering will make it. But from its daily experience it is left to learn the greater or less penalties of greater or less errors; and to behave accordingly.

And then mark, lastly, that these natural reactions which follow the child's wrong actions, are constant, direct, unhesi-



tating, and not to be escaped. No threats; but a silent, rigorous performance. If a child runs a pin into its finger, pain follows. If it does it again, there is again the same result: and so on perpetually. In all its dealings with inorganic Nature it finds this unswerving persistence, which listens to no excuse, and from which there is no appeal; and very soon recognising this stern though beneficent discipline, it becomes extremely careful not to transgress.

(HERBERT SPENCER—*Education.*)

## EXERCISE No. 22.

### THE FRENCH.

On their long route marches, on the marches of their manœuvres and their wars, the French, along their roads which are direct and august (and at evening, when one is weary, sombre), seek a place of reunion and repose: upon this the corps converges, and then at last a man may lie a long night under shelter and content to sleep: a town lies before the pioneers and is their goal. It stands, tiny with spires, above the horizon of their hedgeless plains, and as they go they sing of the halt, or, for long spaces, are silent, bent trudging under the pack; for they abhor parade. Very often they do not reach their goal. They then lie out in bivouac under the sky and light very many fires, five to a company or more, and sleep out unsatisfied. Such a strain and such an attempt: such a march, such a disappointment, and such a goal are the symbols of their history; for they are perpetually seeking, under arms, a Europe that shall endure. In this search they must continue here in Africa, as they continue in their own country, that march of theirs which sees the city ever before it and yet cannot come near to salute the guard at the gates and to enter in. It is their business to re-create the Empire in this province of Africa. It may be that here also they will come to no completion; but if they fail, Europe will fail with them, and it will be a sign that our tradition has ended.

They have done the Latin thing. First they have designed, then organised, then built, then ploughed, and their wealth has come last. The mind is present to excess in the stamp they have laid upon Africa. Their utter regularity and the sense of will envelop the whole province; and their genius, inflexible and yet alert, alert and yet monotonous, is to be seen every-

where in similar roads, similar bridges of careful and even ornamented stone, similar barracks and loopholed walls.

There is a perspective upon the High Plateaux which though it is exceptional is typical of their spirit. It is on the salt plain just before the gate of the desert is reached, and the fall on to the desert begun. Here the flat and unfruitful level glares white and red: it is of little use to men or horse. Some few adventurers, like their peers in the Rockies, have attempted to enclose a patch or two of ground, but the whole landscape is parched and dead. Through this, right on like a gesture of command, like the dart of a spear, goes the rail, urging towards the Sahara, as though the Sahara were not a boundary but a goal. The odd, single hills, as high as the Wrekin or higher, upon which not even the goats can live, look down upon the straight line thus traced: these hills and the track beneath them afford a stupendous contrast. Nowhere is the determination of man more defiant against the sullen refusal of the earth.

There is another effort of the French which may be watched with more anxiety and more comprehension by northern men than their admirable roads or their railways or their wires above the sand, and that is their afforestation.

It is a debate which will not be decided (for the material of full decision is lacking) whether, since the Romans crowded their millions into this Africa, the rainfall has or has not changed. It is certain that they husbanded water upon every side and built great barricades to hold the streams; yet it is certain, also, that their cities stood where no such great groups of men could live to-day. There are those who believe that under Atlas, towards the desert, a shallow sea spread westward from the Mediterranean and from Syrtis: there are others who believe that the dry water-courses of the Sahara were recently alive with streams, and that the tombs and inscriptions of the waste places, now half buried in the sand, prove a great lake upon whose shores a whole province could cultivate and live. Both hypotheses are doubtful for this reason—that no good legend preserves the record. Changes far less momentous have left whole cycles of ballads and stories behind them. The Sahara has been the Sahara since men have sung or spoken of it.

(HILAIRE BELLOC—*Esto Perpetua.*)

## EXERCISE No. 23.

## THE LAMP OF TRUTH.

There is a marked likeness between the virtue of man and the enlightenment of the globe he inhabits—the same diminishing gradation in vigour up to the limits of their domains, the same essential separation from their contraries—the same twilight at the meeting of the two: a something wider belt than the line where the world rolls into night, that strange twilight of the virtues; that dusky debateable land, wherein zeal becomes impatience, and temperance becomes severity, and justice becomes cruelty, and faith superstition, and each and all vanish into gloom.

Nevertheless, with the greater number of them, though their dimness increases gradually, we may mark the moment of their sunset; and, happily, may turn the shadow back by the way by which it had gone down; but for one, the line of the horizon is irregular and undefined; and this, too, the very equator and girdle of them all—Truth; that only one of which there are no degrees, but breaks and rents continually; that pillar of the earth, yet a cloudy pillar; that golden and narrow line, which the very powers and virtues that lean upon it bend, which policy and prudence conceal, which kindness and courtesy modify, which courage overshadows with his shield, imagination covers with her wings, and charity dims with her tears. How difficult must the maintenance of that authority be, which, while it has to restrain the hostility of all the worst principles of man, has also to restrain the disorders of his best—which is continually assaulted by the one and betrayed by the other, and which regards with the same severity the lightest and the boldest violations of its law! There are some faults slight in the sight of love, some errors slight in the estimate of wisdom; but truth forgives no insult, and endures no stain.

We do not enough consider this; nor enough dread the slight and continual occasions of offence against her. We are too much in the habit of looking at falsehood in its darkest associations, and through the colour of its worst purposes. That indignation which we profess to feel at deceit absolute, is indeed only at deceit malicious. We resent calumny, hypocrisy, and treachery, because they harm us, not because they are untrue. Take the detraction and the mischief from the untruth, and we are little offended by it; turn it into praise, and we may be pleased with it. And yet it is not calumny nor treachery that does the largest sum of mischief in the world; they are continually

crushed, and are felt only in being conquered. But it is the glistening and softly spoken lie; the amiable fallacy; the patriotic lie of the historian, the provident lie of the politician, the zealous lie of the partisan, the merciful lie of the friend, and the careless lie of each man to himself, that cast that black mystery over humanity, through which we thank any man who pierces, as we would thank one who dug a well in a desert; happy, that the thirst for truth still remains with us, even when we have wilfully left the fountains of it.

It would be well if moralists less frequently confused the greatness of a sin with its unpardonableness. The two characters are altogether distinct. The greatness of a fault depends partly on the nature of the person against whom it is committed, partly upon the extent of its consequences. Its pardonableness depends, humanly speaking, on the degree of temptation to it. One class of circumstances determines the weight of the attaching punishment; the other, the claim to remission of punishment; and since it is not always easy for men to estimate the relative weight, nor always possible for them to know the relative consequences, of crime, it is usually wise in them to quit the care of such nice measurements and to look to the other and clearer condition of culpability, esteeming those faults worst which are committed under least temptation.

(JOHN RUSKIN—*The Seven Lamps of Architecture.*)

## EXERCISE No. 24.

### THE VELD.

No landscape is so masterful as the veld. Broken up into valleys, reclaimed in parts by man, showing fifty varieties of scene, it yet preserves one essential character. For, homely as it is, it is likewise untameable. There are no fierce encroachments about it. A deserted garden does not return to the veld for many years, if ever. It is not, like the jungle, the natural enemy of man, waiting for a chance to enter and obliterate his handiwork, and repelled only by sleepless watching. Rather it is the quiet spectator of human efforts, ready to meet them half-way, and yet from its vastness always the dominant feature in any landscape. Its normal air is sad, grey, and Quakerish, never flamboyant under the brightest sun, and yet both strenuous and restful. The few red monstrosities man has built on its edge serve only to set off this essential dignity. For one thing, it is not created according to the scale of man.

It will give him a home, but he will never alter its aspect. Let him plough and reap it for a thousand years, and he may beautify and fructify but never change it. The face of England has altered materially in two centuries, because England is on a human scale,—a pasture land, without intrinsic wildness. But cultivation on the veld will always be superimposed: it will remain like Egypt, ageless and immutable—one of the primeval types of the created world.

But, though dominant, it is also adaptable. It can, for the moment, assume against its unchangeable background a chameleon-like variety. Sky and weather combine to make it imitative at times. Now, under a pale Italian sky, it is the Campagna—hot, airless, profoundly melancholy. Again, when the mist drives over it, and wet scarps of hill stand out among clouds, it is Dartmoor or Liddesdale; or on a radiant evening, when the mountains are one bank of hazy purple, it has borrowed from Skye and the far West Highlands. On a clear steely morning it has the air of its namesake, the Norwegian fjelds,—in one way the closest of its parallels. But each phase passes, the tantalising memory goes, and we are back again upon the aboriginal veld, so individual that we wonder whence arose the illusion.

A modern is badly trained for appreciating certain kinds of scenery. Generations of poets and essayists have so stamped the "pathetic fallacy" upon his soul that wherever he goes, unless in the presence of a Niagara or a Mount Everest, he runs wild, looking for a human interest or an historical memory. This is well enough in the old settled lands, but on the veld it is curiously inept. The man who, in Emerson's phrase, seeks "to impress his English whim upon the immutable past," will find little reward for his gymnastics. Not that there is no history of a kind—of Bantu wars, and great tribal immigrations, of wandering gold-seekers and Portuguese adventurers, of the voortrekker and the heroic battles in the wilds. But the veld is so little subject to human life that had Thermopylæ been fought in yonder nek, or had Saint Francis wandered on this hillside, it would have mastered and obliterated the memories. It has its history; but it is the history of cosmic forces, of the cycle of seasons, of storms and suns and floods, the joys and sorrows of the natural world. Men dreamed of it and its wealth long ago in Portugal and Holland. They have quarrelled about it in London and Cape Town, fought for it, parcelled it out in maps, bought it and sold it. It has been subject for long to the lusts and hopes of man. It has been lauded with epithets; town-bred folk have made theories about it; armies have rumbled across it; the flood of high politics has swept it.

But the veld has no memory of it. Men go and come, kingdoms fall and rise, but it remains austere, secluded, impenetrable, "the still unravished bride of quietness."

(JOHN BUCHAN—*The African Colony.*)

## EXERCISE No. 25.

### AN APOLOGY FOR IDLERS.

A fact is not called a fact, but a piece of gossip, if it does not fall into one of your scholastic categories. An enquiry must be in some acknowledged direction, with a name to go by ; or else you are not enquiring at all, only lounging ; and the workhouse is too good for you. It is supposed that all knowledge is at the bottom of a well, or the far end of a telescope. Sainte-Beuve, as he grew older, came to regard all experience as a single great book, in which to study for a few years ere we go hence ; and it seemed all one to him whether you should read in Chapter xx., which is the differential calculus, or in Chapter xxxix., which is hearing the band play in the gardens. As a matter of fact, an intelligent person, looking out of his eyes and hearkening in his ears, with a smile on his face all the time, will get more true education than many another in a life of heroic vigils. There is certainly some chill and arid knowledge to be found upon the summits of formal and laborious science ; but it is all round about you, and for the trouble of looking, that you will acquire the warm and palpitating facts of life. While others are filling their memory with a lumber of words, one-half of which they will forget before the week be out, your truant may learn some really useful art ; to play the fiddle, to know a good cigar, or to speak with ease and opportunity to all varieties of men. Many who have "plied their book diligently," and know all about some one branch or another of accepted lore, come out of the study with an ancient and owl-like demeanour, and prove dry, stockish, and dyspeptic in all the better and brighter parts of life. Many make a large fortune, who remain underbred and pathetically stupid to the last. And meantime there goes the idler, who began life along with them—by your leave, a different picture. He has had time to take care of his health and his spirits ; he has been a great deal in the open air, which is the most salutary of all things for both body and mind ; and if he has never read the great Book in very recondite places, he has dipped into it and skimmed it over to excellent purpose. Might not the student afford some Hebrew roots, and the business man

some of his half-crowns, for a share of the idler's knowledge of life at large, and Art of Living? Nay, and the idler has another and more important quality than these. I mean his wisdom. He who has much looked on at the childish satisfaction of other people in their hobbies, will regard his own with only a very ironical indulgence. He will not be heard among the dogmatists. He will have a great and cool allowance for all sorts of people and opinions. If he finds no out-of-the-way truths, he will identify himself with no very burning falsehood. His way takes him along a by-road, not much frequented, but very even and pleasant which is called Commonplace Lane, and leads to the Belvedere of Commonsense. Thence he shall command an agreeable, if no very noble prospect; and while others behold the East and West, the Devil and the Sunrise, he will be contentedly aware of a sort of morning hour upon all sublunary things, with an army of shadows running speedily and in many different directions into the great daylight of Eternity. The shadows and the generations, the shrill doctors and the plangent wars, go by into ultimate silence and emptiness; but underneath all this, a man may see, out of the Belvedere windows, much green and peaceful landscape; many firelit parlours; good people laughing, drinking, and making love, as they did before the flood or the French Revolution; and the old shepherd telling his tale under the hawthorn.

(ROBERT LOUIS STEVENSON—*Virginibus Puerisque.*)

## EXERCISE No. 26.

### SUNT LACRIMAE RERUM.

It had become a habit with Marius—one of his modernisms—developed by his assistance at those “conversations” of Aurelius with himself, to keep a register of the movements of his own private thoughts or humours; not continuously indeed, but sometimes for lengthy intervals, during which it was no idle self-indulgence, but a necessity of his intellectual life, to “confess himself,” with an intimacy, seemingly rare among the ancients; ancient writers, at all events, having been jealous, for the most part, of affording us so much as a glimpse of that interior self, which in many cases would have actually doubled the interest of their objective informations.

“If a particular tutelary or *genius*,” writes Marius, “according to old belief, walks beside each one of us through life, mine is certainly a capricious creature! He fills one with wayward,

unaccountable, yet quite irresistible humours, and seems always to be in collusion with some outward circumstance, often trivial enough in itself—the condition of the weather, forsooth!—the people one meets by chance—the things one happens to overhear them say (veritable *ἐνόδαι σύμβολοι*, or omens by the wayside, as the old Greeks fancied), to push on the unreasonable prepossessions of the moment into weighty motives. It was doubtless a quite explicable, physical fatigue which presented me to myself, on awaking this morning, so lack-lustre and trite. But I must needs take my petulance, contrasting it with my accustomed morning hopefulness, as a sign of the ageing of appetite, of a decay in the very capacity of enjoyment. We need some imaginative stimulus, some not impossible ideal which may shape vague hope, and transform it into effective desire, to carry us year after year, without disgust, through the routine-work which is so large a part of life.

“Then, how if appetite, be it for real or ideal, should itself fail one after awhile? Ah, yes! it is of cold always that men die; and on some of us it creeps very gradually. In truth, I can remember just such a lack-lustre condition of feeling once or twice before. But I note, that it was accompanied then by an odd indifference, as the thought of them occurred to me, in regard to the sufferings of others—a kind of callousness, so unusual with me, as at once to mark the humour it accompanied as a palpably morbid one, which would not last. Were those sufferings, great or little, I asked myself then, of more real consequence to them than mine to me, as I remind myself that ‘nothing that will end is really long’—long enough to be thought of importance? But to-day, my own sense of fatigue, the pity I conceive for myself, disposed me strongly to a tenderness for others. For a moment the whole world figured to me as a hospital of sick persons; many of them sick in mind; and all of whom it would be a brutality not to humour.

“Why, when I went out to walk-off my wayward fancies, did I confront the very sort of incident (my unfortunate *genius* had surely beckoned it from afar to vex me) likely to irritate it further? A party of men were coming down the street. They were leading a fine race-horse; a handsome beast, but badly hurt somewhere, in the circus, and useless. They were taking him to slaughter; and I think the animal knew it: he cast such looks, as if of mad appeal, to those who passed him, as he went to die in his beauty and pride, for just that one mischance or fault, among the strangers to whom his old owner had deserted him; although the morning air was still so animating, and pleasant to snuff. I could have fancied a soul in the creature, swelling against its luck. And I had come across this



incident just when it would figure to me as the very symbol of our poor humanity, in its capacities for pain, its wretched accidents, its imperfect sympathies, which can never quite identify us with each other; the very power of utterance and appeal seeming to fail, in proportion as our sorrows come home to ourselves, are really our own. We are constructed for suffering! What proofs of it does but one day afford, if we care to note them, as we go—a whole long chaplet of sorrowful mysteries! *Sunt lacrimae rerum et mentem mortalia tangunt.*"  
 (WALTER PATER—*Marius the Epicurean.*)

## EXERCISE No 27.

## THE IDEA OF COMEDY.

The French controversialist is a polished swordsman, to be dreaded in his graces and courtesies. The German is Orson, or the mob, or a marching army, in defence of a good case or a bad—a big or a little. His irony is a missile of terrific tonnage; sarcasm he emits like a blast from a dragon's mouth. He must and will be Titan. He stamps his foe underfoot, and is astonished that the creature is not dead, but stinging; for, in truth, the Titan is contending, by comparison, with a god.

When the Germans lie on their arms, looking across the Alsatian frontier at the crowds of Frenchmen rushing to applaud L'ami Fritz at the Théâtre Français, looking and considering the meaning of that applause, which is grimly comic in its political response to the domestic moral of the play—when the Germans watch and are silent, their force of character tells. They are kings in music, we may say princes in poetry, good speculators in philosophy, and our leaders in scholarship. That so gifted a race, possessed moreover of the stern good sense which collects the waters of laughter to make the wells, should show at a disadvantage, I hold for a proof, instructive to us, that the discipline of the comic spirit is needful to their growth. We see what they can reach to in that great figure of modern manhood, Goethe. They are a growing people; they are conversable as well; and when their men, as in France, and at intervals at Berlin tea-tables, consent to talk on equal terms with their women, and to listen to them, their growth will be accelerated and be shapelier. Comedy, or in any form the Comic spirit, will then come to them to cut some figures out of the block, show them the mirror, enliven and irradiate the social intelligence.

Modern French comedy is commendable for the directness of the study of actual life, as far as that, which is but the early step in such a scholarship, can be of service in composing and colouring the picture. A consequence of this crude, though well-meant, realism is the collision of the writers in their scenes and incidents, and in their characters. The Muse of most of them is an *Aventurière*. She is clever, and a certain diversion exists in the united scheme for confounding her. The object of this person is to reinstate herself in the decorous world ; and either, having accomplished this purpose through deceit, she has a *nostalgie de la boue*, that eventually casts her back into it, or she is exposed in her course of deception when she is about to gain her end. A very good, innocent young man is her victim, or a very astute, goodish young man obstructs her path. This latter is enabled to be the champion of the decorous world by knowing the indecorous as well. He has assisted in the progress of *Aventurières* downward ; he will not help them to ascend. The world is with him ; and certainly it is not much of an ascension they aspire to ; but what sort of a figure is he ? The triumph of a candid realism is to show him no hero. You are to admire him (for it must be supposed that realism pretends to waken sane admiration) as a credibly living young man ; no better, only a little firmer and shrewder, than the rest. If, however, you think at all, after the curtain has fallen, you are likely to think that the *Aventurières* have a case to plead against him. True, and the author has not said anything to the contrary ; he has but painted from the life ; he leaves his audience to the reflections of unphilosophic minds upon life, from the specimen he has presented in the bright and narrow circle of a spy-glass.

I do not know that the fly in amber is of any particular use, but the Comic idea enclosed in a comedy makes it more generally perceptible and portable, and that is an advantage. There is a benefit to men in taking the lessons of Comedy in congregations. for it enlivens the wits ; and to writers it is beneficial, for they must have a clear scheme, and even if they have no idea to present, they must prove that they have made the public sit to them before the sitting to see the picture. And writing for the stage would be a corrective of a too-incrusted scholarly style into which some great ones fall at times. It keeps minor writers to a definite plan, and to English. Many of them now swelling a plethoric market, in the composition of novels, in pun-manufactories and in journalism ; attached to the machinery forcing perishable matter on a public that swallows voraciously and groans ; might, with encouragement, be attending to the study of art in literature. Our critics appear to be fascinated by the quaintness of our public, as the world is when our beast-garden

has a new importation of magnitude, and the creature's appetite is reverently consulted. They stipulate for a writer's popularity before they will do much more than take the position of umpires to record his failure or success. Now the pig supplies the most popular of dishes, but it is not accounted the most honoured of animals, unless it be by the cottager. Our public might surely be led to try other, perhaps finer, meat. It has good taste in song. It might be taught as justly, on the whole, and the sooner when the cottager's view of the feast shall cease to be the humble one of our literary critics, to extend this capacity for delicate choosing in the direction of the matter arousing laughter.

(GEORGE MEREDITH—*An Essay on Comedy.*)



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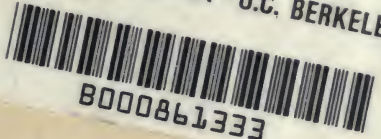
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