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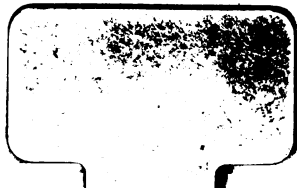
CIVIL SERVICE PRECTS

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CIVIL SERVICE PRECIS,

CONTAINING

FULL INSTRUCTIONS AS TO INDEXING,
PRÉCIS-WRITING, AND DIGESTING RETURNS
INTO SUMMARIES.

BY R. JOHNSTON,

Author of the Civil Service Arithmetic, &c.

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**New Edition Enlarged.**  
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INTRODUCTION.

PRÉCIS-WRITING AND INDEXING.

THE heads of large departments under Government have seldom time to read through the multitudinous correspondence with the office over which they preside ; and a clerk who can summarize a series of letters on any particular subject, bringing out the important points prominently, renders valuable services to his superior officer. In most offices, instead of referring from day to day to the original correspondence on a particular subject, an Index is compiled, and a summary of the contents of the various letters entered briefly in a book kept for the purpose, the originals being referred to only in cases of more than ordinary importance. The merits of such an exercise depend "very much on a correct appreciation of the relative importance of the different parts."

The "instructions" given to candidates are so specific that the following remarks are almost unnecessary—(1). In making a Précis, all ornament in language should be avoided. (2). All unnecessary words and phrases should be omitted. (3). The narrative should be brought within the shortest possible limits, consistent with its containing the really important points of the correspondence.

The first thing the pupil should do is to clearly distinguish between a *Schedule* and a *Précis*. A *Schedule, Docket, or Index* is merely the arrangement of letters in regular order, according to date, giving clearly and distinctly the substance of each with the utmost brevity. A *Précis* is a relation of certain circumstances, which have occurred, in the form of a narrative, giving, with great conciseness, the important particulars only. It is exactly the opposite exercise to that of writing letters from brief notes. The very best *Indexing* is found in the Parliamentary papers published by the Foreign Office, where the letters are arranged with admirable clearness and conciseness.

INDEXING.

The following letters have been copied from the Fifteenth Report of the Civil Service Commissioners recently issued :—

The Secretary Office of Works to the Secretary Civil Service Commission.

Office of Works, 8th April, 1870.

SIR,—I am directed by the First Commissioner of Her Majesty's Works, &c., to acquaint you, for the information of the Civil Service Commissioners, that, with the view of appointing to a newly created post of an assistant surveyor of works in this department, the person best qualified to discharge the duties which will devolve upon him, it is proposed to submit to a competitive examination certain candidates for the appointment. He will be obliged to the Civil Service Commissioners if they will be good enough, therefore, to make arrangements for the examination of such persons as may be sent to them for the purpose; and, after such examination, if they will report whether any of the candidates have successfully passed through it, and, if so, which of them has acquitted himself most to the satisfaction of the examiners.

The duties of an assistant surveyor of works, &c., comprise:—

1. The preparation of drawings and specifications for new buildings, and for the alteration and maintenance of existing buildings in use, or proposed to be used, for the public service.
2. The preparation of estimates in detail, of the cost of such works, and the superintendence of their execution.
3. The examination for the purpose of certifying of tradesmen's accounts for works performed under his direction.

The First Commissioner will be obliged to the Civil Service Commissioners if they will have the goodness to inform him when they will be able to examine the candidates to be sent to them.

I am, &c.,

The Secretary Civil Service Commission to the Secretary Office of Works.

11th April, 1870.

SIR,—I am directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 8th instant, relative to the situation of Assistant Surveyor of Works &c., under the the Office of Works.

And in reply I am to acquaint you for the information of the First Commissioner of Her Majesty's Works, &c., that the Commissioners will readily undertake the conduct of the examination therein referred to in the manner proposed, and that if the names and addresses of the candidates can be communicated to them not later than the 26th instant, they will be prepared to commence the examination on Tuesday the 3rd May.

I have, &c.

The Secretary Civil Service Commission to the Secretary Office of Works.

30th April, 1870.

SIR,—With reference to your letter of the 8th instant, and subsequent correspondence relative to the examination of candidates for the post of Assistant Surveyor of Works.

I am directed by the Civil Service Commissioners to request that you will oblige them by informing me whether they are right in understanding that it is not the wish of the First Commissioner of Works, &c., that they should make inquiries such as are instituted in ordinary cases, as to the age, health, or character of the candidates.

I have, &c.

The Secretary Office of Works to the Secretary Civil Service Commission.

Office of Works, &c., 2nd May, 1870.

SIR,—I am directed by the First Commissioner of Her Majesty's Works, &c., to acknowledge the receipt of Mr. Walrond's letter of the 30th ultimo, relative to the examination of

candidates for the post of Assistant Surveyor of Works, &c., and to inform you in reply that the First Commissioner will be obliged by the Civil Service Commissioners making the inquiries usually instituted in ordinary cases, as to the age, health, or character of a candidate for appointment.

I have, &c.

The Secretary Office of Works to the Secretary Civil Service Commission.

Office of Works, &c., 6th May, 1870.

SIR,—I am directed by the First Commissioner of Her Majesty's Works, &c., to acknowledge the receipt of your letter of the 2nd instant, in reference to the age of candidates for the appointment of Assistant Surveyor of Works, &c., and to inform you in reply that the First Commissioner does not propose to fix any limit of age in the case of the candidates now under examination by the Civil Service Commissioners; but the limits will be determined in the event of a future examination or a similar appointment.

I have, &c.

The Secretary Civil Service Commission to the Secretary Office of Works.

17th May, 1870.

SIR,—With reference to your letter of the 8th ultimo, and subsequent correspondence, I am directed by the Civil Service Commissioners to transmit for the information of the First Commissioner of Works, &c., a table of marks, showing the result of the examination which they have held.

The Commissioners regret that they are unable to report any one of the candidates as having passed the examination successfully, each having shown himself deficient in some one or more of the qualifications specified in your letter.

Under these circumstances, the Commissioners will assume, unless otherwise informed, that it is not the wish of the First Commissioner that they should proceed to make further inquiry as to the health or character of these gentlemen.

I have, &c.

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INDEXING OR DOCKETING.

Recent Indexing or Docketing has taken the following form :—

No.	Date.	Correspondents.	Substance of Communication.
1	8th April, 1870.	Sec. Office of Works to Sec. Civil Service Commission.	Requesting that arrange- ment be made for exami- nation of candidates for an assistant surveyorship of works, and stating the qualifications necessary.
2	11th April, 1870.	Sec. Civil Service Commission to Sec. Office of Works.	Stating that the Civil Ser- vice Commissioners will be ready to examine the can- didates on 3rd May.
3	30th April, 1870.	Sec. Civil Service Commission to Sec. Office of Works.	Asking whether the Civil Service Commissioners are to inquire as to the age, health, &c., of the candi- dates.
4	2nd May, 1870.	Sec. Office of Works to Sec. Civil Service Commission.	Requesting the usual in- quiries to be made.
5	6th May, 1870.	Same to Same.	Stating that no limit of age will be fixed for present candidates.
6	17th May, 1870.	Sec. Civil Service Commission to Sec. Office of Works.	Stating that none of the can- didates are qualified in all of the specified subjects.

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INDEXING BY THE FOREIGN OFFICE.

The following is a specimen of the manner in which a schedule of the exercise, page 187, has been written :—

No. in Series	From whom.	Date and No.	SUBJECT.	Page.
1	Governor Sir Harry Ord to the Duke of Buckingham & Chandos.	15th July, 1868. (No. 145.) Extract.	Encloses letter from Mr. Carmichael & others—also a Petition drawn up by those gentlemen, in pursuance of certain Resolutions passed at a Public Meeting, praying that measures may be taken to secure the complete Judicial Independence which the Petitioners enjoyed under the Government of India, & a copy of the Governor's reply.	187
2	The Duke of Buckingham and Chandos to Governor Sir Harry Ord.	21st Sept., 1868 (No. 197).	In reply to the above Despatch: Is of opinion that the alterations which are indicated by the Memorialists would not be for the public interest	190
3	Memorandum by Sir Frederic Rogers, bart.	- -	On the subject of the Removal of Colonial Judges. - - -	193
4	Memorandum -	- -	With reference to the practice of the Privy Council in the Removal of Colonial Judges, with Observations by Lord Cholmsford, and Opinions of the Right Hon Stephen Lushington and the Right Hon. Sir Edward Ryan on the subject.	197
5	Petition to the Lords Spiritual and Temporal, from Landowners, Merchants, and others, Inhabitants of Singapore.	3rd January, 1870.	Praying that their Judges may be restored to that position of independence which they held under the Government of India. -	204

DIGESTING RETURNS INTO SUMMARIES.

Digesting returns consisted, in the Open Competitive Examination of 1871, of drawing a ruled tabular form of which a specimen was given, and arranging in alphabetical order the names of several districts and sub-districts in India, with their respective expenses incurred by the civil officers, and other state outlay, &c., and bringing the total of all the columns into the last or "total" column.

The candidate requires to read the instructions given very carefully before commencing to write.

From the preceding examples in forming an *Index* or *Schedule* together with the specimen given at page 19, the student will be able in a very short time to perform this exercise to the satisfaction of the Examiners. In the more difficult exercise of writing a *Précis* the *Schedule* will give considerable assistance if judiciously employed for that purpose. If, however, the *Narrative* be compiled from the *Index* alone, it will be too meagre, and many important points will not receive a sufficient amount of prominence.

With respect to the "Directions" given on page 8, it is necessary to caution candidates against following them to the letter, particularly where they are recommended in the first place to read through all the correspondence. It has been our unvarying custom to *Index* the letters on the first perusal.

Great difficulty is often experienced in trying to obtain the actual Government official papers which are given to the candidates, most of them being out of print.

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The following directions are placed in the hands of the Candidates, along with the Correspondence of which a Précis is required :—

Having read the accompanying Correspondence—

1. *Make a short Abstract, Schedule, or Docket of the several letters.*

2. *Draw up a Memorandum or Précis, i.e., a brief and clear statement of what passed, not letter by letter, but in the form of a narrative.*

DIRECTIONS.

- (1) The object of the Abstract, Schedule, or Docket is to serve as an Index. It should contain the date of each letter ; the names of the persons by whom and to whom it is written ; and, *in as a few words as possible*, the subject of it. The merits of such an Abstract are (1) to give the really important point or points of each letter, omitting everything else ; (2) to do this briefly ; (3) distinctly ; and (4) in such a form as readily to catch the eye.
- (2) The object of the Memorandum or Précis, *which should be in the form of a narrative*, is, that any one who had not time to read the original letters might, by reading the Précis, be put in possession of all the leading features of what passed. The merits of such a Précis are—(1) to contain all that is important in the Correspondence, and nothing that is unimportant ; (2) to present this in a consecutive and readable shape, expressed as distinctly as possible ; (3) to be as brief as is compatible with completeness and distinctness.

You are recommended to read the whole Correspondence through carefully before beginning to write, as the goodness both of the Abstract and of the Précis will depend very much on a correct appreciation of the relative importance of the different parts.

Brevity should be particularly studied.
The Abstract should occupy one page only, or two at the most.
The Précis about two pages, or three at the most, of ordinary handwriting.

Time allowed, 3 hours.

Copy "of Correspondence between the Office of Public Works and Mr. E. M. Barry, relative to the New Roof of the House of Commons."

(1) *Mr. E. M. Barry to Mr. Alfred Austin.*

21, Abingdon-street, S.W.,
 29 April 1865.

SIR,—In accordance with the instructions of the First Commissioner of Her Majesty's Works, &c., I have communicated with Dr. Percy, and have carefully examined with him the roof over the House of Commons, to ascertain whether the wooden fittings placed in the roof are secure from risk of fire.

The roof of the House of Commons is wholly constructed of incombustible materials, and the question of danger can therefore only apply to the wooden fittings which have been placed in the roof since its completion by those entrusted with the ventilation and lighting of the House, without any architectural supervision. The fittings consist of handrails, bridges, partitions, steps, and air tubes; and, as the temperature of the roof is very high in consequence of the mode adopted for lighting the House, there is no doubt that the whole of the fittings are in a state highly favourable for ignition in the event of any accidental circumstances taking place. The same remark applies to the ribs of the ceiling of the House which are in close proximity to the gas lights.

I advise that the whole of the fittings be removed and replaced (as far as they are required for use by Dr. Percy) by others of incombustible materials; and I also recommend that the edges and exposed surfaces of the upper parts of the ribs of the ceiling should be protected by a metal covering.—I am, &c.

Alfred Austin, Esq.

(signed) EDWARD M. BARRY.

(2) *Mr. Alfred Austin to Dr. Percy, F.R.S.*

Office of Works, &c., 3 May, 1865.

SIR,—I am directed by the First Commissioner of Her Majesty's Works, &c., to send you herewith a copy of a letter dated the 29th ultimo, received by him from Mr. E. M. Barry, respecting the risk of fire to the fittings over the roof of the House of Commons, and to inform you that he has requested Mr. Barry to put himself into communication with you as to the fittings that will be required in future, and to furnish him with an estimate of the cost of the works recommended by him.—I am, &c.,

Dr. Percy, F.R.S. (signed) ALFRED AUSTIN, Secretary.

(3) *Mr. Alfred Austin to Mr. E. M. Barry.*

Office of Works, &c., 3 May, 1865.

SIR,—The First Commissioner of Her Majesty's Works, &c., has had before him your letter of the 29th ultimo, respecting the risk of fire to the wooden fittings in the roof over the House of Commons, and recommending that the whole of the fittings should be removed and replaced (as far as they are required for use by Dr. Percy) by others of incombustible materials, and also that the edges and exposed surfaces of the upper parts of the ceiling of the House of Commons should be protected by a metal covering ; and I am directed by him to request that you will put yourself into communication with Dr. Percy as to the fittings that will be required in future, and furnish the First Commissioner with an estimate of the cost of the works recommended by you.—I am, &c.

E. M. Barry, Esq. (signed) ALFRED AUSTIN, Secretary.

(4) *Mr. E. M. Barry to Mr. Alfred Austin.*

21, Abingdon-street, 29 May, 1865.

SIR,—In accordance with your letter of the 3rd instant, I have to report that I have placed myself in communication with Dr. Percy, and obtained information from him as to the fittings that will be required for the future in the roof of the House of Commons for the effectual ventilation of the House without risk of fire.

The roof is at present encumbered by fittings placed there to carry out modes of ventilation long since abandoned, and their

removal or modification will enable Dr. Percy to carry out several important improvements in the method of ventilation at present in use. The changes and improvements which I recommend, including an alteration of the gas burners under the galleries, which Dr. Percy states are now much complained of, are described in the specification which I enclose herewith for the information of the First Commissioner of Her Majesty's Works, &c., and I estimate the cost of carrying them into effect at £1,540, and consider that a period of five months will be necessary for their execution.—I am, &c.

Alfred Austin, Esq.

(signed) EDWARD M. BARRY.

Report on Alterations and Improvements proposed to be made
in the Ventilating Channels over the House of Commons.

The Ventilating Pipes for the Ceiling Burners.

These pipes are all collected into two main horizontal pipes which are fixed in the upper portion of the roof. As there is under them, and between them and the wooden ceiling, a floor of tile and cement arches, I recommend that they be left undisturbed, for I do not see that they could be rendered safer than they are at present. But their mouths, which now open into the ventilating chamber over the lobby, should I think be connected more directly with the ventilating shaft, so that its draught should be always acting with certainty on them, and that the noxious products which they discharge should be carried into the shaft without inconveniencing the attendants in the ventilating channels.

The Partitions for forming Ventilating Channels in the Roof.

At present these partitions are somewhat complex in their arrangement, because they were erected in order to provide chambers of ingress for fresh air to the ceiling, as well as for egress of vitiated air from it. Moreover they are of lath and plaster, and no doubt their woodwork is very dry and combustible. I recommend that they be entirely removed, and that a single central channel for discharge of vitiated air be formed in lieu of the complex channels now existing. In order to form this channel I should advise that casings of sheet iron be fixed to the sloping ties of the iron roof, rivetting those sheets together at the joints, and securing them together in their places by hook bolts

to the principals, providing such stiffening ribs as may be necessary to make them firm, and to retain their shape. The outer portions of the roof chamber are already floored with tile and cement, and the sheet-iron casing being made good to this flooring, the whole of the necessary channels would be formed without any combustible materials.

Stairs, Gangways, and Valves in Roof.

At present these are of wood, and therefore liable to the same objections as the partitions. I should advise that they be entirely removed, that the gangways should be formed of light iron gratings, with handrails of iron tube, that the stairs for giving access to different levels be light iron ladders, and that the valves be of sheet iron stiffened ribs.

Passage from Roof of House to Ventilating Shaft.

At present the vitiated air has to rise from its channel in the roof into a chamber above the lobby, thence it descends to the base of ventilating shaft which is situated on the floor below. The vitiated air from the ventilating shaft of the refreshment rooms has to follow the same course, and the channels are thus very tortuous and unfavourable to direct ventilation.

I advise that the apartment over the lobby, now used as a gas fitter's shop, which is level with the base of the shaft, should be divided by partitions so as to form channels direct to the shaft. These partitions might be built of half brick in cement on the existing fire-proof arches over the lobby.

In order to effect the communication from the roof of the house to this chamber it would be necessary to remove the two walls which at present exist. These walls support nothing, as they terminate at the floor of the present ventilating channels, and might therefore be removed without prejudice to the stability of the building.

Woodwork of Ceiling.

A large extent of wood surface is presented in the ventilating chambers, and it might be a question whether something could be done to render it safe from fire. If the fire originated below the ceiling it is evident that no protecting material above it would be of any avail. It is, therefore, only against the risk of fire originating above, that is to say, in the ventilating channels, that any protection should be sought, and I should therefore, recommend the covering of these surfaces with thin lead. This,

without adding much weight, would, at all events, guard against ignition from the dropping of a lighted match or wick, and I do not see any other probable cause of accidental ignition. Against wilful incendiarism it is, of course, needless to provide, nor perhaps is it possible to do so unless a metal ceiling were substituted for the present wooden one.

The Gas Burners under the Side Galleries

At present the products of combustion from these burners are collected in an iron pipe, laid horizontally under one of the seats, and communicating with an ascending flue in the wall, whence they are conducted by an iron pipe into the main pipes in the roof, which serve to ventilate the ceiling burners. The horizontal pipe under the gallery seat becomes so hot that it renders the seat above it uncomfortably warm. It is of course subject to the corrosive effects of the carbonic acid and water developed from the burners, and may, even without leaking, be worn so thin in some places, that the slightest pressure would cause it to open. On one occasion, from deficient draught, there was an accumulation of gas about this pipe, or some of the tubes connected with it, which caused a slight explosion, and, in order to secure a draught, a set of burners have been provided in the ascending portion of the pipe. It is quite possible that gas might again accumulate in the pipe, and that an explosion might burst it open. The inflamed gas might thus be spread under the seats of the galleries, at the imminent risk of setting them on fire. An earthenware pipe, set within a brick drain, would better effect the purpose, so far as avoiding the disagreeable effects of heat in the galleries. But should the accident of an explosion occur this would be anything but safe as against fire. Considering the smallness of the burners in question, and that the products of their combustion are developed above the heads of the Members, I would strongly advise that their ventilating pipes should be entirely dispensed with, that the gas should be burned open, and each burner should have a tail or other suitable deflector, to prevent the smoke from blackening the cove of the gallery. The products of combustion would at once ascend and mingle with the vitiated atmosphere in the upper part of the House, and would be rapidly withdrawn by the main ventilating channels.

29 May, 1865.

EDWARD M. BARRY.

- (5) *The First Commissioner of Works to the Lords Commissioners of the Treasury.*

Office of Works, &c., 8 August, 1865.

MY LORDS,—I have discovered that above the ceiling of the House of Commons there are wooden fittings in too close proximity to the gas lamps, and as wood becomes very inflammable after a long exposure to a high temperature, I consider the substitution of metal for wood a necessary precaution against fire.

My attention was not directed to this circumstance until after the estimates of the current year had been voted, and consequently the expenditure requisite for this alteration was not inserted in them. The required works will interfere with the use of the apparatus for warming and ventilating the House of Commons during the period of their execution, and that period may possibly last for five months. As these works are of great urgency and importance, I request your Lordships' authority to execute them forthwith, and to defray the cost, viz., £1,500, out of the Vote for the Houses of Parliament, or in the event of that vote not proving sufficient for the purpose, out of an advance from Civil Contingencies, to be repaid out of the Vote for the Houses of Parliament next year.—I am, &c.

(signed) W. COWPER.

The Right Honourable the Lords Commissioners
of Her Majesty's Treasury.

- (6) *Mr. Alfred Austin to Mr. E. M. Barry.*

Office of Works, &c., 10 August, 1865.

SIR,—With reference to your letter of the 29th May last, respecting the fittings required for the future in the roof of the House of Commons, for the effectual ventilation of the House, without risk of fire, I am directed by the First Commissioner of Her Majesty's Works, &c., to request that you will procure an estimate for the work upon which the Board may rely, and submit the same to them as soon as possible.—I am, &c.

E. M. Barry, Esq. (signed) ALFRED AUSTIN, Secretary.

- (7) *Mr. G. A. Hamilton to the First Commissioner of Works.*

Treasury Chambers, 11 August, 1865.

SIR,—With reference to your report of the 8th inst., requesting authority to replace certain wooden fittings in the ceiling of

the House of Commons by metal ones, I am directed by the Lords Commissioners of Her Majesty's Treasury to authorise you to execute this work forthwith, and to defray the cost, viz., £1,450, out of the Vote for the Houses of Parliament.

I am, &c.

(signed) G. A. HAMILTON.

The First Commissioner of Works.

(8) *Mr. E. M. Barry to Mr. Alfred Austin.*

21, Abingdon-street, S.W., 14 August, 1865.

SIR,—In reply to your letter of the 10th inst., referring to the work proposed to be done in the roof of the House of Commons, and requesting me to procure an estimate for the same on which the Board can rely, I have the honour to enclose a tender from Mr. John Imray, engineer, for carrying out the work according to the specification forwarded to you in my letter of the 29th May last, for the sum of £1,400. Mr. Imray is a very competent engineer, and, from his former connection with the late Dr. Reid, is conversant with the general character of ventilation arrangements, and with those of the New Palace at Westminster in particular.

I should therefore recommend the acceptance of Mr. Imray's tender, which is £140 less than any estimate, as stated in my letter of the 29th May.—I am, &c.

A. Austin, Esq. (signed) EDWARD M. BARRY.

(Enclosure.)

190, Westminster Bridge-road, 11 August, 1865.

SIR,—I offer to execute the works required for the House of Commons according to the specification prepared by you, and under your superintendence, and to your satisfaction, and to complete the same in four months for the sum of £1,400.

Yours, &c.

E. M. Barry, Esq. (signed) JOHN IMRAY, Engineer.

(9) *Mr. Alfred Austin to Mr. John Imray.*

Office of Works, &c., 16 August, 1865.

SIR,—Mr. E. M. Barry having forwarded to the First Commissioner of Her Majesty's Works, &c., your letter to him of the 11th instant, offering to execute certain works in the roof

of the House of Commons, according to the specification prepared by Mr. Barry, and under his superintendance, and to his satisfaction, for the sum of £1,400, and to complete the same in four months, I am directed by the First Commissioner to inform you that upon your signing the specification and plans, if any, the Board will accept that offer, and request that you will communicate with Mr. Barry, with whom the specification, &c., are
I am, &c.

Mr. John Imray. (signed) ALFRED AUSTIN, Secretary.

(10) *Mr. Alfred Austin to Mr. E. M. Barry.*

Office of Works, &c., 16 August, 1865.

SIR,—I am directed by the First Commissioner of Her Majesty's Works, &c., to acknowledge the receipt of your letter of the 14th instant, enclosing one addressed to you by Mr. Imray, offering to execute the works proposed to be done in the roof of the House of Commons within four months, for the sum of £1,400, of which offer you recommend the acceptance; and I am to inform you that the Board have this day written to Mr. Imray, informing him that upon his signing the specification and plans (if any) they will accept his tender. In signing the specification, &c., it should be stated that they are those referred to in his tender.

The First Commissioner is anxious that the work should be proceeded with immediately, and completed within four months.
I am, &c.

E. M. Barry, Esq. (signed) ALFRED AUSTIN, Secretary.

(11) *Mr. E. M. Barry to Mr. Alfred Austin.*

21, Abingdon-street, 17 August, 1865.

SIR,—I have to acknowledge the receipt of your letter of the 16th instant, informing me that the First Commissioner of Her Majesty's Works has accepted Mr. Imray's tender to execute the works proposed to be done in the roof of the House of Commons for £1,400. I shall feel obliged if you will send me the specification which was contained in my letter of 29th May, 1865, in order that I may obtain Mr. Imray's signature to the same, and return it to you. Owing to the peculiar nature of the works, and the necessity for constant supervision during their progress, I consider it will be necessary to secure the services of a clerk

of works, who shall devote his whole time to the work; and I have therefore to request the authority of the First Commissioner to engage a clerk of works for that purpose, at a salary not exceeding three guineas a week.—I am, &c.,

Alfred Austin, Esq. (signed) EDWARD M. BARRY.

(12) *Mr. Alfred Austin to Mr. E. M. Barry.*

Office of Works, &c., 18 August, 1865.

SIR,—In compliance with the request made in your letter of yesterday's date, I am directed by the First Commissioner of Her Majesty's Works, &c., to return to you herewith the specification of works in the roof of the House of Commons, which accompanied your letter of the 29th May last.

I am also to authorise you to engage a clerk of works to superintend the works under you at a salary not exceeding £3 3s. per week, as recommended by you.—I am, &c.

E. M. Barry, Esq. (signed) ALFRED AUSTIN, Sec.

(13) *Mr. E. M. Barry to Mr. Alfred Austin.*

21, Abingdon-street, 22 August, 1865.

SIR,—I herewith return to you the specification of works in the roof of the House of Commons, which has been signed by Mr. Imray. I have directed Mr. Imray to proceed at once with the works, and have appointed Mr. J. Pullin, the clerk of works, at a salary of £3 3s. per week, from Monday, the 28th instant.—I am, &c.

Alfred Austin, Esq. (signed) EDWARD M. BARRY.

(14) *Mr. Alfred Austin to Mr. John Imray.*

Office of Works, &c., 23 August, 1865.

SIR,—With reference to the Board's letter to you of the 16th instant, I am directed by the First Commissioner of Her Majesty's Works, &c., to inform you that he has received from Mr. E. M. Barry the specification for the works in the House of Commons' roof signed by you, and that the Board accordingly accept your tender to execute the works for the sum of £1,400, and to complete the same within four months, and I am to request that you will proceed with it under Mr. Barry's superintendence.—I am, &c.

Mr. John Imray. (signed) ALFRED AUSTIN, Secretary.

(15) *Mr. E. M. Barry to Mr. Alfred Austin.*
21, Abingdon-street, 23 December, 1865.

SIR,—I have to report to the First Commissioner of Her Majesty's Works, &c., the completion of the works in the roof of the House of Commons ordered by your letter of the 16th August, 1865, to be done for a sum of £1,400.

I made a final inspection of the works on Wednesday last, when Dr. Percy, by my invitation, accompanied me, and I am authorized to say that he is quite satisfied with all that has been done, and agrees with me in thinking that the improvements that have been made in the various air-channels and ventilating arrangements will have a beneficial effect on the general character of the ventilation of the House of Commons. I enclose Mr. Imray's account for £1,400, on which there are no extras, and my certificate for payment of the same. I also forward the account of Mr. Pullin, the clerk of works, and a memorandum of my professional charge in respect of the work.—I am, &c.

Alfred Austin, Esq. (signed) EDWARD M. BARRY.

When the Letters are very long it is often difficult to express in a few words the substance of each; as a general rule the last paragraph or last but one contains the substance of the letter. Sometimes it will be necessary to look at the reply before the *Index* of the previous letter is written out.

We Index the above Correspondence in the following manner—

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SCHEDULE OR INDEX.

Correspondents and Date of Letters.	Substance of Communication.
I. Mr. E. M. Barry to Mr. Alfred Austin, 29th April, 1865.	Referring to the inflammable nature of the fittings of the roof of the House of Commons, and suggesting their removal.
II. Mr. Alfred Austin to Dr. Percy, 8rd May, 1865.	Stating that Mr. Barry has been asked to communicate with him in reference to the above, and enclosing copy of Mr. Barry's letter.
III. Mr. Alfred Austin to Mr. E. M. Barry, 8rd May, 1865.	Requesting him to communicate with Dr. Percy, and to furnish an estimate of the works required.
IV. Mr. E. M. Barry to Mr. Alfred Austin, 29th May, 1865.	Explaining fully the proposed alterations, and furnishing an estimate of the expense.
V. Mr. W. Cowper to the Lords of the Treasury, 8th August, 1865.	Requesting permission to execute the works, the expense not having been included in the Annual Parliamentary Estimates.
VI. Mr. Alfred Austin to Mr. E. M. Barry, 10th August, 1865.	Asking for a reliable estimate.
VII. Mr. Hamilton to Mr. Cowper, 11th August, 1865.	Authorizing him to execute the works.
VIII. Mr. E. M. Barry to Mr. Alfred Austin, 14th August, 1865.	Recommending a tender from Mr. Imray, C.E., which he encloses.
IX. Mr. Alfred Austin to Mr. John Imray, 16th August, 1865.	Informing him that his tender has been accepted.

Correspondents and Date of Letters.	Substance of Communication.
X. Mr. Alfred Austin to Mr. E. M. Barry, 16th August, 1865.	Stating that Mr. Imray's offer had been accepted.
XI. Mr. E. M. Barry to Mr. Alfred Austin, 17th August, 1865.	Requesting his specification to be returned; and asking for authority to engage a clerk of works.
XII. Mr. Alfred Austin to Mr. E. M. Barry, 18th August, 1865.	Returning specification and authorizing him to engage a clerk of works.
XIII. Mr. E. M. Barry to Mr. Alfred Austin, 22nd August, 1865.	Enclosing specification signed by Mr. Imray; and stating a clerk of works has been appointed.
XIV. Mr. Alfred Austin to Mr. John Imray, 23rd August, 1865.	Tender accepted. Requesting him to proceed with the works under Mr. Barry's superintendence.
XV. Mr. E. M. Barry to Mr. Alfred Austin, 23rd December, 1865.	Reporting completion of the works.*

** Many prefer the following form of Index—*

No	Place and Date.	Correspondents.	Substance of Communication
1.	21. Abingdon-street, S.W., 29th April, 1865.	Mr. E. M. Barry to Mr. Alfred Austin,	Suggesting the removal of the fittings of the roof of the House of Commons, which are much exposed to risk from fire.
2.	Office of Works, 3rd May, 1865.	Mr. Alfred Austin to Dr. Percy.	Informing him that Mr. Barry has been requested to communicate with him; and enclosing copy of Mr. Barry's letter.

PRÉCIS OF THE PREVIOUS CORRESPONDENCE.

After the completion of the ventilation of the roof of the House of Commons it was found to be liable to great risk in consequence of the inflammable nature of the fittings. Mr. E. M. Barry at the request of the First Commissioner of Works, having examined the roof, recommended the removal of the wooden fittings and their being replaced by others of incombustible materials. Dr. Percy was consulted as to the best means of effecting this object ; Mr. Barry estimated the cost at £1,450, and gave a specification of the proposed alterations. Mr. Cowper (Board of Works) asked the sanction of the Treasury to proceed with the works ; and Mr. Barry having been asked for a reliable estimate recommended that of Mr. Imray, C.E., which was a tender to execute the works in four months for £1,400. This tender having been accepted by the Board of Works and specification signed by Mr. Imray, Mr. Barry, with the sanction of the Board, appointed a clerk of works, at a salary of £3 3s. per week, and by their directions superintended the whole. In four months Mr. Barry reported the completion of the works to the entire satisfaction of Dr. Percy, and enclosed the accounts of the attendant expenses.

Some prefer the following method:—

- I. 29/4/65. Mr. Barry wrote to inform Mr. Austin that he had examined the roof the House of Commons, and considered incombustible fittings should be substituted for those in use at present. Dr. Percy was then consulted as to the best means of doing this, and Mr. Barry estimated the cost at £1,450 ; at the same time enclosing a report on the proposed alterations.
- II. 3/5/65.
- III. 29/5/65. Mr. Cowper then wrote to the Lords of the Treasury, as the expense of the works had not been included in the estimates, asking for authority to execute them forthwith, and Mr. Barry was requested to procure a reliable estimate for the Board of Works. The Treasury having granted authority, Mr. Barry sent the Board a tender from Mr. Imray, offering to execute the works for £1,400 which the Board
- IV. 29/5/65.
- V. 8/8/65.
- VI. 10/8/65.
- VII. 11/8/65.
- VIII. 14/8/65.
- IX. 16/8/65.

- x. 16/8/65. said they would accept, when he had signed the specification and plans. Mr. Barry, having been informed of this, asked for authority to engage a clerk of works, which was granted.
- xI. 17/8/65.
- xII. 18/8/65.
- xIII. 22/8/65. Mr. Imray signed the specification, Mr. Pullin was appointed clerk of works, and the tender was finally accepted by the Board, which ordered the works to be executed under Mr. Barry's superintendence. In four months Mr. Barry reported the completion of the works and enclosed Mr. Imray's account.
- xIV. 23/8/65.
- xv. 23/12/65.
-

We are satisfied that a careful read of the above narrative will be sufficient to acquaint the head of any department in the public service, or any person accustomed to official correspondence, with the most important points referred to in the previous letters. Writing such a Précis will be of considerable aid to the student in acquiring a compact and lucid style of English Composition.

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I.

Correspondence between Dr. Beke, Mr. Purday, Mr. Palgrave, and the Foreign Office, referred to in the Letter from Dr. Beke to Lord Clarendon, dated June 11, 1866.*

Time 3 hours.—See Instructions, page 8.

(1) *The Earl of Clarendon to Colonel Stanton.*

Foreign Office, January 18, 1866.

SIR,—A letter addressed by Dr. Beke to Mr. Purday, the father-in-law of Mr. Stern, and dated from Cairo the 20th ultimo, has been shown to a member of this Office, to whom permission was at the same time given to make such use of it as he thought proper.

In accordance with his duty, that officer immediately laid before me the following Minute in regard to the statements made by Dr. Beke :—

“The passages in Dr. Beke’s letter were as follow :

“‘Whilst awaiting the arrival of the Marseilles mail, now overdue, I begin my letter for the steamer of next week by acquainting you with the substance of a very curious conversation I have had this morning with Mr. Palgrave. He tells me that he has seen the instructions given by the Foreign Office to Mr. Rassam,† and that they are restricted to the release of Captain Cameron. He added, that if Rassam succeeded in bringing away Cameron he would be quite content to leave the missionaries to their fate. Now if this be true, the Jews’ Society and Lord Shaftesbury have been deceived by the Foreign Office.

“‘I do not see any harm in your communicating this to Mr. Goodhart (or Reichardt) if you think proper, especially as Mr. Palgrave did not speak to me at all in confidence, and I believe he has told the same thing to others. How far he is to be relied upon I will not pretend to say, but his communication appeared to be made *bona fide*.’

* Given by the Examiners, 1868.

† See “Correspondence respecting Abyssinia, 1846 to 1868,” *Enclosure in No. 410, and No. 524.*

“ Dr. Beke then stated that Mr. Palgrave had told him that Mr. Layard and Mr. Rassam had a personal dislike to Mr. Stern, and he then went on to say :

“ ‘ Before dismissing the subject of Mr. Palgrave, I must add that he told me that when Earl Russell sent for him and desired him to go out, he made it a condition (as is not unusual) that he should draw up his own instructions. In these (he says) he expressly provided for the liberation of all the captives ; and in fact he made it a condition that all British subjects and all persons under British protection should be at liberty to leave the country. Palgrave added, that when he took these instructions into the Foreign Office to be put into an official form Layard objected to them ; but that he, Palgrave, insisted on them as having been approved by Earl Russell, and so carried the day against the Under Secretary.

“ ‘ Palgrave tells me that he is being kept on here at £100 a month, and he expects to remain till Lord Russell finds him something else to do, as the two together have been placed in a false position by Layard and Rassam. He says he has written to several of his friends—the Editor of “ The Pall Mall Gazette ” amongst the number, requesting them not to agitate the Abyssinian question, or if they do, not to bring his name up. He does not wish to increase the difficulties of Government, but he hinted rather significantly that under certain circumstances (that is, if Lord Russell does not do something for him) he might be a thorn in their side.’

“ Dr. Beke then observes to Mr. Purday :

“ ‘ I think that before or soon after the meeting of Parliament, you or Captain Desborough might be able to insert Lord Chelmsford, Sir Hugh Cairns, or Mr. Whiteside, with some of the particulars thus stated to you. I imagine it will not be long before they bring the matter to the notice of both Houses.

“ ‘ There is still no news from Rassam, and I do not expect he will ever do anything. Do not fear for me, I am far more anxious than you or any one else can be that I should get on, as the character of my mission and of myself are at stake. Let the Jews’ Society know the facts I have told you about Rassam’s instructions, for their guidance. If they choose to act on the knowledge well and good ; if not, it will be their own fault.’ ”

The statements thus made by Dr. Beke necessarily require immediate investigation, and I have to instruct you to call upon

Mr. Palgrave for an explanation in writing in regard to those statements.—I am, &c.

(signed) CLARENDON.

(2) *Mr. Purday to the Earl of Clarendon.*—(Received
January 22.)*

January 22, 1866.

MY LORD,—Your Lordship having kindly promised to inform me whether Mr. Rassam's instructions include the release of the missionaries in Abyssinia, and being anxious to know this fact in consequence of Mrs. Stern's anxiety on the subject, I have taken the liberty to remind your Lordship of the promise given to me about a fortnight since.

I have had other letters from Dr. Beke, who says that no tidings have come to hand of either Mr. Rassam or the captives up to the 6th instant at Suez.—I have, &c.

(signed) C. H. PURDAY.

(3) *Mr. Hammond to Mr. Purday.**

Foreign Office, January 22, 1866.

SIR,—I am directed by the Earl of Clarendon to acknowledge the receipt of your letter of this day's date, inquiring whether the instructions given to Mr. Rassam include the release of the missionaries in Abyssinia, and I am to state to you in reply, that Mr. Rassam was distinctly desired to ask for the release of the missionaries; but inasmuch as Her Majesty's Government have no right to make authoritative demands on foreign Powers in favour of any but British subjects, Mr. Rassam was cautioned against making his request on behalf of foreigners in an authoritative manner, such as he would be entitled to do on behalf of subjects of Her Majesty. As Mr. Rassam's general instructions,† however, enjoin him to see that all the prisoners on whose account so much interest is necessarily excited are set free, Lord Clarendon cannot doubt that no exertion will be spared by him to secure this object, the more especially as Mr. Rassam was desired to present to King Theo-

* Laid before Parliament, 1867.

† No. 410.

dore a letter from the Queen,* in which Her Majesty graciously expressed her expectation that the King would dismiss Captain Cameron, and any other Europeans who may desire it, from his Court, and would afford them every assistance and protection on their journey to the destination to which they desire to proceed.

I am, &c.

(signed) E. HAMMOND.

(4) *Colonel Stanton to the Earl of Clarendon* (received February 13.)

Cairo, February, 1866.

MY LORD,—I have the honour to report to your Lordship that I have communicated to Mr. Palgrave your Lordship's despatch of the 18th January† on the subject of the statements made by Dr. Beke in his letter to Mr. Purday, and I beg to forward herewith Mr. Palgrave's explanation in regard to those statements.

Mr. Palgrave, as your Lordship will perceive, gives the most unqualified denial to most of Dr. Beke's assertions and his explanations as to the remainder will, I trust, exonerate him in your Lordship's estimation from everything except great imprudence in conversing with a stranger on such subjects.

I have, &c.

(signed) EDWD. STANTON.

Inclosure‡ in No. 4.

Mr. Palgrave to Colonel Stanton.

Cairo, January 31, 1866.

SIR,—With reference to a despatch, dated from the Foreign Office, 18th January 1866,† and forwarded by yourself to me, I have the honour to give the following explanation :—

The subject of the despatch alluded to are certain statements communicated by Dr. Beke to Mr. Purday, and through him

* See "Correspondence respecting Abyssinia, 1846 to 1848," Inclosure in No. 451.

† No. 1.

‡ Great judgment is often needed in treating of inclosures. It is usual merely to refer to them in the INDEX; but in the PRÉCIS very often they require as much prominence as the letters which accompany them.

laid before an officer of the Foreign Office, statements chiefly relative to a conversation purported by Dr. Beke to have taken place between myself and him here in Cairo.

Before, however, noticing Dr. Beke's allegations one by one, I beg leave first of all to express my regret, and to apologize for my own indiscretion in having had any communication soever, especially on serious topics, with an individual regarding whose position, character, and intentions I was at the time comparatively uninformed. As it was, Dr. Beke, whom I had never seen before and little heard of, sought out my acquaintance by the ordinary means current in society, and I unadvisedly granted it. I admit my imprudence, and condemn it.

I will now make the necessary remarks on the special points of conversation as they stand reported by Dr. Beke, and to which he has given prominence in his letter to Mr. Purday, and in doing this I pledge my honour as a gentleman not to overstep the precise limits of my memory.

1. Dr. Beke says, "Mr. Palgrave tells me that he has seen the instructions given by the Foreign Office to Mr. Rassam, and that they are restricted to the release of Captain Cameron."

This is not true, for I did not tell him so. What I said was as follows. On Dr. Beke's inquiries as to what was to be done by Mr. Rassam regarding the missionaries in particular. I answered that, to my certain knowledge, he (Mr. Rassam) was to, and would, demand their release; that the first and most imperative stress was naturally to be laid on the release of Captain Cameron for reasons self-evident, but that Government required also the release of all other captives, whether missionaries or not.

I may add that in saying this I did not imagine that I was revealing any secret in the form and tenor of Government instructions, or any new thing, nor could I well anticipate Dr. Beke's constructions.

2. "He added, that if Rassam succeeded in bringing away Cameron he would be quite content to leave the missionaries to their fate."

Not I, added this, but Dr. Beke; he is quoting his own words instead of mine.

Mine were thus: I expressed (imprudently, I admit) a fear lest the length of time involved in Mr. Rassam's movements and correspondence should bring risk of illness or death to those of the prisoners who seem to have been specially ill-treated, viz,

Dr. Stern and his companions, and added, that in case of their having died or been put to death, Cameron would still be, if he remained alive, as might be hoped, demanded and brought off, though alone. My grounds in thinking delay less dangerous for Captain Cameron than for the missionaries were, that he was the more distinguished character, and hence less likely to be wantonly misused.

But I absolutely deny having said that Mr. Rassam would be content with such a half result ; and I know that on Dr. Beke's subjoining something to that tenor, I said, or certainly implied saying, exactly the reverse.

3. "I do not see any harm in your communicating this to Mr. Goodhart (or Reichardt) if you think proper, especially as Mr. Palgrave did not speak to me at all in confidence, and I believe he has told the same thing to others. How far he is to be relied on I will not pretend to say, but his communications appeared to me to be made *bona fide*."

That I did not speak to Dr. Beke "in confidence" means that, supposing him, on the one hand, to be a gentleman, and, on the other, not imagining that I was making him any revelations for him to "communicate," I neglected to swear him in to silence, or even to mention truth, honour, and the like. I acknowledge my mistake. I had not calculated on gratuitous mis-statements, nor had I any idea of talking with him otherwise than "*bona fide*," *i.e.*, as one gentleman talks with what he supposes to be another.

Dr. Beke's belief that I have "told the same thing to others" is as unfounded as anything else he may choose to believe. Neither to him nor to any others did I ever make the statements he ascribes to me in his letter.

4. "Dr. Beke then states that Mr. Palgrave told him that Mr. Layard and Mr. Rassam had a personal dislike to Mr. Stern."

Partly false and partly distorted. Simply false in what regards Mr. Rassam, of whom I never said any such thing, or anything capable of implying it, however indirectly.

Distorted in what regards Mr. Layard. While talking over past events, wholly disconnected from the present Abyssinian business, I alluded to the circumstance of Mr. Layard having formerly met and become acquainted with Mr. Stern in Mosoul, I believe, a circumstance generally known, and to which no special idea of "personal" dislike on either side could attach, certainly not in my mind or expressions.

But I did say that Mr. Layard might then have had an opportunity of appreciating Mr. Stern's character and line of action, and consequently of judging how far Mr. Stern was likely to have concurred to the present difficulties in Abyssinia, and to his own in particular, by imprudence, over zeal, and the like ; not that I said or hinted that Mr. Layard would make such qualities a motive of "personal dislike" against the unfortunate missionary ; that is Dr. Beke's own saying.

5. "Before dismissing the subject of Mr. Palgrave, I must add that he told me that when Earl Russell sent for him and desired him to go out, he made it a condition, as is not unusual, that he should draw up his own instructions. In these he says he expressly provided for the liberation of all the captives ; and, in fact, he made it a condition that all British subjects, and all persons under British protection, should be at liberty to leave the country."

The true version of what I did (inconsiderately I avow) say to Dr. Beke, is as follows :—

That when Earl Russell did me the honour of talking over the matter with me, I said before his Lordship my view of the case, namely, that the liberation of all prisoners belonging to the British flag should be insisted on as absolutely preliminary to any further step with King Theodore. Secondly, that Earl Russell had the goodness to express his assent on this point.

Dr. Beke's version, besides being conceived in a tone and on a key quite alien from mine, and gratuitously supplied by himself, contains two distinct falsehoods.

Firstly. That I drew up, or ever said to Dr. Beke, that I drew up my own instructions, the which were drawn up by, or at least communicated to me, through Mr. Layard.

Secondly. The word or idea of "condition" was mentioned by me to Dr. Beke relative to the King of Abyssinia, not to the English Secretary of State.

Here I beg to repeat my apologies and deep regret for having entrusted any words of mine to the keeping of one capable of so distorting them as Dr. Beke has done.

6. "Palgrave added that when he took these instructions into the Foreign Office to be put into an official form, Layard objected to them, but that he, Palgrave, insisted on them as having been approved by Earl Russell, and so carried the day against the Under Secretary."

This sentence contains three distinct falsehoods :—

First. That I ever said to Dr. Beke that I took any instructions into the Foreign Office.

Second. That I said to Dr. Beke that Mr. Layard objected to any such (imaginary) instructions.

Third. That I either said or implied, having "carried the day" against Mr. Layard.

The real version of what I said is this : That Mr. Layard and myself had, during a simple call on my part (which happened to be at the Foreign Office, because, Mr. Layard had already gone thither from his lodgings in Piccadilly, whither I had first gone to call on him, and finding him absent, took the cab on to Whitehall), talked over not any "instructions," but the subject of what route to Abyssinia might be best suited for me to follow, and that he (Mr. Layard) was at first inclined to recommend that of Massowah ; but, on further discussion, agreed with me in preferring that of Egypt and Kartoum, an idea already adopted by Earl Russell.

Neither in substance nor in form is this what Dr. Beke has invented and put into my mouth.

7. "Palgrave tells me that he is being kept on here with the pay of £100 a month.

That is, Dr. Beke, while lamenting over his own expenses at Cairo as excessive, inquired, seemingly for his own economical guidance, how I managed to meet the high prices of the Egyptian capital ; whereupon I, too obligingly, told him that I found £100, the sum liberally allowed me by Government, fully adequate to meet my monthly bills, &c.

8. "He expects to remain till Earl Russell finds him something else to do."

I do not well see what else I should expect or do, in fact, than to remain where placed by Earl Russell till told to go on.

But I flatly deny, as a downright falsehood (while apologizing for the coarseness of the expression, but no other would be appropriate here) what Dr. Beke suggests, namely, my having implied to him, directly or indirectly, that I conceived Earl Russell to be in any way pledged towards me for anything "else to do," beyond the range of the Abyssinian affair, and my instructions thereto relative. I deny also having pretended to know about or to speculate on what Earl Russell's ulterior views or intentions might be. Dr. Beke's words are not a mere distortion of, but precisely contradictory to what I know, and remember well having replied when indiscreetly questioned on this topic.

9. "As the two together have been placed in a false position by Layard and Rassam."

By thus coupling my name with that of the Premier, Dr. Beke does me an honour which I never ventured to do to myself.

Secondly. I deny having said that Mr. Layard or Mr. Rassam ever placed me in any position whatsoever, "false" or true.

The true version of what I said is this—and I regret having said it—I called my own prolonged delay in Egypt 'awkward,' even "hazardous," because indefinite, and because particularly exposed to the counter-schemes of intriguers. Dr. Beke is an instance in point. Also, while expressing my hopes, most sincere ones, that Mr. Rassam might succeed, I unguardedly betrayed some anxiety lest he should not. It is possible, too, though of this I am not sure, that I may, while on the same topic, have alluded to Mr. Layard, so far as the Under Secretary was concerned in the guidance of the affair, as hoping success, while fearing the chances of delay and failure disagreeable to all parties, not to Earl Russell alone. More than this, I deny having said—

10. "He says he has written to several of his friends, the editor of the *Pall Mall Gazette* among the number, requesting hem not to agitate the Abyssinian question, or, if they do, not o bring his name up."

False again. I have not the pleasure of knowing who is the editor of the *Pall Mall Gazette*. Dr. Beke may be better informed on that point; meanwhile, in my ignorance of the above editor's identity. I have neither written to him, nor told Dr. Beke that I had.

Now for the truth. The subject of the *Pall Mall Gazette*, and its manner of taking up the Abyssinian question being a common topic of every-day conversation here, I have incidentally said more than once, and not to Dr. Beke alone, though to him also, that I wished the above mentioned gazette would let the Abyssinian question alone, because they (*i.e.*, the correspondents whoever they be of the *Pall Mall Gazette*, on this score), did harm by writing about what they did not understand; adding, that I had already availed myself of some personal acquaintance with one whom I knew to be a correspondent (magnified by Dr. Beke into an "editor," and multiplied into "several friends,") though not, I believe, on the Abyssinian topic, to let him know this my opinion, and to say that if the *Pall Mall Gazette* needs must talk, I hoped they would at any rate do me the favour of their silence, as I did not wish to see my name in the columns

of a paper so violently opposed to Government men and measures. ~~Whatever beyond this Dr. Beke may say or imply was never implied or said by me.~~

11. "He does not wish to increase the difficulties of Government.."

I thank Dr. Beke for a word of truth, at last, though put after his fashion. For I never thought enough of myself to suppose that I could increase the difficulties of Government, if such there be, much less to wish it or to say it.

12. "He, Mr. Palgrave, hinted, rather significantly, that under certain circumstances, that is, if Earl Russell does not do something for him, he might be a thorn in their side."

This is utterly and, excuse the expression, maliciously false. I never, in public or in private, "hinted" or said anything of the sort either to him, Dr. Beke, or to any one else; no, nor to my own self, for such an absurdity never entered my thoughts. The idea, no less than the statement, is solely and absolutely Dr. Beke's own, and as strange to me as the rest of his ideas.

What follows in Dr. Beke's letter does not directly regard me nor require comment or explanation of mine. But as it contains some more than "hints" about Parliament, the Jews' Society, W., and implies an intention of maliciously using statements maliciously obtained, distorted, and invented, I feel it to be my duty bound, and the best reparation I can make for admitted indiscretion, to place this letter, through yourself, and so far as Her Majesty's Secretary for Foreign Affairs shall think fit, at the entire disposal of the Foreign Office and of Her Majesty's Government in general, for any use that may by them be judged proper.

Whatever I have written here, I am ready to stand by and confirm whenever and wherever required by the officers of Her Majesty's Government.

In conclusion, I beg—

Firstly, to renew my expression of sincere regret and self-blame for my having unguardedly supplied Dr. Beke with any sort of handle or pretence for his letter, the subject of the present.

Secondly, to trust that Her Majesty's Secretary for Foreign Affairs in particular, and Government in general, will have the goodness to overlook such my indiscretion; and that they will admit, on the word of a gentleman, this explanation and apology. It is difficult, would I add, in every-day conversation, and during an interval of long and anxious suspense, to mea-

sure every word so carefully as to give no handle whatsoever to misrepresentation, pre-^{sumption}sumption, and calumny, especially when one supposes, however erroneously, as in this case, that one has a gentleman and a friend before one.

Dr. Beke's intention to annoy, through me, the Government which I have, in some measure the honour of serving, is sufficiently evident. The wrong he has purported to Government interest by his letter will, I hope, be, in the main, obviated by what I have here written. May I venture to hope that any personal detriment intended to myself will be no less obviated by Lord Clarendon's gracious acceptance of this my explanation and apology.

Begging you to have the goodness to communicate the present letter to his Lordship, and to accompany it by my every assurance of respect and duty, I have, &c.

(signed) W. GLIFFORD PALGRAVE

(5) *Mr. Layard to Mr. Purday.*

Foreign Office, February 14, 1866.

SIR,—I am directed by the Earl of Clarendon to inform you that Mr. Palgrave has been called upon to explain the statement made to you by Dr. Beke, which you communicated to his Lordship, "that Mr. Palgrave had told him (Dr. Beke) that he had seen the instructions given by the Foreign Office to Mr. Rassam, and that they are restricted to the release of Captain Cameron," and that gentleman not only absolutely denies having made any such statement, but declares that he told Dr. Beke that to his certain knowledge Mr. Rassam was to, and would, demand the release of the Missionaries.

I am further directed by the Earl of Clarendon to inform you that if you will call at this Office any afternoon, after to-morrow, his Lordship will give directions that a letter from Mr. Palgrave shall be shown to you, in which he answers the other statements alleged to have been made to Dr. Beke.—I am, &c.

(signed) A. H. LAYARD.

(6) *Mr. Purday to Mr. Murray.*—(Received Feb. 17.)

24, Great Marlborough-street, February 15, 1866.

SIR,—I beg to acknowledge the receipt of a letter from the Foreign Office, of yesterday's date, signed A. H. Layard, and

whilst I have to express my thanks for the offer contained in that communication, of showing me Mr. Palgrave's letter, in reply to Dr. Beke's statement, I do not see any occasion for troubling the Foreign Office further on the subject of that statement, as my sole object was to ascertain what Mr. Rassam's instructions were relative to the release of my son-in-law, the Rev. H. A. Stern, one of the prisoners in Abyssinia, on which matter the Earl of Clarendon was kind enough to give a satisfactory reply.—I am, &c.

(signed)

CHARLES H. PURDAY.

(7) *Mr. Purday to the Earl of Clarendon.*—(Received Feb. 17.)

24, Great Marlborough-street, February 16, 1866.

MY LORD,—In a letter* received by me yesterday from the Foreign Office, dated the 14th instant, I am given to understand that Mr. Palgrave "absolutely denies 'certain statements alleged to have been made' by him to Dr. Beke;" and an invitation is given by the writer, Mr. A. H. Layard, to me to call at the Foreign Office, and see Mr. Palgrave's letter, which I politely declined. I have thought it best, however, lest any wrong construction should be put upon my declining to see Mr. Palgrave's denial, that I should ask your Lordship to give me (at your Lordship's convenience) a private interview on the subject, when I will bring down Dr. Beke's letter, and give such an explanation of his statements as I am able.—I am, &c.

(signed)

CHARLES H. PURDAY.

(8)

Mr. Murray to Mr. Purday.

Foreign Office, February 20, 1866.

SIR,—I am directed by the Earl of Clarendon to acknowledge the receipt of your letters of the 15th and 16th instant, declining to call at this office for the purpose of reading Mr. Palgrave's answer to Dr. Beke's statements, but requesting an interview with his Lordship, in order to give an explanation in regard to those statements.

I am to inform you, in reply, that as Mr. Palgrave has answered Dr. Beke's statements, his Lordship is not aware of any further information which it may be desirable for him to obtain

* Laid before Parliament, 1867.

from you in regard to them, and he will therefore not trouble you to call upon him, but if you have any additional communication to make, Lord Clarendon requests that you will have the goodness to put it in writing.—I am, &c.

(signed) JAMES MURRAY.

(9) *Mr. Purday to the Earl of Clarendon.*—(Received Feb. 27.)

24, Great Marlborough-street, February 26, 1866.

MY LORD,—In taking the liberty to present to your Lordship a copy of Mr. Stern's last letter* (which I trust your Lordship will read), I am led to make two or three remarks on the correspondence which has lately taken place between myself and the Foreign Office relative to Dr. Beke's statement of a conversation which he had in Cairo with Mr. Palgrave on the subjects of Mr. Rassam's instructions, &c., and Mr. Palgrave's denial of those statements.

Now, if your Lordship thinks it worth while to compare the letter sent to me respecting Mr. Rassam's instructions, with the statements made by Mr. Palgrave to Dr. Beke and to the Foreign Office, your Lordship will find that there have been prevarications somewhere.

As to the other revelations of Mr. Palgrave to Dr. Beke, it is quite obvious that Dr. Beke could not relate what he did not know anything about until Mr. Palgrave told him. Whether they are true or not, it is not for me to say ; but one thing is certain, they are not very creditable.

Begging your Lordship's excuse for troubling you with this, I remain, &c.

(signed) CHARLES M. PURDAY.

(10) *Mr. Murray to Mr. Purday.*

Foreign Office, March 9, 1866.

SIR,—I am directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 26th ultimo, sending a printed copy of a letter from Mr. Stern, and containing remarks on the recent correspondence between yourself and this Office.

I am at the same time to inform you that his Lordship received a telegram last night from Alexandria to the effect that

* Printed pamphlet.

Dr. Stern and his companions, and added, that in case of their having died or been put to death, Cameron would still be, if he remained alive, as might be hoped, demanded and brought off, though alone. My grounds in thinking delay less dangerous for Captain Cameron than for the missionaries were, that he was the more distinguished character, and hence less likely to be wantonly misused.

But I absolutely deny having said that Mr. Rassam would be content with such a half result ; and I know that on Dr. Beke's subjoining something to that tenor, I said, or certainly implied saying, exactly the reverse.

3. "I do not see any harm in your communicating this to Mr. Goodhart (or Reichardt) if you think proper, especially as Mr. Palgrave did not speak to me at all in confidence, and I believe he has told the same thing to others. How far he is to be relied on I will not pretend to say, but his communications appeared to me to be made *bona fide*."

That I did not speak to Dr. Beke "in confidence" means that, supposing him, on the one hand, to be a gentleman, and, on the other, not imagining that I was making him any revelations for him to "communicate," I neglected to swear him in to silence, or even to mention truth, honour, and the like. I acknowledge my mistake. I had not calculated on gratuitous mis-statements, nor had I any idea of talking with him otherwise than "*bona fide*," *i.e.*, as one gentleman talks with what he supposes to be another.

Dr. Beke's belief that I have "told the same thing to others" is as unfounded as anything else he may choose to believe. Neither to him nor to any others did I ever make the statements he ascribes to me in his letter.

4. "Dr. Beke then states that Mr. Palgrave told him that Mr. Layard and Mr. Rassam had a personal dislike to Mr. Stern."

Partly false and partly distorted. Simply false in what regards Mr. Rassam, of whom I never said any such thing, or anything capable of implying it, however indirectly,

Distorted in what regards Mr. Layard. While talking over past events, wholly disconnected from the present Abyssinian business, I alluded to the circumstance of Mr. Layard having formerly met and become acquainted with Mr. Stern in Mosoul, I believe, a circumstance generally known, and to which no special idea of "personal" dislike on either side could attach, certainly not in my mind or expressions.

But I did say that Mr. Layard might then have had an opportunity of appreciating Mr. Stern's character and line of action, and consequently of judging how far Mr. Stern was likely to have concurred to the present difficulties in Abyssinia, and to his own in particular, by imprudence, over zeal, and the like ; not that I said or hinted that Mr. Layard would make such qualities a motive of "personal dislike" against the unfortunate missionary ; that is Dr. Beke's own saying.

5. "Before dismissing the subject of Mr. Palgrave, I must add that he told me that when Earl Russell sent for him and desired him to go out, he made it a condition, as is not unusual, that he should draw up his own instructions. In these he says he expressly provided for the liberation of all the captives ; and, in fact, he made it a condition that all British subjects, and all persons under British protection, should be at liberty to leave the country."

The true version of what I did (inconsiderately I avow) say to Dr. Beke, is as follows :—

That when Earl Russell did me the honour of talking over the matter with me, I laid before his Lordship my view of the case, namely, that the liberation of all prisoners belonging to the British flag should be insisted on as absolutely preliminary to any further step with King Theodore. Secondly, that Earl Russell had the goodness to express his assent on this point.

Dr. Beke's version, besides being conceived in a tone and on a key quite alien from mine, and gratuitously supplied by himself, contains two distinct falsehoods.

Firstly. That I drew up, or ever said to Dr. Beke, that I drew up my own instructions, the which were drawn up by, or at least communicated to me, through Mr. Layard.

Secondly. The word or idea of "condition" was mentioned by me to Dr. Beke relative to the King of Abyssinia, not to the English Secretary of State.

Here I beg to repeat my apologies and deep regret for having entrusted any words of mine to the keeping of one capable of so distorting them as Dr. Beke has done.

6. "Palgrave added that when he took these instructions into the Foreign Office to be put into an official form, Layard objected to them, but that he, Palgrave, insisted on them as having been approved by Earl Russell, and so carried the day against the Under Secretary."

This sentence contains three distinct falsehoods :—

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But I did say that Mr. Layard might then have had an opportunity of appreciating Mr. Stern's character and line of action, and consequently of judging how far Mr. Stern was likely to have concurred to the present difficulties in Abyssinia, and to his own in particular, by imprudence, over zeal, and the like; not that I said or hinted that Mr. Layard would make such qualities a motive of "personal dislike" against the unfortunate missionary; that is Dr. Beke's own saying.

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CURRAGH OF KILDARE.

Rents, &c., paid by the Secretary of State for War.

By agreement dated 13th January, 1859, for use of a part of the Curragh for the purposes of a camp £5.

For privilege of taking gravel, from 1st January, 1860, £150.

Rents for lettings of sites for booths in the vicinity of the camp, average per annum £24.

Small sums collected by the Ranger for gravel taken from the Curragh either from private persons or by Contractors for County Roads, average per annum £1. Total, £180

(2) *The Honourable J. K. Howard to Major General Sir E. Lugard.*

Office of Woods, &c., 24 March, 1864.

SIR,—I have received your letter of 22nd ultimo, containing a proposal on the part of the Secretary of State for War, to take a lease of the Curragh of Kildare, at a rent of £530 per annum, and have recommended to the Lords of Her Majesty's Treasury, that I may receive their authority to arrange the terms and conditions of such a lease, due regard being had to the rights of the commoners, and to the interests of the Irish Turf Club, in regard to their permissive occupation of such parts of the Curragh as they may require for racing purposes.

I cannot, however, acquiesce in that part of the arrangement, under which Lord de Grey assumes that should the office of Ranger become vacant during the term of the lease, a reduction should be made in the proposed rent, as I consider the latter very moderate, considering the extent of the land to be leased.

I am, &c.

(signed) JAMES K. HOWARD.

Major General Sir E. Lugard, K.C.B.

(3) *The Honourable J. K. Howard to the Marquis of Hartington, M.P.*

Office of Woods, &c., 28 April, 1864.

MY LORD,—I have received a communication from Mr. Peel stating, by direction of the Lords of Her Majesty's Treasury, that they authorised me to settle with the War Department the terms and conditions for granting to that Department a lease of the Curragh of Kildare, due regard being had to the rights of

the commoners, and to the interests of the Irish Turf Club, in regard to their permissive occupation of the parts of the Curragh required for racing and training purposes.—I have, &c.

(signed) JAMES K. HOWARD:

The Marquis of Hartington, M.P.,
&c., &c., &c.

(4) *The Honourable J. K. Howard to the Marquis of Hartington, M.P.*

Office of Woods, &c., 4 May, 1864.

MY LORD,—Referring to my letter to you of 28th ultimo I think it right to forward, for the consideration of the Secretary of State for War, a copy of a letter I received in the month of June last from the Stewards of the Irish Turf Club in regard to their interests in the Curragh of Kildare.—I have, &c.

(signed) JAMES K. HOWARD.

The Marquis of Hartington, M.P.,
&c., &c., &c.

(*Enclosure.*)

SIR,—Mr. Hunter, Secretary to the Turf Club, has laid before us, the stewards and members of that body, your letter of the 19th May.

We thank you for the opportunity offered to us by you of making suggestions relative to the protection of the surface of the Curragh, which we fully concur in opinion with you is a subject of considerable importance for racing and other public objects.

We have exercised, through the permission of the Crown and its officers, control and privileges over the courses, gallops, and training-grounds for a series of years; we suggest that the right of warning off persons from using said courses, gallops, and training-grounds, without the consent of the stewards, should be granted to them.

That the stewards shall be empowered to levy and receive the fees, hitherto paid to them through the medium of the ranger, from the owners of horses who may be trained on the Curragh or who shall run on any of the courses thereon.

A Schedule of which fees, received by us, is herewith annexed.

On obtaining this direct power we undertake to spend such amount on the preservation of the courses, and to defray the

other expenses connected with the racing establishment on the Curragh.

The fees specified in the Schedule are similar in amount to those received by the Turf Club for a series of years, and have been approved of by the Irish Government.

We further beg to state that the expense of keeping the courses and gallops in repair has considerably increased since the formation of the Camp, in consequence of the frequent drilling and exercise of the Artillery, Cavalry and Military Train, so much so that after every field-day it is necessary to go over the whole area of ground which had been used by the troops, and contains generally a space of six miles in extent.

We beg to state that we applied to the War Office to grant us an annual sum of £150 a-year to aid us in repairing the various parts of the Curragh damaged by the military.

That our application has not been decided on, but we have received two instalments on that account.

When the Camp was about to be formed we offered no objections, as we were informed that all extra expenses incurred by military being placed on the Curragh would be defrayed by that department.

We further state, that nearly all our former gallops and training-grounds, south of Dublin Road, are occupied by the Camp, the buildings attached thereto, and by the butts used for ball cartridge firing, consequently the number of gallops being much fewer than heretofore they are more cut up by the horses.

That several gallops on the north side are constantly injured by the training of the military. The stewards further suggest, for the safety and convenience of training and running horses, that the ordinary exercise of the military be confined to those parts of the Curragh south of the Limerick Road, except only on special occasions, such as grand reviews.

The stewards also consider it absolutely necessary, for the purposes before enumerated, that the surface of the Curragh should have a sufficient covering of herbage, which can only be obtained by prohibiting the removal of sheep droppings, and limiting the number of sheep to be grazed thereon.—We have, &c.

(signed) M. LONGFIELD, }
 Wm. QUIN, } Stewards of the
 EDWD. ST. GEORGE, } Turf Club.

(For Marquis of Conyngham.)

The Hon. James K. Howard.

*Schedule of Fees, referred to in the foregoing Letter, charged to
Winners of Races on the Curragh :*

For winners of races above £50	-	-	4	guineas.
Under that sum	-	-	2	"
For Queen's Plates	-	-	2	"
For each horse trained on the Curragh	-	-	1	"

(Curragh, 8—414.)

(5) *Major General Crofton to the Quartermaster-General,
Horse Guards.*

War Office, 5 July, 1864.

SIR,—With reference to yours of the 6th August. 1863, on the subject of the occupation of the Curragh of Kildare for military purposes, I am directed by Earl de Grey and Ripon to acquaint you, for the information of his Royal Highness the Field Marshal Commanding in Chief, that his Lordship has been in communication with Mr. Howard, the Commissioner of Woods and Forests, regarding the tenure under which this Department shall continue to hold the Curragh, and that Lord de Grey has decided that this Department shall take a lease of the ground for a term of 7, 14, or 21 years, a condition being embodied in the lease to the effect that a right of pre-emption is to be reserved to the Department at a price to be named in the lease.

The draft lease has been sent to the C. R. E. in Ireland for report, with instructions to place himself in communication with the General Officer Commanding on the subject.—I have, &c.

The Quartermaster General, (signed) J. CROFTON,
Horse Guards. Major General.

(6) *The Deputy Quartermaster-General to the Under Secretary
of State, War Office.*

Horse Guards, 12 August, 1864.

SIR,—With reference to War Office Letter of the 5th ultimo on the subject of the occupation of the Curragh of Kildare for military purposes, I have the honour, by desire of the Field Marshal Commanding in Chief, to transmit a letter from the General Commanding in Ireland, with a report and plan from the Commanding Royal Engineer in that country.

I am to state that his Royal Highness concurs with the opinion expressed by the Commanding Royal Engineer, that the proposed lease appears to confer no advantage on the War Department.

I have, &c.

(signed) PERCY E. HERBERT,
Deputy Quartermaster General.

The Under Secretary of State,
War Office.

(7) *The Deputy Quartermaster General, Dublin, to the Quartermaster General, Horse Guards.*

Quartermaster General's Office, Dublin Castle,
10 August, 1864.

SIR,—In returning the enclosed War Office Letter of the 5th ultimo, received with your Minute of the 6th idem, respecting the proposed leasing of the Curragh of Kildare for military purposes, I have the honour, by direction of the General Commanding the Forces in Ireland, to transmit the enclosed Report from the Commanding Royal Engineer in this country upon the subject, and to inform you that Sir George Brown entirely concurs in the opinion of Colonel Durnford.—I have, &c.

(signed) E. R. WETHERALL,
Deputy Quartermaster General.

The Quartermaster General,
Horse Guards, London.

(Enclosures)

Office of Commanding Royal Engineer in Ireland,
Dublin, 4 August, 1864.

SIR,—Having been desired to prepare a plan to illustrate the accompanying draft lease to the War Department of the Curragh of Kildare, and to report on the conditions thereof, first communicating with the General Officer Commanding, I have the honour to submit for the consideration of Sir George Brown, the plan and draft lease, on which I have only to observe that the latter appears to confer no advantages whatever on the War Department over the existing arrangement; but on the contrary, while all the rights, privileges, and emoluments now exercised and derived by the Office of Woods are to continue (except £150

a-year now paid by the War Department for gravel), as also the independent powers of the Curragh Ranger, the public rights of common and rights of way, which are still undefined, and the use of the Curragh surface by the Irish Turf Club, whose privileges (heretofore, I believe, exercised only on sufferance) will now be recognised and established—the Secretary of State for War is required to pay a rent of £530 per annum, instead of £5, and will have to keep the whole of the Curragh surface and fences in proper condition and repair.

Before entering upon a new lease, I think it would have been better to have ascertained and determined what the existing legal rights of the public and others really are, as was suggested in the correspondence which accompanied the letter from this office dated 6th March, 1862; and that, subject to those rights, the Curragh should be leased to the War Department without further restriction, leaving it to the Secretary of State to concede privileges which it is desirable he should have the power of regulating, and to deal with all irregularities, trespasses, and encroachments, instead of dividing the control, as is now proposed, between two different Departments.—I have, &c.

(signed) EDWARD W. DURNFORD, Colonel,
Commanding Royal Engineer.

The Deputy Quartermaster General.

DRAFT LEASE OF THE CURRAGH OF KILDARE.

This indenture made the day of 1865, Between the Queen's Most Excellent Majesty of the first part, the Honourable James Kenneth Howard, the Commissioner of Her Majesty's Woods, Forests, and Land Revenues, in charge of the Land Revenues of the Crown in Ireland, of the second part, and Her Majesty's Principal Secretary of State for the War Department, hereinafter called "the said lessee" of the third part; Witnesseth, that in consideration of the yearly rent hereby reserved, and of the covenants, provisoes, and agreements hereinafter contained: He, the said James Kenneth Howard, by virtue and in execution of the powers of an Act of Parliament of the 10 Geo. 4, c. 50, and of another Act of the 14 and 15 Vict. c. 42, and of all other powers enabling him in this behalf, and with the consent of the Commissioners of Her Majesty's Treasury, signified by their warrant: Doth, for and on behalf of her Majesty, demise and lease unto the said lessee and his successors, All that land called the Curragh of Kildare, situate in the county of Kildare, in Ireland, except such parts thereof as are mentioned in the Schedule hereunder written, which said land intended to be hereby demised is delineated and surrounded by a red line in the Plan annexed to these Presents, and which said excepted parts are coloured Blue in the said Plan: Except and reserving to Her Majesty, her heirs, and successors, all timber and other trees, and all stone, gravel, sand, and other substrata under the said land, other than such quantity of gravel and sand as may be required for the purposes of the Camps on the said Curragh, with full liberty for the said James Kenneth

Howard and other the Commissioner or Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, having the management of the said premises hereinafter called the said Commissioner or Commissioners, to enter upon the said land, and to cut down, get up, and carry away the said excepted premises: To have and to hold the said land hereby demised, subject, nevertheless, to the use and occupation by the Irish Turf Club of such parts of the said land as have heretofore been and are now used by the said Club for racing and training purposes, and also subject to all rights of common (if any), rights of way and other easements (if any) as may be legally exercisable upon or over the same, unto the said lessee and his successors, from the 1st day of April, 1864, for the term of 21 years, determinable as hereinafter mentioned: Paying, therefor, unto the Queen's Majesty, Her heirs and successors, during the said term, the yearly rent of £580, free from all taxes, rates, and deductions whatsoever, by equal quarterly payments on the 1st day of July, the 1st day of October the 1st day of January, and the 1st day of April, in each year, and the first quarterly payment to be made on the 1st day of July, 1864: And the said lessee doth hereby for himself and his successors covenant with the Queen's Majesty, Her heirs and successors, in manner following, that is to say, that the said lessee and his successors will pay to the Queen's Majesty, her heirs and successors, the said yearly rent of Five hundred and thirty younds hereby reserved, on the days and in the manner hereinbefore mentioned and appointed for the payment thereof, without any deduction or abatement whatsoever: And, also, will pay and discharge all taxes, rates, tithes, or tithe rent-charge, and all other assessments and impositions whatsoever, already or at any time hereafter during the said term to be taxed, charged, or imposed upon or in respect of the said premises: And, also, that he the said lessee and his successors will use his and their utmost endeavours to prevent any encroachments being made upon the said land: And, also, will not dig or suffer to be dug from the said land any sand or gravel except for the use and purposes of the Camp on the said Curragh, and will keep and preserve the said land and the mounds, banks, and fences thereof in a proper state and condition and in substantial repair: And, also, when and as often as any turf or sods shall be required to be taken from the said land for the purposes of the Camp, the said lessee will, immediately after taking the same, properly level the space or spaces left by the paring of such turf or sods, and sow the same with good perennial grass seeds, suitable to the soil and state of the land so pared, and will, as often as any of such turf or sods shall not be required for the purposes for which they were taken, replace the turf or sods not so required, on the land pared as aforesaid, and restore the surface of the said land for pasturage: And, further, that the said lessee or his successors will not assign or underlet the said land hereby demised, or any part thereof, for the whole or any part of the term hereby granted, without the previous consent, in writing, of the said Commissioner or Commissioners: Provided, always, that if the yearly rent hereby reserved shall be unpaid for the space of 21 days next after either of the days hereinbefore appointed for the payment thereof, or if any breach or default shall be made in any of the covenants or provisos hereinbefore contained, it shall be lawful for the Queen's Majesty, her heirs or successors, and for the said Commissioner or Commissioners, on behalf of the Queen's Majesty, to enter into and upon and retain possession of the said premises hereby demised, as fully and effectually in all respects as if these Presents had never been made: And it is hereby covenanted and agreed that in case any re-entry shall be made under the proviso last hereinbefore contained, there shall be payable to the Queen's Majesty, her heirs, and successors, in addition to any rent then due, a proportionate part of the accruing rent for the then current quarter of a year from the last quarterly day of payment up to the day on which such re-entry shall have been made: Provided

always, and it is hereby agreed and declared, that this lease and the term hereby granted may be determined either by the said Commissioner or Commissioners, or by the said lessee, at the expiration of the first seven or the first fourteen years of the said term of 21 years, by leaving at the office of the other of them six calendar months' notice in writing, for that purpose previously to the expiration of such seventh or 14th year: Provided also, and it is further agreed and declared, that if the said lessee, or his successors, shall at any time during the said term hereby granted, be desirous of purchasing the freehold and inheritance in fee simple of the said land and hereditaments, subject to the use and occupation of parts of the said land by the Irish Turf Club, and also subject to the several rights, subject to which the said land and hereditaments are hereby demised (but freed and discharged from the exception and reservation to Her Majesty hereinbefore contained), and of such his or their desire, shall leave at the office of the Commissioners of her Majesty's Woods, Forests, and Land Revenues, six calendar months' notice in writing, signed by the said lessee, the said Commissioner or Commissioners will, upon payment by the said lessee of the sum of £ , as the price or consideration for such sale, convey and assure the said land and hereditaments hereby demised, subject to the use and occupation and to the several rights, subject to which the same are by these Presents demised (but freed and discharged from the exception and reservation to Her Majesty hereinbefore contained), to the said lessee and his successors' interest for the public service; and the conveyance of the said hereditaments shall be prepared in the office of Land Revenue, at the expense of the said lessee. And, further: That the rent hereby reserved shall continue to be payable, together with a proportionate part thereof, up to the day on which the purchase-money of the said premises shall have been fully paid.

In witness whereof, the said parties to these presents of the second and third parts have hereunto set their hands and seals the day and year first above written.

The Schedule above referred to:

1. The new Stand House let to the Turf Club.
2. Stabling, &c., on the site of the Old Stand House.
3. The Police Barrack, leased to the Constabulary.
4. A garden adjoining, containing about 60 yards by 48 yards, leased to the Sub-inspector of Constabulary.
5. A Methodist chapel and garden adjoining, containing about one acre, leased to the trustees.
6. Land containing about one rood, near Ballymannny, leased to Ponsonby Moore, Esq.
7. Site of stabling, &c., near the lands of Collaghnock glebe land, leased to Patrick Conolly.
8. The Hare Park or Fox Cover, leased, or agreed to be leased, to Lord Naas, as trustee for the Kildare Hunt.

(8) *The Honourable J. K. Howard to the Marquis of Hartington, M.P.*

Office of Woods, 15 September, 1864.

MY LORD,—On the 27th June last the Solicitor to this Department forwarded to the Solicitor of the War Office the draft for the proposed lease of the Curragh of Kildare to the War

Department, and I have to request that your Lordship will be good enough to give directions that it be returned approved with as little further delay as possible.—I am, &c.,

(signed) JAMES K. HOWARD.

The Marquis of Hartington, M.P., &c., &c., &c.

- (9) *Extract from a Letter, dated War Office, 3 November, 1864, and addressed to the Honourable J. K. Howard.*

“With reference to previous correspondence on the subject of the lease to the War Department of the Curragh of Kildare, and more particularly to the letter from this Office of 22nd February, and your reply thereto of 24th March last, I am directed by Earl de Grey and Ripon to acquaint you that his Lordship is prepared to approve of the draft lease upon certain points, which have suggested themselves in its perusal, being definitely settled. I am to request, therefore, that you will inform me of the length of time the Ranger will be continued in office, and also the nature of the rights and powers paramount to those of the War Department which he can exercise.

* * * * *

“I am also to observe that his Lordship is still of opinion that the reduction in the proposed rent of £350 per annum—the sum paid as salary to the Ranger—should take place on the discontinuance of that office, as the claim for additional rent has been put forward with a view to reimburse your Department the expenses which the Crown has to sustain from the occupation of the Curragh as a Royal domain; however, if you are not prepared to accede to this proposal, Lord de Grey is willing that the matter should be referred to the decision of the Lords Commissioners of Her Majesty’s Treasury.

“I am further to enclose a plan coloured, with a view to a copy being attached to the lease; and, in calling attention to the line of railway shown thereon, to request information as to the conditions on which possession of the Crown land over which the railway passes was given to the railway company.

“It is requested that the plan may be returned.”

- (10) *Extract from a Letter, dated Office of Woods, 9th Nov., 1864, and addressed to the Marquis of Hartington, M.P.*

“I have to acknowledge the receipt of your Lordship’s letter

of the 3rd instant, on the subject of the proposed lease of the Curragh of Kildare. I propose to notice the several points adverted to in that letter in the order in which they are there stated.

"1. As to the Office of Ranger, I transmit a copy of the instrument by which the Ranger was appointed, which will, I trust, supply the information desired as to the office in question.

"3. As to the proposed reduction of rent on the cession of the salary to the Ranger, I collect that it is put on behalf of the War Department that the payment of that salary is a reason why a rent in itself fair should be increased by the amount of the salary, so long as it is payable by this Department.

"But I apprehend this is hardly the sound view of the subject. I am quite prepared to agree that Messrs. Clutton should be requested to advise what would be a fair rent for the War Department to pay for the Curragh, irrespectively of the salary paid by this Department to the Ranger, and if that course is assented to I entertain little doubt that the rent fixed would be considerably in excess of that which is proposed to be reserved in the lease.

"But in the absence of any such reference to a surveyor, I think the rent should be reserved throughout the entire term, and the result, in that case, will be that, as the Crown has to pay the Ranger a salary of £350 per annum, it will not get anything like a fair income from the property until after the Ranger's salary ceases to be payable. On reconsideration, I think Lord de Grey will concur in my opinion; but, in case he should not do so, I am quite ready to submit to the decision of the Lords of the Treasury, to whom I must ask that a copy of this letter may be sent.

"4. As to the railway, I transmit herewith a copy of the conveyance by me to the Great Southern and Western Railway Company.

"In the event of this explanation being satisfactory to Lord de Grey, I shall be glad to have the draft lease approved."

[Enclosure.]

Know all men by these presents, that we, the Right Honourable Henry Pelham Clinton, commonly called the Earl of Lincoln, Alexander Milne, Esquire, and the Honourable Charles Alexander Gore, the Commissioners of Her Majesty's Woods, Forests, Land Revenue, Works and Buildings, under and by virtue of the powers and authorities vested in us by an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's

Woods, Forests, Parks, and Chases of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for extending certain provisions relating to the same to the Isles of Man and Alderney." And of another Act passed in the second year of the reign of his late Majesty King William the Fourth, intituled "An Act for uniting the Office of the Surveyor-General of his Majesty's Works and Public Buildings, with the Office of the Commissioners of his Majesty's Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues," for us and our successors, Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, have given and granted, and do by these presents give and grant unto Robert Browne, of Portarlington, in the Queen's county, esquire, the office of Ranger of the Royal Chase in Ireland, called the Curragh of Kildare, situate in the county of Kildare: And we do hereby for us and our successors, Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, authorise, appoint, constitute, and empower the said Robert Browne, Ranger of the said Curragh of Kildare, to do, perform, and execute all things belonging or incident to the said office, and also to enter into and upon, and inspect and survey the said Curragh of Kildare, and every part thereof at his free will and pleasure, and to view, search, and see the state and condition thereof, and to preserve, maintain, and keep the metes and bounds of the said Curragh of Kildare, and to prevent encroachment, trespass, and intrusion thereon, and to preserve the game within the same or the limits and precincts thereof, and to take, seize, and destroy all such dogs, nets, guns, and other engines and instruments for the killing and taking of game as shall be used within the limits thereof by any person or persons not lawfully authorised to kill the said game, and to do, perform, and execute all such matters and things as may be necessary for the preservation of the game within the said Curragh of Kildare, and generally to inspect, manage, oversee, and superintend the said Curragh of Kildare, and to do any act, matter, or thing for the improving, bettering, and supporting the same, and the interest of Her Majesty, her heirs and successors therein in the most beneficial manner, and to the best advantage as the said Robert Browne shall according to his discretion and judgment think proper to have, hold, execute, and enjoy the aforesaid office of Ranger of the Curragh of Kildare, together with all the powers and authorities and all manner of fees, profits, perquisites, emoluments, and advantages whatsoever to the said office belonging or appertaining, or at any time or times heretofore performed, exercised, paid, rendered to, received and enjoyed by the several Rangers for the time being of the said Curragh of Kildare, or any of them, for and during the will and pleasure of us the said Earl of Lincoln, Alexander Milne, Esq., and the Honourable Charles Alexander Gore, and of our successors, Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings: And further, we do hereby authorise and empower the said Robert Browne to appoint any deputy or deputies for whose good conduct and faithful demeanour and behaviour, he shall be answerable for all or any of the purposes aforesaid, with all or any of the powers of the said Robert Browne as such Ranger; and also from time to time to change and remove any such deputy or deputies, and to appoint any other in his or their stead and place, when and so often as to him, the said Robert Browne, shall seem meet: in witness whereof, we, the said Earl of Lincoln, Alexander Milne, and Charles Alexander Gore, have hereunto set our hands and seals this eleventh day of February, in the year of our Lord one thousand eight hundred and forty-five.

(signed)

LINCOLN.

A. MILNE.

CHARLES GORE.

- (11) *Extract from a Letter, dated War Office, 3rd January, addressed to the Honourable J. K. Howard.*

With reference to your letter of the 9th November last, and previous correspondence relative to the proposed lease of the Curragh of Kildare to this Department, I was directed by Earl De Grey and Ripon to return to you the draft lease with the following observations :—

With reference to the office of Ranger, and to the proposed lease being subordinate to all the rights and powers vested in and heretofore exercised by the Ranger, I have to observe that, from the deed of appointment of the 11th day of February, 1845, it appears that the Ranger is empowered by the Crown to enter upon and inspect every part of the Curragh at his free will and pleasure, to prevent encroachment or intrusion thereon, to preserve the game, destroying all dogs and guns used by any person for killing game; to manage, superintend, and do any act for improving and bettering the same, as he shall in his discretion and judgment think proper; rights and powers obviously (and properly) granted to the Ranger when the possession was vacant and the Curragh was used only as a game preserve, but equally at variance with necessity where a lessee is in possession on behalf of the Crown, and the use is allowed to the encampment of large bodies of men on the Curragh.

While the proposed lease is in continuance, the preservation of game is impossible, and the Secretary of State will, as every other lease usually does, preserve the property from encroachment; or, failing to do so, his defaults will not prejudice the rights of the lessor. As, therefore, the emoluments of the office are secured to the present Ranger by the reservation of rent in the proposed lease, no prejudice can arise to him by revoking his appointment of the 11th February, 1845, and, if necessary, by re-granting the office in such terms as not to interfere with the possession or use of the Curragh by the Secretary of State as lessee.

* * * * *

Lastly, under the circumstances stated by you, his Lordship will not press for the proposed condition that a reduction corresponding with the salary of the Ranger should be made in the rent on the discontinuance or abolition of that officer's appointment.

- (12) *The Honourable J. K. Howard to Major General Sir E. Lugard.*

Office of Woods, 26 January, 1865.

SIR,—I have received your letter of the 3d instant, returning, with observations, the draft of the lease proposed to be granted to the Secretary of State for War of the Curragh of Kildare, and have to request that I may be informed whether, if the Ranger of the Curragh of Kildare should be prepared to surrender his office, the War Department would continue the allowance now made to him.—I am, &c.

(signed) JAMES K. HOWARD.

Lieutenant General Sir Edward Lugard, K.C.B.

(Curragh, 8—444.)

- (13) *The Marquis of Hartington to the Honourable J. K. Howard.*

War Office, 3 February, 1865.

SIR,—In reply to your letter of the 26th ultimo, requesting to be informed whether, if the Ranger of the Curragh of Kildare should be prepared to surrender his office the War Department would continue the allowance now made to him, I am to request your attention to the letter from this office of the 22nd February, 1864, in reference to the allowance now made to the Ranger by this Department, and to state that the Earl De Grey proposes that the allowance in question should cease at the time from which the new lease will take effect. I am to observe that in the rent agreed to be paid by this Department the allowance to Mr. Browne has been provided for, and the Secretary of State has no intention of paying any further sum to Mr. Browne.—I am, &c.

(signed) HARTINGTON.

The Honourable James Howard,
Office of Woods.

- (14) *The Secretary of the Treasury to Major General Sir E. Lugard.*

SIR,—I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that the arrangements between your Department and the Commissioners of Woods, &c., relative to the grant of a lease to the Secretary of State of the Curragh of Kildare, and the consequent adjustment of the office and duties of the Ranger of the Curragh, have been brought under the consideration of their Lordships by Mr. Howard.

Before my Lords come to a decision on the subject, they would be glad to know if it is the intention of the Secretary of State to continue the allowance made to the present Ranger for acting as a magistrate at the Curragh, and what arrangements are contemplated with respect to the duties for which that officer is now responsible, and also the cost of such arrangements.—I am, &c.,
(signed) F. PEEL:

Sir E. Lugard, K.C.B.

(Curragh, 8—456.)

(15) *Captain Galton to the Assistant Secretary, Treasury.*

War Office, 25 March, 1865.

SIR,—In reply to your letter of the 17th ultimo, stating the desire of the Lords Commissioners of Her Majesty's Treasury to be informed whether it is the intention of the Secretary of State to continue the allowance made to the present Ranger for acting as a magistrate at the Curragh, and inquiring what arrangements are contemplated with respect to the duties for which that officer is now responsible, and the cost thereof, I am directed to acquaint you, for the information of their Lordships, that Earl de Grey and Ripon, having caused a reference to be made to the military authorities in Ireland, is of opinion that on the completion of the lease, by which the care of the Curragh will devolve on the officers of this Department, there will no longer be any grounds for continuing the special allowance heretofore made to Mr. Browne (the Ranger) for extra magisterial duties imposed on him by the occupation of the Curragh by Her Majesty's troops.

I am to add, that no increase is contemplated to the members of the present staff in consequence of the transfer to them of Mr. Browne's duties.—I have, &c.,

(signed)

DOUGLAS GALTON.

The Assistant Secretary, Treasury.

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III.

Correspondence explaining the Arrangements that have been made for permitting Officers in the Naval or Military Service of Her Majesty to accept Employment under the Government of China.

Time 3 hours.—See Instructions, page 8.

(1) *Mr. Lay to Earl Russell.*—(Received June 16.)

Star and Garter Hotel, Richmond,
16th June, 1862.

MY LORD,—In submitting the inclosed brief Memorandum to your Lordship, I have the honour to state that, should the project therein referred to meet with the approval of Her Majesty's Government, it would be necessary, in order to enable me to take action in regard to it—

1st. That Sir John Bowring's Neutrality Ordinance of 1854, which makes it an offence, punishable by fine or by imprisonment, to serve the Chinese Government or the rebels in a military capacity, or to supply either party with munitions of war, be repealed.

2ndly. That leave of absence be given to officers in H.M. Navy who may wish to join the proposed naval force.

3rdly. That Her Majesty's Government notify to our civil and naval authorities in China, that the organisation of the naval force in question has the sanction of Her Majesty's Government.—I have, &c.,

(signed)

H. N. LAY,

Inspector-General of Chinese Customs.

[Inclosure in No. 1.—Memorandum.]

(Extract)

The Chinese Government, deeply impressed with the necessity for the organisation of a European naval force to re-establish order throughout the Empire, have authorised the appropriation of a portion of the Customs revenue for the purchase of vessels, and the engagement of officers and men. The organisation of such a force has been entrusted to Mr. Lay, Inspector-General of Chinese Customs.

1. Mr. Lay proposes, as the first step, to obtain the sanction of her Majesty's Government, in order that officers and men, British subjects, may be at liberty to take employment under the Chinese Government.

2. Such sanction being obtained, the force would be devoted to the following objects :—

(a) To re-establish Imperial authority upon the Yangtze, and commercial security upon the inner waters.

(b) To suppress piracy between the open ports.

3. Mr. Lay feels sure that this project will recommend itself to Her Majesty's Government for the following amongst other reasons :—

It will relieve this country of a large expenditure at present incurred in the maintenance of our present fleet in China.

It will in no way compromise Her Majesty's Government, while it possesses at the same time all the advantages without the inconveniences of direct aid.

(2) *Mr. Hammond to the Secretary to the Admiralty.*

Foreign Office, 17th June, 1862.

SIR,—I am directed by Earl Russell to transmit to you a copy of a letter from Mr. H. N. Lay, who is in the service of the Chinese Government as Inspector-General of Chinese Customs, submitting for the approval of H.M. Government a scheme for organising a European naval force in order to re-establish order throughout the Chinese Empire.

I am to request that you will submit this scheme for the consideration of the Lords Commissioners of the Admiralty, and move them to favour Lord Russell with such observations as they may have to offer thereupon.—I am, &c.,

(signed) E. HAMMOND.

(3) *The Secretary to the Admiralty to Mr. Hammond.*

(received June 26.)

Admiralty, 25th June, 1862.

SIR,—I have laid before my Lords Commissioners of the Admiralty your letter of the 17th instant, inclosing a scheme by Mr. Lay, Inspector-General of Chinese Customs, for organising a European naval force, in order to re-establish order throughout

the Chinese Empire, and requesting to be favoured with any observations their Lordships may have to offer thereon.

My Lords desire me to state, for the information of Lord Russell, with reference to Mr. Lay's proposition for rescinding the Order of 1854, prohibiting British subjects entering the service of the Chinese Government, &c., that the Order in question has already been virtually abrogated by the recent instructions to British authorities in China, and that Lord Russell can best judge whether any more formal repeal is necessary.

My Lords will have no objection to grant leave to any officers whose services may not be required, and who may apply through the Foreign Office for permission to join the Chinese force.

With regard to notifying to our Civil and Naval authorities in China that the organisation of the Chinese naval force has the sanction of Her Majesty's Government, it will be desirable, if the Secretary of State should think fit to give his sanction to the organisation of the force, that my Lords should be informed of the nature of the organisation, and as to the measures which may be decided upon respecting it.—I am, &c.,

(signed) C. PAGET.

(4) *Mr. Hammond to the Secretary to the Admiralty.*

Foreign Office, 1st July, 1862.

SIR—I have laid before Earl Russell your letter of the 25th ultimo, relative to the proposed organisation of a European contingent in China, and I am, in reply, to request that you will state to the Lords Commissioners of the Admiralty that, in Lord Russell's opinion, every officer, naval or military, entering the Chinese service should have the Queen's licence for so doing.

I am, &c.,

(signed) E. HAMMOND.

(5) *Mr. Hammond to Sir F. Rogers.*

Foreign Office, 1st July, 1862.

SIR,—I am directed by Earl Russell to request that you will move the Duke of Newcastle to cause his Lordship to be informed, at his earliest convenience, whether any Ordinance is now in force in China to the effect of that of the 17th of January, 1855,

(No. 1 of 1855)* enjoining the observance of neutrality by Her Majesty's subjects between the contending parties in China; and if so, that Lord Russell may be furnished with a copy of it.

I am, &c.,
(signed) E. HAMMOND.

(6) *Sir F. Rogers to Mr. Hammond.* (Received July 2.)

Downing-street, 1st July, 1862.

SIR,—In answer to your letter of this date, I am directed by the Duke of Newcastle to state, for the information of Earl Russell, that Sections 3 to 8 of the Hong Kong Ordinance, No. 1 of 1855 (which, after being once renewed, expired on the 1st January, 1857), were revived and made perpetual by an Ordinance passed in July, 1857; but that his Grace cannot find that there is any Ordinance now in force continuing the provisions of the 1st Section of the Ordinance of 1855, which section enjoined the observance of neutrality by her Majesty's subjects between the contending parties in China.—I am, &c.

(signed) FREDERIC ROGERS.

(7) *Mr. Layard to the Secretary to the Admiralty.*

Foreign Office, 3rd July, 1862.

SIR,—With reference to your letter of the 25th ultimo, I am directed by Earl Russell to transmit you a copy of a letter from the Colonial Office, from which it appears that there is no longer any Ordinance in force enjoining the observance of neutrality by Her Majesty's subjects between the contending parties in China, and I am to request that, in laying the same before the Lords Commissioners of the Admiralty, you will state that it does not appear to Lord Russell that there is any legal difficulty in the way of any of Her Majesty's subjects entering the military or naval service of China under licence from the Crown.—I am, &c.,

(signed) A. H. LAYARD.

(8) *Captain Osborn to Mr. Layard.*—(Received July 8.)

8, Southwick Street, Oxford Square, London,

8th July, 1862.

SIR,—The Admiralty having informed me that the request for an officer to be lent to a foreign Government must come through

* Commercial Treaties, vol. x. p. 51.

the Department of the Secretary of State for Foreign Affairs, I beg respectfully to request that you will be pleased to move the Lords Commissioners of the Admiralty to grant me leave to take temporary employment under the Chinese Government, for the purpose of organising a naval and military force, for the suppression of piracy in that empire.—I have, &c.

(signed) SHERARD OSBORNE.

(9) *Mr. Layard to the Secretary to the Admiralty.*

Foreign Office, 8th July, 1862.

SIR,—With reference to my letters of the 1st and 3rd instant, I am directed by Earl Russell to transmit to you a copy of a letter from Captain Osborn, requesting that permission may be obtained for him from the Admiralty to enter temporarily the military service of the Chinese Government, and I am to request that you will move the Lords Commissioners of the Admiralty to give the requisite permission to Captain Osborn accordingly.

I am, &c.

(signed) A. H. LAYARD.

(10) *The Secretary to the Admiralty to Mr. Layard.—*

(Received July 10.)

Admiralty, 9th July, 1862.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Russell, with reference to your letter of yesterday's date that permission has this day been given to Captain Sherard Osborn, R.N., C.B., to enter temporarily the military service of the Chinese Government.—I am, &c.

(signed) C. PAGET.

(11) *Mr. Lay to Earl Russell.—Received July 10.)*

Reform Club, Pall Mall, 9th July, 1862.

MY LORD,—In obedience to the provisions of the Foreign Enlistment Act, I have the honour to apply to your Lordship for Her Most Gracious Majesty the Queen's licence, authorising me, Horatio Nelson Lay, and Sherard Osborn, a Captain in the Royal Navy, to accept naval and military service in the employ of the

Chinese Government; to fit out and equip vessels for warlike purposes in China; and to enlist British subjects to serve in naval and military operations in China.

I have the honour to inclose copy of a letter from the Lords Commissioners of the Admiralty granting leave of absence for the above-mentioned purpose to Captain Sherard Osborn.

I have, &c.

(signed) H. N. LAY.

[Inclosure in No. 11. *The Secretary to the Admiralty to Captain Osborn.*]

Admiralty, 9th July, 1862.

SIR,—With reference to a letter dated the 8th instant, received from the Under-Secretary of State for Foreign Affairs, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they are pleased to grant you permission to enter, temporarily, the military service of the Chinese Government.—I am, &c.

(signed) C. PAGE.

(12) *Mr. Layard to Mr. Waddington.*

Foreign Office, 10th July, 1862.

SIR,—I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Horatio N. Lay, applying for the Queen's licence, to enable him and Captain Sherard Osborn, R.N., (who has received leave from the Admiralty), to accept military and naval service under the Chinese Government, and I am to request that you will lay this application before Secretary Sir G. Grey for his favourable consideration.—I am, &c.

(signed) A. H. LAYARD.

(13) *Notice to Officers Volunteering for Service under the Chinese Government.*

Service performed under the Imperial Government of China will not be considered as service in the Navy, as regards pay, time, promotion, &c.

In the event of the Senior Officer in command having the power, under the Imperial Chinese Government, of awarding

promotion in that service to officers serving under his command, the same will not be considered as a claim to promotion in the Royal Navy.

In the event of an officer being wounded in this service, he will not be entitled to a pension for wounds; nor, if killed in action, will his widow be entitled to any more than the ordinary pension awarded to the widow of an officer dying while on half-pay.

(signed) C. PAGET.

Admiralty, 12th July, 1862.

(14) *Mr. Clive to Mr. Layard.*—(Received July 25.)

Whitehall, 25th July, 1862.

SIR,—I have laid before Secretary Sir George Grey your letter of the 10th instant, addressed to Mr. Waddington, inclosing a copy of a letter from Mr. H. N. Lay, applying, as stated in your letter, for the Queen's licence to enable him and Captain Sherard Osborn of the Royal Navy to accept military and naval service under the Chinese Government, and in which you request that the application might be laid before Secretary Sir George Grey for his favourable consideration.

Sir George Grey does not think there could be any objection to such licence being granted, on the usual terms; but I am to observe that Mr. Lay in his letter, applies not only for such licence, but also for leave to fit out and equip vessels for warlike purposes in China, and to enlist British subjects to serve in naval and military operations in China. I am, therefore, to request that you will acquaint me, for Sir George Grey's information, whether Earl Russell is of opinion that it would be expedient to comply with this request, which is an unusual one, and which he apprehends could only be complied with under the authority of an Order of Her Majesty in Council.—I am, &c.

(signed) G. CLIVE.

(15) *Mr. Layard to Mr. Clive.*

Foreign Office, 30th July, 1862.

SIR,—I have laid before Earl Russell your letter of the 25th instant, suggesting, in answer to my letter of the 10th instant, that leave to enlist British subjects for service under the Chinese Government could only properly be granted by an Order of Her Majesty in Council.

Lord Russell had in the meantime consulted the Law Officers on the point; and I am to transmit to you, to be laid before Secretary Sir G. Grey for his information, a report from the Attorney and Solicitor-General, which is to the same effect.

Under these circumstances it is not considered desirable to take any measure with reference to Mr. Lay's desire to enlist British subjects for service in China; and Lord Russell proposes that the interference of Her Majesty's Government should be limited to granting licences, under the Royal Sign Manual, to enter the Chinese service, and also to fit out and equip vessels for the Chinese Government, according to the opinion of the Attorney and Solicitor General, that there can be no objection to issuing such licences.

I am accordingly to request that you will move Secretary Sir G. Grey to cause these licences to Mr. Lay and Captain Osborn, and such other officers as may be selected by Captain Osborn, to be prepared for the Queen's signature.—I am, &c.

(signed)

A. H. LAYARD.

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IV.

Papers relating to the Loan raised by the Emperor of Morocco in London.

(Time 3 hours—See Instructions page 8.)

Mr. Drummond Hay to Lord J. Russell—(Received August 15.)
Dar Ben-el-Ouwad, Meknez, July 26, 1861.

(Extract)

I had an interview last night with the Ooozeer Yamani, at which Hadj Abderrahman Ajee and Seed Mohamed Maadane Bennees were present.

The Ooozeer repeated the declaration made to me by the Sultan that he had not more than 1,000,000 dollars, but that he could deliver to the Spaniards grain to the value of another million, or sell off that amount in four or five months, and then pay the Spanish Government. He said that they could not venture, in consequence of the present strong opposition on the part of the tribes, to send this money by instalments to the ports for delivery to the Spanish Government, unless the evacuation of Tetuan simultaneously took place, as the Sultan's authority would be set at defiance, and revolution break out, and that he hoped this would be understood at Madrid. He said that there was money in the country, and long arrears of taxes due from the Kabail, but that the Sultan did not venture to march into the interior, and levy taxes as long as Tetuan was occupied, as he might have to contend with his own subjects.

The Ooozer asked if the British Government could not help them to obtain a loan of 1,000,000 dollars, and thus, if Spain would not listen to their supplication for an acceptance of what they had to offer, assist in preventing a recommencement of the war, for he assured me that if the annexation of the territory of Tetuan did take place, the Sultan would be compelled to declare war, though he would otherwise refrain from hostilities as long as he was not attacked.

I replied that the British Parliament would object to any loan being made, or even guaranteed by Her Majesty's Government.

A British merchant resident in this country, Mr. Forde, having addressed me since my arrival here, a letter, stating that he could raise a loan in England at the rate of 10 per cent., I communi-

cated it to the Minister, informing him, however, that I could not assume the slightest responsibility for the correctness of the information given me by the British merchant, nor interfere further in the matter than to let Mr. Forde know I had communicated his letter to the Ooozeer, and that, hereafter, should there be any farther correspondence, it must be carried on direct between himself and the Moorish Government.

The Ooozeer replied, that as the Sultan was sincere in desiring to fulfil his Treaty engagements, they would be most thankful to any Government or merchants who would help them by a loan, even if they had to make heavy sacrifices in the way of interest, and therefore he begged me to write to Mr. Forde, and to request him to communicate his propositions without delay to the Moorish Government.

(2) *Mr. Drummond Hay to Earl Russell.*
(Received September 6.)

[Extract.]

Tangier, August 27, 1861.

I learn from Mr. Lewis Forde's agent at Gibraltar, Mr. Smith, that the former was supposed to be still at Londonderry. On the other hand, his agent at Saffee informed me that he was expected at that port, on his way to the Moorish Court to make proposals to the Sultan regarding the loan. I have written both to his agents at Gibraltar and at Saffee, to recommend that Mr. Forde should come here, as Mulai Abbas has counselled the Sultan to send full powers to himself, or, in his absence, to the Moorish Minister, to arrange about the terms of the loan, and guarantees that may be required; and to send a Royal Edict, leaving the name of the agent to be appointed in blank, authorizing that person, whether Mr. Forde or another, to make the loan.

If Mr. Forde has presented himself at the Foreign Office, and is in London at the time your Lordship receives this despatch, it would, perhaps, be advisable, if he still thinks he can negotiate the loan, that he come out to Tangier to receive his instructions and the proper authority from this Government. If an arrangement cannot be come to shortly with Mr. Forde, some other British subject will be selected by the Sultan, and sent to England. As the Moorish Government would require some months to realize 1,000,000 dollars from the sale of grain, it will be far

better that a loan of 2,000,000 dollars should be made instead of 1,000,000, unless the Spanish Government agree to accept the grain. I think that it is very desirable Mulai Abbas should not have to treat about the term required to raise the extra 1,000,000 dollars demanded by the Spanish Government, but that his Highness should be enabled to offer the payment of the 3,000,000 dollars at once, and that the evacuation of Tetuan should take place simultaneously with that payment.

(3) *Earl Russell to Mr. Drummond Hay.*

Foreign Office, September 13, 1861.

SIR,—I have received your despatch of the 27th ultimo, respecting the loan which the Moorish Government is endeavouring to raise in order to pay the Spanish indemnity ; and I have to state to you, in reply, that the Sultan should empower some one in London to effect a loan of 2,000,000 dollars.

I am, &c.

(signed) RUSSELL.

(4) *Mr. Drummond Hay to Earl Russell.*
(Received September 27.)

Tangier, September 16, 1861.

(Extract)

Seed Hadj Abderrahman el Ajee, late Envoy to the British Court, arrived here a few days ago with full powers from the Sultan to enter into any arrangements with Mr. Forde, or any other person who may be selected by him for contracting the loan in England. Mulai Abbas and the Sultan, as Ajee informs me, are most desirous that no time should be lost in contracting the loan, as the success of Mulai Abbas' mission greatly depends on the Sultan being enabled to offer the payment, at once, of the 3,000,000 dollars, inasmuch as His Majesty has not that entire amount at his disposal just now. A telegram has been sent to Mr. Forde to request him to come to Tangier as soon as possible.

(5) *Mr. Hammond to Mr. Drummond Hay.*

Foreign Office, October 7, 1861.

SIR,—I am directed by Earl Russell to state to you that, on

being made acquainted with the nature of the Convention which Her Majesty is prepared to enter into with the Emperor of Morocco, in order to assist His Majesty in raising a loan in this country, Mr. Forde has resolved to proceed immediately to Tangier with the view of entering into direct communication with the Moorish Government on the subject of the loan ; and at Mr. Forde's request I am authorized by his Lordship to instruct you to give that gentleman such support in his communications with the Moorish Government as in your judgment may be proper.

I am, &c.,

(signed) E. HAMMOND.

(6) *Earl Russell to Mr. Drummond Hay.*

(Extract)

Foreign Office, October 10, 1861.

It appears from the communication which Mr. Forde has made, verbally, to me, through Mr. Layard, that the capitalists in this country, to whom he has applied with reference to the loan which the Sultan of Morocco is desirous of contracting in England to enable him to meet the demands of Spain, evince much hesitation as to embarking in such an undertaking, unless they can obtain, in some shape or other, collateral security for the fulfilment of the conditions under which the loan may be contracted.

The security which they would naturally prefer would be the guarantee of the British Government ; but this, as you are well aware, Her Majesty's Government are not prepared to give. They could not do so without the consent of Parliament, and the Legislature of this country is decidedly opposed, on principle, to contracting a guarantee of that description, and would not consent to do so except under special circumstances, which do not exist in the present case.

Mr. Forde, however, infers that the success of his endeavours to procure the loan might be much facilitated if the Emperor of Morocco were, by Treaty, to engage to assign to an Agent to be named by His Majesty the revenue set apart for meeting the charges for the interest and sinking fund of the loan. Such an assignment would bear the character of an international engagement between England and Morocco, and, although it would not in any way bind the British Government to make good any de-

iciencies in the revenues set apart for the purpose, it would give an assurance to the contractors that, at least as far as the revenue went, it would be faithfully appropriated to the purposes of the loan. For it would be provided in any such Treaty between Her Majesty and the Sultan that the agent named by Her Majesty for receiving from the Moorish authorities the appropriated revenue should, from time to time, pay over to the contractors of the loan a sufficient sum to meet the charges thereof for interest and sinking fund, and, if any balance should remain after doing so, should pay over such balance to the Moorish Treasury.

Her Majesty's Government being anxious to contribute, as far as they can properly do so, to extricate the Sultan from his present difficulties, are prepared to adopt Mr. Forde's suggestion.

The revenue to be set apart for the purposes of the loan is that half of the Customs duties levied in the Moorish ports which still remain unpledged to the Spanish Government, and Her Majesty's Government understand that the Sultan is prepared to assign this revenue as security to the contractors:

(7) *Earl Russell to Mr. Drummond Hay.*

(Extract.) Foreign Office, October 10, 1861.

Her Majesty's Government understand that the Sultan is prepared to assign for the purposes of the loan to be raised in this country, to enable him to meet the present demands of Spain, one-half of the receipts of the Custom-houses at the Moorish ports, the other half being already pledged to Spain.

It appears also from the communications which have passed between Sir John Crampton and the Spanish Government, that the latter disclaim having any lien or claim whatever on the half of the Customs of the ports of Morocco which is not pledged to them.

Mr. Forde, who has been in communication with the capitalists in this country on the subject of the loan, appears to be of opinion that under the security offered by the proposed Convention, not only may the limited amount now contemplated be raised on moderate terms, but even a sufficient sum to extricate Morocco from all her debt to Spain.

Her Majesty's Government are however indisposed, as at

present advised, to undertake for more than is stated in the Draft Convention. That sum will suffice to meet the present necessities of Morocco, and the interference of Her Majesty's Government in the manner proposed may be justified not only by the urgency of the case, which admits of no delay, but also by the moderate amount of the sum at stake.

It may also be more to the advantage of the Sultan that his first trial of the money market should be made on a small scale; for if, as Her Majesty's Government do not doubt will be the case, the Moorish Government punctually fulfils its engagement on the present occasion, it would appeal to the British capitalists on any future occasion with all the advantage resulting from a well-established credit.

With a view also to the same object, her Majesty's Government are of opinion that the Moorish Government would do well to provide for the early extinction of the loan now to be contracted, by assigning a liberal per-centage for the sinking fund. If by reason of the Convention the loan can be obtained at a lower rate of interest, the Moorish Government might do well to appropriate for the sinking fund, in addition to any other sum, the difference between such moderate rate of interest and that which it is understood they were prepared to pay; and, moreover, if Morocco really possesses the abundant means which are attributed to it, and only requires some short time and a favourable opportunity to render those means available, there can be no real difficulty in stipulating that such an amount should be assigned in each year for the redemption of the loan as would insure the extinction of the whole debt within a very limited period.

The Draft Convention does not specify the particular Agent of the British Government into whose hands the proceeds of the Moorish Customs appropriated to the loan should be paid; but it will probably be found most convenient in practice that Her Majesty's Consular authorities at the several ports should be charged with this duty under the superintendence of Her Majesty's Consul at Tangier.

I presume that the Moorish Government will not hesitate to engage in some binding form, until the loan is paid off, not to interfere by prohibitions with the export of Moorish produce of which the export is now allowed, and to take no steps of a fixed nature which may interfere with the development of the trade of Morocco with foreign countries. This might be done by an official note addressed to yourself.

(8) *Mr. Drummond Hay to Earl Russell.*—(Received October 11.)
(Extract.) Tangier, October 2, 1861.

Hadj Abderrahman Ajee, the officer who has been sent here by the Sultan with full powers to make arrangements about the negotiation of the loan, called upon me this morning to express the gratitude of the Moorish Government for the proposed aid of the British Government.

He says he is prepared to sign a Convention containing the terms your Lordship thinks proper to require regarding the guarantee to be given, and therefore suggests that the wording of the stipulation should be drawn up in England.

(9) *Mr. Drummond Hay to Earl Russell.*—(Received Nov. 1.)
(Extract.) Tangier, October 22, 1861.

I have the honour to acknowledge the receipt of your Lordship's despatches of the 10th instant.

Ajee says his full powers would hardly authorize him to accede to the proposed terms, without a reference to the Sultan; that as the Spanish Cortes were about to meet, it was of the greatest importance no time should be lost; that it would require about a fortnight to communicate with the Sultan by letter, and that written explanations upon subjects little understood by this Government were a very unsatisfactory manner of negotiation. He therefore said it would be conferring a very great favour upon the Moorish Government, and upon himself, if I would consent to proceed with him by sea to Rabat, where the Sultan had arrived, and to explain *vivâ voce* the propositions of the British Government, and to ask that he should receive the fullest authority to settle all matters on the arrival of Mr. Forde, who I learn is expected to arrive at Gibraltar to-day.

Taking into consideration these suggestions, and as I coincided entirely with Hadj Abderrahman on the importance of settling all matters, if possible, with the Sultan *vivâ voce*, I applied at once to Captain Warden, the senior naval officer at Gibraltar, for one of Her Majesty's steamers, and I proceeded to Rabat with the Moorish Plenipotentiary on the evening of the 18th.

We had bad weather, and could not land till the 20th instant.

On my arrival, the Chief Ooozeer called upon me, and fixed my audience with the Sultan for the following morning.

After I had made known to His Majesty the object of my visit, he expressed himself as being most grateful to Her

Majesty's Government for the strong interest they took in his welfare. He remarked that "true friends are known in the hour of misfortune," and added that, as he had required the aid of a friendly Government, it was a great relief for him to feel that it came from a Government whose actions were always marked by disinterested feelings, and whose aim was to promote peace and goodwill between other nations. His Majesty said, "I shall never forget the hand that has been extended to me in adversity."

His Majesty informed me that he should give the fullest powers to Hadj Abderrahman Ajee (after hearing the terms Mr. Forde had to propose on the part of the contractors for the loan) to fill up the blanks of the proposed Convention.

His Majesty informed me that he intended to march to Morocco when affairs were arranged about the evacuation of Tetuan; that he had sent several officers with troops to collect arrears of taxes from districts which had not paid them for three years; and he said that before he arrived at Morocco he hoped to have collected in taxes alone, in grain and money, upwards of 2,000,000 of dollars, and to have punished those Chiefs who when they knew the precarious position he had been placed in during the Spanish war, had set at nought his authority, and withheld the receipts of taxes received from his subjects. "I must now," said His Majesty, "show my people I can reward the subject and punish the traitor."

His Majesty observed that it was sound advice the British Government had given him about paying as much as it was in his power to do towards the sinking fund, so as to extinguish the debt, and he added that he desired to show not only to the British Government that their kind confidence had not been misplaced, but to gain also the future goodwill and confidence of British capitalists. His Majesty went on, however, to say, that he confided in my discretion in the arrangement with Mr. Forde, and therefore would give the fullest powers to Seed Abderrahman Ajee to sign with me the Convention.

His Majesty requested me not only to express to Her Majesty's Government his gratitude for the timely aid they had afforded him, but also for my visit to Rabat.

After the interview with His Majesty, I embarked yesterday on board Her Majesty's steam-ship "Trident," and arrived here this morning.

I now await alone the arrival of Mr. Forde, to learn the terms of the contractors, to draw up and sign the Convention.

Hadj Abderrahman Ajeë has exhibited to me the full powers he has received, and he is prepared to address me a note regarding prohibitions on the exportation of produce in the sense your Lordship has suggested, after the signature of the Convention.

(10) *Earl Russell to Mr. Drummond Hay.*

Foreign Office, November 2, 1861.

SIR,—I have received your despatches of the 22nd October, and I have to acquaint you that I entirely approve of your having proceeded to Rabat to have a personal interview with the Sultan of Morocco.

I conclude, from a telegram that I have received from Sir John Crampton reporting Mr. Forde's passage through Madrid with the Convention which you had signed with the Moorish Government, that Mr. Forde's interview with the Moorish Plenipotentiary resulted in a satisfactory understanding on the subject of the loan.

Sir John Crampton has reported to me that Mulia Abbas has concluded a Convention with the Spanish Government, according to which Tetuan will be evacuated on the payment of 3,000,000 dollars, but that if the money is not forthcoming within five months, the Convention will be void; and that as regards the remaining 10,000,000 dollars of the indemnity, half of the Customs revenues of Morocco is to be handed over to a Spanish Commissioner until the whole sum is paid off.

On this I have to observe, that it seems to me that the Spanish Government have properly fixed a term for the payment to be made, which is to be followed by the evacuation of Tetuan; and that the Sultan should not hesitate to appeal to the loyalty and patriotism of his subjects to enable him to fulfil the conditions by which that evacuation will be secured.—I have, &c.

(signed) RUSSELL.

(11) *Mr. Drummond Hay to Earl Russell.*—Received Nov. 8.)
(Extract.) Tangier, October 24, 1861.

Mr. Forde has arrived, and he has had several interviews with Hadj Abderrahman Ajeë, the Moorish Plenipotentiary, and with myself.

Mr. Forde could not give Hadj Abderrahman any positive information regarding the rate of interest which would be required

by the contractors for the loan, in consequence, as he said, of the constant variation that takes place in the money-market. Hadj Abderrahman therefore observed, that it would be unwise for him to insert in the Convention the rate of interest, as he was very ignorant of such matters, and that if he put too large a rate it would entail a loss, whilst, on the other hand, if he inserted a low rate it might stop the negotiation for the loan.

Under these circumstances, and as Mr. Forde had told us that a copy of the Convention would probably have to be embodied in the bonds or scrips, Hadj Abderrahman agreed with me in thinking that to prevent a further loss of time it would be advisable to sign the Convention and send it to your Lordship, leaving in blank the annual rate of interest and rate by way of sinking fund. In a letter he has addressed me, he has requested me to beg Her Majesty's Government to have the kindness to fill up these blanks when the loan is arranged with the contractors.

I trust that if I have erred in consenting to ask Her Majesty's Government to accede to this proposition, and in having signed the Convention without filling up the blanks, I shall be excused by your Lordship under the peculiar circumstances of the case and the urgent necessity that no time should be lost.

Should your Lordship disapprove, then the Convention can be returned.

If your Lordship accedes to the request of the Moorish Plenipotentiary, then I might be apprised by telegram of the rate of interest and rate for sinking fund which may be fixed upon, and having inserted these items, I could send the Convention forthwith for ratification to the Sultan.

I have the honour to enclose herewith a copy of a certificate given by her Majesty's Consul to Mr. Forde at his request, containing an average return of the imports and exports of Morocco during four late years, and certifying also the rate of duties which are levied.

According to this calculation half the receipts of the Customs would amount to about £161,000.

This leaves an ample margin, and will, I think, afford excellent security to the contractors. I have no doubt Mr. Reade's calculations are exact, being taken from the Consular Trade Returns.

I have the honour to transmit herewith translations of the letter addressed to me by Seid Abderrahman Ajeë, of the instructions he has given Mr. Forde in two separate letters, of the

Royal Mandate empowering Mr. Forde to act as his agent, and of the Royal mandate giving full powers to Ajee to sign the Convention.

From the Inclosure No. 4 your Lordship will learn that Mr. Forde is instructed by Ajee not to fix the interest or conclude the loan without a reference to Her Majesty's Government ; the reasons given for this step are stated in Ajee's letter to me, namely, that he desires to make sure there will be no hitch at Madrid about the evacuation of Teutan, and payment of the 3,000,000 dollars before the loan is made, as the Sultan does not want the money, except with the view of paying the Spanish Government for the evacuation of Teutan.

In the letter addressed by Ajee to myself your Lordship will also observe that he engages on the part of the Sultan that no prohibition not existing at the present time will be imposed on trade ; indeed, he tells me he hopes that the existing prohibition on the exportation of wheat may ere long be removed.

He also engages that the payment of all charges shall be made in English, Spanish, or French coin, and not Moorish coin, which, though free from alloy, would be inconvenient to transmit to England or Gibraltar. French and Spanish gold and silver coins are current throughout this country ; English sovereigns are more rare.

I have further the honour to transmit to your Lordship the Convention which has been signed this day by the Moorish Plenipotentiary and myself.

Inclosure 1 in No. 11.

Statement of the Average Annual Value of the Morocco Trade.

This is to certify that the total value of goods imported at the several ports of Morocco during the years 1856, 1857, and 1858, as well as during the last nine months of the year 1860, amounted, on an average, to about £76,397 per month, or to £916,764 per annum, whilst the exports at the same ports, and during the same period, averaged about £77,067 per month, or £924,912 per annum.

N.B.—The whole of the year 1859, and the first quarter of the succeeding year, are excluded from the above-stated period, on account of the general stagnation of trade, which then prevailed at the Moorish ports, in consequence of the war with Spain.

It is hereby further certified, that the import duties in this country amount to 10 per cent., and the export duties to about 25 per cent. of the goods upon which they are levied.

Her Britannic Majesty's Consulate,
Tangier, October 23, 1861.

(signed) THOS. F. READER

Inclosure 2 in No. 11.

Hadj Abderrhaman-el-Ajee to Mr. Drummond Hay.

(Translation.) (Extract.) (After the usual preamble.)

As you have heard from our Lord the Sultan, in your late audience, the expressions of his Majesty's gratitude for the friendly aid afforded by the British Government in facilitating the loan, it is unnecessary for us to repeat that we shall never forget the kindness and sympathy that has been shown to our Government in a moment of great difficulty.

We will not conceal from you, however, that we have been somewhat disappointed that a fresh delay has occurred in effecting the loan, in consequence of Mr. Forde being unable to afford us any positive information regarding the rate of interest which may be demanded by the contractors for the loan: he merely tells us that it may vary from 4 to 7 per cent. We do not like to fix the rate of interest which is to be paid, lest, in naming too high a rate, we entail a loss; and, on the other hand, if we name too low a rate, there might be difficulty in contracting the loan. It is on this account, and after due consultation with yourself and Mr. Forde, and in order not to lose further time by a further reference to England, we decided on leaving in blank in the Convention the rate of interest to be paid, and on asking your Government to add to the favours already conferred, by inserting in the Convention the rate of interest at which the loan may be effected; and we have directed the Moorish Commissioner, Mr. Forde, as you will learn by the inclosed copies of his instructions, to consult with the British Government before the rate of interest is fixed, and, under any circumstances, before he concludes the loan. Whatever the British Government approves of and inserts, our Lord the Sultan and we shall accept and approve of.

We further acquaint you, for the satisfaction of your Government and the contractors of the loan, that no prohibition, not

existing now, will be imposed on the exports or imports, until the complete redemption of the loan takes place. We have also to state that the quarterly charges paid to the British Commissioner will be effected in British, French, or Spanish coin.

We inclose, for your information, a copy of the mandate sent by the Sultan to Forde. With this authority, and the instructions we have given him, he is empowered to sign all bonds or documents requisite on such occasions. We have, however, instructed Mr. Forde, before he closes with the contractors for the loan to apply to your Government. Our object in giving this instruction is to provide against the contingency of the possibility of the Spanish Government withdrawing from the propositions they had made, through your Government, that the Sultan should offer 3,000,000 dollars, and that this sum would be accepted and Tetuan evacuated. We have written to Mulai Abbas to tell him what has taken place here, and to say that we believe and hope the 2,000,000 dollars will be ready to be paid in England before the expiration of the month of November, and to suggest that he communicate this to the Spanish Government, saying that he is ready to sign the Treaty for the payment of the money and evacuation of Tetuan, the day he hears the money is at hand ; that if the Spanish Government make no difficulty, Mulai Abbas is to communicate this to the British Ambassador, who, we hope, will kindly telegraph it to your Government, and the loan be thus effected. But, if fresh impediments are offered, then Mulai Abbas will likewise communicate with her Majesty's Government, who, we hope, would then suspend the negotiation for the loan until some arrangement be entered into with the Spanish Government, for, as you well understand, we do not desire to have this money on our hands and to pay the charges thereon, except for the purpose of effecting the object we have in view.

We also enclose a copy of the letter we have addressed to Forde on this subject.

In conclusion, we again beg that every expedition should be used in bringing this negotiation to a conclusion. It is of vital importance to our Lord the Sultan, who is most anxious that Mulai Abbas should return to resume the Caliphate of the Northern Provinces as soon as he is enabled to arrange, by Treaty, with the Spanish Government, when the evacuation of Tetuan and the payment of the 3,000,000 dollars is to take place. If fresh delay occurs we know not what might be the consequences.

Peace. 18 Rabea the Second, year 1278, (23rd October, 1861.)

Inclosure 3 in No. 11.

Hadj Abderrhaman-el-Ajee to Mr. Forde.

(Translation.)

Praise to the one God.

To the English merchant, Lewis Forde, Esq. We salute you.

Be it known to you, our Lord the Sultan (may God protect him !) having heard of your zeal, intelligence, and fidelity has been pleased to appoint you as his Commissioner for contracting a loan of £426,000 sterling in London, and he also empowers you to pay this sum over to our Lord the Viceroy of the Sultan, Mulai Abbas, whenever you receive directions to that effect.

We send you herewith the Shereefian mandate of our Lord, bearing his signet, for the general information of yourself and of all whom it may concern ; and, further, a certified copy of the full powers given to us by our Lord to conclude the Convention with the Minister of Great Britain in these dominions, in which Convention our Lord the Sultan gives, as security for the loan, half the receipts of all the ports of his dominions, and in which will be stated the annual rate to be paid for interest, and also a further annual rate to be paid for the redemption of the loan.

The security as given by our Lord is very ample, and will, with God's help, exceed considerably the said charges.

We now have to instruct you to proceed to London without delay. It is most important no time should be lost. We authorize you to arrange about the rate of interest, and rate for the redemption of the loan. We have further to authorize you, as in accordance with the authority vested in you by the mandate of our Lord the Sultan, to sign and seal all bonds or other documents on behalf of this Government, relative to the loan, or for the issue of bonds prescribed by the usages on such occasions in England or elsewhere.

Finished, 18th Rabea the second, year 1278, (23rd October, 1861). The Officer of the Court, exalted by God,

(signed) HADJ ABDERRAHMAN-EL-AJEE.
Whom God assist.

Inclosure 4 in No. 11.

Hadj Abderrahman-el-Ajee to Mr. Forde.

(Translation.)

In the name of the most merciful God !

To the English merchant, Mr. Lewis Forde. We salute you.

We send you this private letter in addition to that which we addressed you under this date, and we direct you not to come to any final settlement with the contractor for the loan regarding the several charges thereon, until you have consulted with the British Government, and they express their approval ; and likewise to consult the British Government about the arrangement of the rate of interest, and rate for the redemption of the loan, and act according to their good advice.

We have begged them to let you know when to bring to a conclusion the negotiation for the loan, as it is for a particular object only that the loan is to be effected.

Finished, 19th Rabea the second, year 1278 (24th October, 1861). The Officer of the Court, exalted by God,

(signed) HADJ ABDERRAHMAN-EL-AJEE.
Whom God assist.

Inclosure 5 in No. 11.

Full Power to Mr. Forde.

(The Royal Signet of the Sultan of Morocco, Seedi Mahomed.)

(Translation.)

Be it known from this our letter (may God exalt its validity, and render it luminous as the sun and moon !) that we have empowered the merchant, Lewis Forde, to raise a loan of 2,000,000 dollars from the capitalists (subjects) of the British Government, and that he is also authorized to deliver the amount to whomsoever may be selected by our brother, the Honourable Mulai Abbas. May God protect him on account of the Spanish Government, but that he should not take upon himself (to pay the money) except at the time and to the person as he may be directed.

Peace.

10th Rabea the second, year 1278 (October 16, 1861).

Inclosure 6 in No. 11.

Full Power to Hadj Abderrahman-el-Ajee.

(The Royal Signet of the Sultan of Morocco, Seedi Mahomed.)

(Translation.)

In the name of God, the merciful and clement! There is no strength or power but in God, the most high and mighty.

Be it known by this our letter, elevated and protected by God, and luminous as the sun and moon, that we have, by the help of God, granted to our employed, the Honourable Hadj Abderrahman-el-Ajee, full power and authority to conclude with the Minister, Mr. John Hay Drummond Hay, the Convention, and to treat with the merchant, Lewis Forde, regarding the arrangements relative to the loan of 2,000,000 dollars, to be advanced by the British capitalists, and that we shall in no way disapprove of any one of the arrangements (which he, the said Hadj Abderrahman-el-Ajee, may come to in the negotiation), for we have ceded to him all the authority (requisite) to act in the matter, according to his own free judgment, and without having to refer again to us for instructions. He has our full powers, and whatsoever he may do will be well done.

Peace.

Done on the 14th day of the present month (of Rabea the second) of this year (1278) October, 20, 1861).

Inclosure 7 in No. 11.

Convention between Her Majesty and the Emperor of Morocco, to enable him to raise a Loan; signed at Tangier, October 24, 1861.

His Majesty the Emperor of Morocco being desirous of raising a loan of four hundred and twenty-six thousand pounds sterling in London, to enable him to meet his engagements with her Catholic Majesty, and having requested the good offices of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with a view to facilitate that object; and Her Britannic Majesty having agreed to the request of His Imperial Majesty, Their Majesties have resolved to conclude a Convention on the subject, and have named as their Plenipotentiaries (that is to say) :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Hay Drummond Hay, Esquire, Companion of the Most Honourable Order of the Bath, Her Minister Resident at the Court of His Majesty the Sultan of Morocco.

And His Majesty the Sultan of Morocco, His Officer the learned Fakee Seed Hadj Abderrahman el Ajee.

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles :—

ARTICLE I.

His Majesty the Emperor of Morocco engages, that from and after the ratification of the present Convention, there shall be paid over to a Commissioner named by her Britannic Majesty, fifty per cent. of the Custom duties at all the ports of the Empire of Morocco.

Her Britannic Majesty on her part engages that, six weeks before the period at which the half-yearly charges on the loan of four hundred and twenty-six thousand pounds sterling, which the emperor of Morocco is about to raise, shall become due, she will transfer to the agent or agents of the contractors for that loan the sums so to be received by the Commissioner of Her Majesty, or so much thereof as may be sufficient to pay the interest [on the said loan, at the annual rate of per cent., together with a further annual rate of per cent. by way of sinking fund for the redemption of the loan].*

But Her Britannic Majesty shall not be liable for the payment of more than she receives.

In case the sums received should be more than sufficient for such half-yearly payments, the surplus shall be repaid by the British Commissioner to the officers of the Emperor of Morocco duly authorized to receive the same.

ARTICLE II.

When by means of the payments provided for in the preceding Article, the whole of the loan of four hundred and twenty-six thousand pounds sterling shall have been repaid, together with the interest due thereon, the Commissioner of Her Britannic Majesty shall cease to receive the fifty per cent. of the Custom duties at the ports above mentioned, and shall repay to the said officers of the Emperor of Morocco any balance that may be remaining in his hands.

ARTICLE III.

The present Convention shall be ratified by Her Majesty the Queen of Great Britain and Ireland, and by His Majesty the Emperor of Morocco, and the ratifications shall be exchanged at Tangier as soon as possible within forty days from the date hereof.

* In the amended Convention, laid before Parliament separately, these words were changed to—"and sinking fund on the said loan, the amount of such sums not exceeding on the aggregate fifteen per cent. on the above-mentioned sum of four hundred and twenty-six thousand pounds sterling."

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have fixed thereto their respective seals.

Done at Tangier the twenty-fourth day of October, in the year one thousand eight hundred and sixty-one, corresponding to the Moorish date of the eighteenth day of the month of Rabbea the Second, in the year one thousand two hundred and seventy-eight.

(L.S.) J. H. DRUMMOND HAY.

(L.S.) (Signature of the Moorish Plenipotentiary.)

(12) *Mr. Drummond Hay to Earl Russell.*
(Received November 4.)

(Extract.) Tangier, October 24, 1861.

Since I had the honour of addressing to your Lordship my previous despatch of this date, Mr. Forde has decided upon returning to England *via* Madrid, in order that he may learn from Mulai Abbas, or from Her Majesty's Envoy, as requested by the Moorish Plenipotentiary, whether the Spanish Government adheres to their intention of evacuating Tetuan as soon as the 3,000,000 dollars are paid by the Sultan.

The overland route will only cause a delay of two or three days, and Mr. Forde will, at Madrid, be enabled to learn whether the loan should be negotiated at once; for if the Spanish Government withdraw from their intention, as announced to Her Majesty's Government previously to my mission to Mequinez, the Sultan would not, of course, desire to raise the loan, which would entail on his revenue a heavy annual charge.

(13) *Earl Russell to Mr. Drummond Hay.*

(Extract.) Foreign Office, November 26, 1861.

I have received your despatch of the 24th October, reporting your proceedings in regard to the Convention which you were authorized to sign with a Moorish Plenipotentiary with a view to facilitate the raising in this country of a loan to enable the Moorish Government to meet the pressing demands of Spain, and so to bring about the immediate evacuation of Tetuan, and inclosing the Convention which you had signed that day.

I have to acquaint you that Her Majesty's Government entirely approve your conduct in regard to this matter.

You will have learned by the telegram which, at Mr. Forde's request, was sent to you on the 20th instant, the terms on which he was enabled to raise the money. Those terms appear to me to be very advantageous to the Moorish Government, and I doubt not will be thankfully accepted by them.

You will also have been apprised of my subsequent telegram of the same date of the alteration which it was necessary to make in that part of the first Article of the Convention in which blanks, to be filled up in England, were left at the time of signing, in order to adapt the terms of the Article to the actual state of things.

Her Majesty's ratification of the amended English version, alone, is sent to you this day; but it will be necessary that an amended copy of the Convention, bearing the same date as the original, should be signed in English and Arabic, and transmitted to this country simultaneously with the Emperor of Morocco's ratification, which should be, if possible, in both languages.

(14) *Earl Russell to Mr. Drummond Hay.*

Foreign Office, December 3, 1861.

SIR,—I transmit, for your information, copies of a correspondence which has passed with Mr. Forde relative to the Moorish loan which is now being raised in this country.—I am, &c.

(signed) RUSSELL.

Inclosure No. 1 in No. 14.

Mr. Forde to Earl Russell.

YM LORD,—The contractors for the Moorish loan having raised a question whether the language of the Convention between the Moorish Government and the Government of Her Majesty extends to the bonus of 15 per cent. proposed to be given to the subscribers beyond the £426,000, I shall feel obliged if, on behalf of the British Government, you will kindly state in writing that there will be no objection to the extension of the Convention to cover the nominal value of the proposed loan, say £501,176; I on behalf of the Government of the Emperor of Morocco, agreeing that as soon as practicable a supplemental Convention shall be entered into, by which the terms of the

existing Convention shall be expressly extended to the whole sum of £501,176 10s. and interest thereon.—I have, &c.

(signed) LEWIS FORDE.

Inclosure 2 in No. 14.

Mr. Layard to Mr. Forde.

Foreign Office, November 28, 1861.

SIR,—I am directed by Earl Russell to acknowledge the receipt of your letter of the 27th instant, stating that the contractors for the Moorish loan have raised a question whether the terms of the Convention between the Moorish Government and Her Majesty's Government extend to the bonus of 15 per cent. proposed to be given to the subscribers beyond the £426,000, and requesting to know whether there will be any objection on the part of the British Government to the extension of the Convention to cover the nominal value of proposed loan, say £501,176, provided you should agree on behalf of the Moorish Government that as soon as possible a supplemental Convention shall be entered into, by which the terms of the existing Convention shall be expressly extended to the whole sum of £501,176 10s., and interest thereon.

I am directed by Lord Russell to inform you in reply that Her Majesty's Government will not, under the circumstances stated, object to the extension of the present Convention, so as to make it in accordance with the intentions of the Contracting Parties as laid down in your letter.—I have, &c.,
(signed) A. H. LAYARD.

(15)

Earl Russell to Mr. Drummond Hay

Foreign Office, December 11, 1861.

SIR,—You will have seen by the correspondence with Mr. Forde, of which copies were inclosed in my despatch of the 3rd instant, that it was considered to be necessary that a Supplementary Convention should be concluded between Her Majesty and the Emperor of Morocco, by which the provisions of the Convention of the 24th of October should be extended to cover the amount of stock which it should be necessary to raise to produce the net sum of £426,000, and to provide for any charges for bonus.

I have since the date of that despatch, been in communication

with Mr. Forde, who, you will have seen in the correspondence, undertook to explain to the Moorish Government the necessity for a Supplementary Convention, and I understand from him that he is about to send to Tangier his partner, Mr. William Henry Smith, to act on his behalf with the Moorish Government.

In anticipation of Mr. Smith's obtaining the concurrence of the Moorish Government in regard to the Supplementary Convention, I at once authorize you, on learning from Mr. Smith that he has prepared the Moorish Government for its reception, formally to announce your readiness to conclude and sign such a Convention.—I am, &c.

(signed) RUSSELL.

(16) *Mr. Drummond Hay to Earl Russell.*

(Received December 12.)

(Extract)

Tangier, December 4, 1861.

I awaited the receipt of your Lordship's despatch of the 26th ultimo, before I made out the amended copies of the Convention.

This morning, the Moorish Plenipotentiary and I signed the amended copies, bearing the date of the 24th October. I will transmit an amended copy to England when I receive the Sultan's ratification, which I expect in a few days.

With regard to the loan, I made Mulai Abbas acquainted with the terms of the contractors, as reported by Mr. Forde, and I informed his Highness that your Lordship considered the terms very advantageous.

His Highness replied that he did not well comprehend the monetary system by which loans are effected in Europe, but that your Lordship's opinion sufficed for their satisfaction, though he did understand that the aggregate annual amount to be paid was less than the Moorish Government had been led to suppose would be required.

(17) *Mr. Drummond Hay to Earl Russell.*

(Received January 2, 1862.)

Tangier, December 22, 1861.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 11th instant respecting a Supple-

mentary Convention to be concluded between Her Majesty and the Emperor of Morocco, extending the provisions of the Convention of the 24th October, so as to cover the amount of stock which should be raised to produce the sum of £426,000, and to provide for any charges for bonus.

I have delayed taking any steps in this matter until Mr. William Henry Smith arrives from England.—I have, &c.

(signed) J. H. DRUMMOND HAY.

- (18) *Mr. Drummond Hay to Earl Russell.*
(Received January 12, 1862.)

Tangier, December 22, 1861.

MY LORD,—I have the honour to transmit herewith the Sultan's ratification of the Convention concluded between Great Britain and Morocco on the 24th October last, and also the amended original of that Convention.

I further inclose the document you directed me to transmit to your Lordship, certifying the exchange of ratifications.

I have, &c.

(signed) J. H. DRUMMOND HAY.

- (19) *Mr. Drummond Hay to Earl Russell.*
(Received January 11, 1862.)

(Extract)

Tangier, December 30, 1861.

Mr. W. H. Smith arrived yesterday, and had an interview with Hadj Abderrahman-el-Ajee, at which I was present.

Hadj Abderrahman sent this morning a telegram to Mr. Forde, worded as follows :—"Conclude loan on terms of prospectus, and deposit the money in the London and County Bank."

- (20) *Mr. Drummond Hay to Earl Russell.*
(Received January 12.)

(Extract)

Tangier, January 3, 1862.

Mr. Smith has communicated to the Moorish Plenipotentiary the Supplementary Convention, and I have also made known to Mulai Abbas why the provisions contained in this Convention are thought to be requisite.

His Highness, as also Hadj Abderrahman-el-Ajee, have replied that whenever tidings are received that the loan has been con-

cluded on the terms of the prospectus which had been communicated to the Sultan, they will be willing to accept the Supplementary Convention ; but, under the present circumstances, as some alteration might be required in the wording of the Convention, if the loan is not effected on the original terms, they think it advisable to await further communication from Mr. Forde regarding the progress of the loan.

(21) *Mr. Drummond Hay to Earl Russell.*

(Received February 1.)

Tangier, January 18, 1862.

MY LORD,—I have the honour to transmit, herewith, the Supplementary Convention signed this day by Hadj Abderrahman-el-Ajee and by myself.—I have, &c.

(signed) J. H. DRUMMOND HAY.

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V.

Papers respecting the Assassination of Dr. McCarthy at Pisa.

(Time 3 hours.—See Instructions Page 8.)

(1) *Consul Macbean to Earl Russell.*

(Received January 28.)

(Telegraphic.)

Leghorn, January 28, 1862.

Dr. McCarthy was stabbed in his own home, at Pisa, on Wednesday afternoon, the 15th instant, by one of two luggage-porters who insisted on following him from the railway terminus on his return from visiting patients at Leghorn.

The assassin claimed payment, although he had done no work; when refused, he became grossly abusive, and, on being turned out of the house, stabbed Dr. McCarthy in the thigh and in the abdomen.

Surgical and medical assistance was promptly obtained.

Both the porters were arrested the same evening, and are in custody, awaiting trial.

Mr. Burnside, of this Consulate, called that night at Dr. McCarthy's house to offer assistance, and afterwards went to ascertain that the assassin was in custody.

The Vice-Consul went, on Thursday, and conferred with the Prefect and Pretors of Pisa. He assisted, on Friday, taking Dr. McCarthy's deposition. He was summoned on Saturday, and sat up that night with Dr. McCarthy, remaining with him until he died, at 3 P.M. on Sunday afternoon, the 19th instant. Dr. McCarthy suffered most intensely. His wounds were more extensive than at first imagined. His wife much stunned by the shock, but bearing up wonderfully.

(2) *Sir J. Hudson to Earl Russell.*—(Received January 19.)

Turin, January 19, 1862.

MY LORD,—I have the honour to inclose to your Lordship, herewith, copy of a letter from Consul Macbean, reporting the assassination of Dr. McCarthy at Pisa.—I have, &c.

(signed) JAMES HUDSON.

www.libtool Inclosure in No. 2.

Consul Macbean to Sir J. Hudson.

Leghorn, January 17, 1862.

SIR,—I have to report to you that a British subject, Dr. George McCarthy, was stabbed at Pisa, by a luggage-porter, at about 5 P.M. on Wednesday, the 15th instant.

Dr. McCarthy has been for several years established at Pisa, where he practises during the winter, but he is frequently called over to visit English patients in Leghorn.

On the morning of the 15th Dr. McCarthy came to Leghorn. He returned to Pisa by the 4-20 P.M. train, accompanied by an English lady, who went over on a visit to Mrs. McCarthy, taking with her a small bonnet-box or trunk. I understand that their carriage was followed from the railway terminus by two porters; that at first Dr. McCarthy did not think it necessary to employ either; that one of the men, however, carried up the box, and was paid for doing so; that the other man then came forward and demanded to be also paid; that Dr. McCarthy having refused to pay the second porter, the latter became abusive, and Dr. McCarthy pushed him out of his house, upon which the porter drew his knife and stabbed Dr. McCarthy in the abdomen.

Mr. Burnside, the Clerk of this Consulate happening to be that night in Pisa, called at Dr. McCarthy's to offer assistance. Yesterday I sent over the Vice-Consul, who saw the Prefect and Prætor on the subject, and at the suggestion of the latter, the Vice-Consul returned this morning to Pisa, to assist at the taking of Dr. McCarthy's deposition.

I regret to say that the medical men in attendance represent the wound as very serious, and Dr. McCarthy's life to be in very great peril.

The occurrence has caused much sensation here, as well as at Pisa, where Dr. McCarthy is held in much estimation on account of his professional skill and benevolence of character.

I have, &c.

(signed) ALEX. MACBEAN.

(3) *Sir J. Hudson to Earl Russell.*—(Received Jan. 29.)

Turin, January 23, 1862.

MY LORD,—With reference to my despatch of the 19th instant, I have the honour to inclose herewith to your Lordship extract

from a letter from Consul Macbean giving further details respecting the assassination and subsequent death of Dr. McCarthy.—I have, &c.

(signed) JAMES HUDSON,

Inclosure in No. 3.

(Extract.) *Consul Macbean to Sir J. Hudson.*

Leghorn, January 21, 1862.

At noon, on the 18th, the Vice-Consul was telegraphed for, in consequence of the wish expressed by the medical attendants of Dr. McCarthy that the identification of the assassin on the part of the victim, should no longer be delayed. On communicating with the authorities the Vice-Consul was informed that the evidence against the murderer was such as to allow them to dispense with the formality of identification.

The Vice-Consul sat up with Dr. McCarthy on Saturday night, and remained with him to the last. The patient was calm and collected, his intellect clear to within a very short time of his death, which occurred at 3 p.m., on Sunday. From the first he allowed no angry or vindictive expression against his assassin to escape him. On Sunday the Holy Communion was administered by Mr. Green, the English clergyman.

A post mortem examination was made, when it was found that the wound could not have proved otherwise than fatal.

Dr. McCarthy was regarded as a very able man, and his death will be mourned by many who had benefitted by his skill and attentions.

The lawlessness of the facchini and boatmen has long been a subject of complaint on the part of the Tuscans as well as strangers, and the authorities profess not to have at their disposal the means of repressing or protecting against such violence.

(4) *Sir J. Hudson to Earl Russell.*
(Received January 29.)

Turin, January 26, 1862.

MY LORD,—With reference to my despatches of the 19th and of the 23rd instant, reporting the assassination and death of Dr. McCarthy, of Pisa, I have the honour to inclose herewith copy of a letter which I have received from Mr. John Fergus, Chairman of a meeting convened at Pisa for taking into consid-

ration the insecurity to life arising from the lawlessness of the porters, and inclosing for transmission a Memorial to Baron Ricasoli, together with copy of my reply to the Chairman.—I have, &c.

(signed) JAMES HUDSON.

Inclosure 1 in No. 4.

Mr. Fergus to Sir J. Hudson.

Casa Gellatti, Pisa, January 23, 1862.

May it please your Excellency,

As Chairman of a meeting of British subjects, visitors, and residents at this place, and by desire of the meeting, I beg to send you a Memorial to Baron Ricasoli, which you are respectfully requested to present to him.

The more immediate occasion of the meeting was the murder of Dr. George M'Carthy by one of the facchini, of which your Excellency is no doubt apprized. But that deplorable event is only one illustration among many which might be adduced of the evils suffered by the community here from the inadequate provision made for the prevention, the detection, or the punishment of crime. I am directed by this meeting very earnestly to solicit your Excellency's interference for the protection of Her Majesty's subjects at Pisa, a large proportion of whom are invalids seeking health from the climate, and especially sensitive to the constant alarms and annoyances, as well as the frequent dangers, arising from the want of any efficient police.—I have, &c.

(signed) JOHN FERGUS.

Inclosure 2 in No. 4.

Sir J. Hudson to Mr. Fergus.

Turin, January 26, 1862.

SIR,—I have the honour to acknowledge the receipt of your letter of the 23rd instant, which, as Chairman of a meeting of British subjects, visitors, and residents at Pisa, you have addressed to me on the recent melancholy and horrible assassination of Dr. M'Carthy.

Prior to its receipt I had been in possession of the facts of the case by Her Majesty's Consul at Leghorn, and I immediately communicated the intelligence to this Government, which had,

I found, already taken such measures as the atrocity of the case demanded.

This morning I waited upon the President of the Council, and presented to his Excellency the Memorial which you transmitted to me.

Baron Ricasoli deplores this most untoward event. He stigmatized the act in those terms which I expected from a Minister of the Interior. He was the first to depict in strong colours a fact, notorious to all who have any acquaintance with Pisa and Leghorn, namely, the brutality of that particular class to whom our unfortunate countryman has fallen a victim; and he expressed his determination to take such immediate measures for their future guidance and control as will effectually meet the object and desire of that meeting of which you are the Chairman, and which measures, I sincerely hope, will be sufficient to calm present apprehension, and avert and prevent future dangers and inconveniences.—I have, &c.

(signed) JAMES HUDSON.

(5) *Sir J. Hudson to Earl Russell.*—(Received February 11.)

Turin, February 6, 1862.

MY LORD,—I have the honour to inclose to your Lordship herewith copy of the Report of Her Majesty's Consul at Leghorn of further particulars attending the assassination, death, and burial of the late Dr. McCarthy of Pisa.

I have also the honour to inclose the copy of a letter and memorial which I have received from the British residents and visitors at Florence, on the subject of the porters of Florence.

I have declined to present that Memorial to Baron Ricasoli for the reasons stated in my reply to the Chairman of the meeting of the residents, a copy of which reply I have also the honour to inclose herewith.—I have, &c.

(signed) JAMES HUDSON.

Inclosure 1 in No. 5.

Consul Macbean to Sir J. Hudson.

Leghorn, January 30, 1862.

SIR,—I have the honour to acknowledge receipt of your despatch of the 18th instant, in which, with reference to my Report (dated 17th January) of the assassination of Dr.

McCarthy, by a luggage-porter at Pisa, you instruct me to inform you if the assassin is already in custody, and to use my best endeavours to have him brought to trial.

On Sunday evening, the 19th instant, I acquainted you, by telegraph, that Dr. McCarthy died that afternoon after intense suffering.

I have now to report that the assassin was arrested the same evening that Dr. McCarthy was stabbed. The case has been got up for trial with most unusual expedition ; for when the Vice-Consul called on the Procuratore Regio of Pisa, on the 28th instant, to make inquiries on the subject, he was informed that the *procès* was complete, and that it had been returned by the Pretore, and by the Juge d'Instruction, to the office of the Procuratore Regio, for transmission of Camera di Consiglio. The Vice-Consul was, at the same time, informed that the other porter, who had forced his services on Dr. McCarthy, was still in custody, but would probably be liberated, nothing having transpired to inculcate him with the assassination.

In continuation of my despatch of the 17th instant, I beg leave to state that the surgical assistance of Dr. Cuturi and of Professor Maracci, of Pisa, was promptly obtained, and that Dr. Wilson, of Florence, passed the nights of the 15th, 16th, and 17th instant in Dr. McCarthy's house.

I believe that everything was done for the deceased that surgical skill could devise, for Dr. McCarthy was quite alive to what was being done for him, and most wonderfully brought his own professional knowledge, which was of a high order, to bear upon his own case.

I stated, in my despatch of the 17th instant, that the Vice-Consul had gone over that morning to Pisa to assist at the taking of Dr. McCarthy's deposition, when he acted as sworn interpreter. It is due to the Pretore of Pisa to state that nothing could exceed the consideration which he exhibited in the taking of Dr. McCarthy's evidence.

It results from the evidence that on Dr. McCarthy's paying the porter who had carried up the small box, referred to in my former despatch, the assassin claimed payment also, and, on being refused, became grossly abusive, and was shut out of the house. Dr. McCarthy retired to his own room, but the noise continuing on the staircase, he became anxious lest it should disturb a Russian lady who was not well, Madame de Tcheffkine, who resided on the first-floor apartment, underneath Dr. McCarthy's,

and he went out for the purpose of going down stairs to close the street-door. It appears that he passed, on the staircase, the porter who had been paid, and that after getting beyond the door of the first-floor apartment, while turning a corner of the staircase, he came up to his assassin, who stabbed him in the thigh and in the abdomen. Dr. McCarthy's clothes are cut in other places, indicating that those were not the only thrusts made at him, but all occurred so rapidly that it was only after he had been wounded that he saw that his assailant was armed with a knife.

I have carefully inquired into the circumstances attending this atrocious murder, and I am relieved to find that there is no evidence whatever of Dr. McCarthy's having given provocation, or of his having drawn it upon himself. Although very grossly abused, he did not strike the man, nor had they any scuffle together, as was at first insinuated.

On Saturday, the 18th, Dr. McCarthy became so rapidly worse that the surgeons in attendance desired that the identification of the assassin by the victim, which they had at first objected to, should be no longer delayed. The Vice-Consul was telegraphed for, and, on his communicating on the subject with the authorities, he was informed that the evidence was so conclusive as to allow that usual formality to be dispensed with. The Vice-Consul sat up that night with Dr. McCarthy, and remained with him until his death, which occurred at 3 p.m., on the 19th instant.

At the post mortem examination, it was found that the wounds were more extensive than was at first supposed.

Dr. McCarthy was interred in the British cemetery here on the 22nd instant; the funeral was numerously attended, some persons having come expressly from Pisa and Florence to testify their respect for his memory.

I understand that the assassin will probably be sent for trial before the Royal Court at Lucca, the case not being within the competency of the Tribunal at Pisa, which is only of First Instance.—I have, &c.

(signed) . . . ALEX. MACBEAN.

Inclosure 2 in No. 5.

Lord W. Compton to Sir J. Hudson.

Florence, January 28, 1868.

SIR,—I do myself the honour to inclose copy of a Memorial

which it has been deemed advisable to present to his Excellency the Marchese Torre Arsa, Prefect of the Province of Florence, on the part of the British residents and visitors in Florence, drawing his Excellency's attention to the want of regulation in regard to the payment of facchini, and the evils that arise therefrom.

I am requested to beg that your Excellency will transmit the Memorial to Baron Ricasoli should you deem it advisable.

I have, &c.

(signed) W. M. COMPTON.

Inclosure 3 in No. 5.

Memorial.

We, the Undersigned British residents and visitors in Florence, most respectfully call the attention of your Excellency to the following circumstances.

On the 15th current, Dr. McCarthy, a British resident at Pisa, was stabbed by a facchino from the railway station, in consequence, as is understood, of a refusal to pay an unjust demand, and died of the wounds so inflicted on the following Sunday.

We believe that such a lamentable event was in consequence of the absence of all regulation regarding the payment of such facchini.

As a similar want of system has long existed in Florence, from which the British residents and visitors, and indeed all classes, have been put to serious inconvenience, and even personal risk, we are apprehensive that unless some effectual regulations are adopted the like unhappy results may be here experienced.

Influenced by this feeling, a meeting of the British residents and visitors in Florence has been held, at which it was determined respectfully to memorialize your Excellency, requesting you to adopt such measures as in your wisdom may seem best calculated to regulate the payment of porters, and thus in a great degree to prevent the occurrence of such deplorable collisions at Florence.

We do not bring this grievance under your Excellency's notice as of recent origin, and we feel convinced that your Excellency on inquiry will be satisfied of the urgency of the case we now venture to bring to your notice.

In conclusion, we trust that while so many other improvements have been introduced under the rule of the present

Government, the same benignant care will be extended towards the removal of the evil in question by the establishing of fixed rules of payment for facchini, as we believe to be the case at Turin and Genoa.—On behalf of the meeting.

(signed) W. M. COMPTON, *Chairman.*

Inclosure 4 in No. 5.

Sir J. Hudson to Lord W. Compton.

Turin, February 6, 1862.

MY LORD,—I have the honour to acknowledge the receipt of your letter of the 28th ultimo (received yesterday), inclosing the copy of a Memorial which the British residents and visitors in Florence have addressed to the Prefect of that city, drawing his Excellency's attention to the want of regulation in regard to the payment of facchini, and the evils that arise therefrom, and requesting me to transmit that copy to Baron Ricasoli, if I should deem it advisable.

In reply I have the honour to observe that I do not think it would be proper to present to the Baron Ricasoli, as the Prime Minister of the King of Italy, the copy of a Memorial which has been addressed to his subordinate officer.

I see nothing to object to either in the manner or the matter of the address, provided it be addressed directly to the Prime Minister, and I shall readily comply with the wishes of the British residents and visitors at Florence in this respect, should they think proper to draw up a Memorial addressed to his Excellency directly, and not indirectly to the Prefect of Florence.

I have, &c.

(signed) JAMES HUDSON.

(6) *Sir J. Hudson to Earl Russell.*

(Received February 12.)

Turin, February 9, 1862.

MY LORD,—The assassination of Dr. McCarthy became yesterday the subject of a question which was put to Baron Ricasoli, in the Chamber of Deputies, by the Deputy M. Gallenga.

I have the honour to inclose, herewith, a copy and translation of the question, and of the answer given to it.—I have, &c.

(signed) JAMES HUDSON.

Inclosure in No. 6.

(*Question put by M. Gallenga in the Italian Chamber of Deputies, February 8, 1862.*

Gallenga.—Had read in an English journal the account of the assassination at Pisa of an Englishman, killed by railway porters, discontented with the remuneration given them for carrying a trunk. This murder had produced a most painful and profound sensation among the English in Tuscany, and would have not less painful echo in England. He (*Gallenga*) exhorted the Government to take the necessary steps to prevent the recurrence of such crimes, as otherwise foreigners would say we have not sufficient energy in Italy to prevent and repress them.

President of the Council.—Admitted the crime had been committed, but did not see how the Government could be made responsible for it, as within an hour of the murder the assassin and his accomplice were arrested. The prosecution had been immediately set on foot; and by a Decree of February 1, the Tribunal of First Instance, declaring itself incompetent, had sent the case before the Criminal Court at Leghorn. Such crimes occurred, unhappily, too often at Pisa, and particularly at Leghorn, where the porters were notoriously violent and exacting. At Genoa, on the contrary, they were remarkably well-behaved: and the Government were ready, if necessary, to bring in a law to subject the Leghorn porters to the same regulations as those at Genoa. He hoped, for the rest, that this deplorable case had proved once more that Government were on the watch to compel respect for and observance of the laws.

(7)

Sir J. Hudson to Earl Russell.

(Received February 12.)

Turin, February 9, 1862.

MY LORD,—With reference to my previous despatch of this date, I have to report to your Lordship that a new complaint of the violence of the railway porters at Pisa has reached me from Dr. Daubeny (Professor of Botany in the University of Oxford); and that I have again addressed a letter to the Baron Ricasoli on this subject, copy of which I have the honour to inclose herewith to your Lordship.—I have, &c.

(signed) JAMES HUDSON.

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Inclosure in No. 7.

Sir J. Hudson to Baron Ricasoli.

Turin, February 9, 1862.

SIR,—I have received a note from Dr. Charles Daubeny (Professor of Botany in the University of Oxford) dated the 5th instant, calling my attention to the continued exactions of the railway porters at Pisa, who, on non-compliance, by way of intimidation, have alluded to “the Englishman now lying dead in the town, for not having paid a porter his due” (referring to Dr. McCarthy’s murder); whilst it appears that the hotel-keepers, from terror of this class of persons, assist their impositions.

Dr. Daubeny states, that the day before he writes (the 4th instant), his three nieces, accompanied by a man servant, having engaged a carriage to convey them to a railway station, were subject almost to personal violence from the driver, for not complying with his exactions, although he had been paid three francs and a-half in lieu of one franc and a-half, which was the tariff fare.

The driver actually seized the railway-ticket from the hand of one of the ladies, and held another by her dress to prevent her from taking her place in the carriage.

An officer of the railway interfered, but recommended submission to the driver’s demands by payment of one and a-half franc more, which she found it expedient to do.

I have the honour to request your Excellency to inquire into this frightful state of affairs, in the hope that you will be able to employ the means which are at your disposal for the punishment of these offenders, and the due subordination of their companions.—I avail, &c.

(signed) JAMES HUDSON.

(8)

Sir J. Hudson to Earl Russell.

(Received March 21.)

Turin, March 16, 1862.

MY LORD,—I have the honour to inclose to your Lordship herewith, copy of Consul Macbean’s report of the trial of Puccinelli, the assassin of Dr. McCarthy, which took place at Lucca on the 10th instant. Your Lordship will remark that Mr. Macbean states that the authorities have acted with great consideration, promptness, and efficiency in this case.—I have, &c;

(signed) JAMES HUDSON.

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Inclosure in No. 8.

Consul Macbean to Sir J. Hudson.

Leghorn, March 13, 1862.

SIR,—I have the honour to report that I went to Lucca at 6 a.m. on the 10th instant, to attend the trial of the late Dr. G. McCarthy's assassin, which took place before the Criminal Section of the Royal Court of Appeal in that city.

The trial, which lasted nearly six hours, took place before a full bench of six judges. I was present in Court during the proceedings, and I telegraphed to you the result the same evening from Lucca.

The prisoner, Francesco Puccinelli, described as a native of Pisa, aged 41 years, as married and the father of two children, as following the occupation of a luggage porter, was indicted for "omicidio improvviso," or unpremeditated manslaughter."

Eight witnesses were examined on the part of the prosecution, viz. :—

1. Campera, the coachman who drove Dr. McCarthy from the railway terminus on the evening of the assassination.
2. Santi Lotti, servant of the late Dr. McCarthy.
3. Maria Lotti, ditto.
4. Harlick, a Hungarian footman in the service of M. Tcheffkine, Russian Conseiller d'Etat and Consul-General at Palermo, who resides on the first floor of the Casa Cordon at Pisa.
5. Dr. C. Cuturi, one of the surgeons who attended the late Dr. McCarthy.
- 6 and 7 Ghilardi and Colombagini, gendarmes who effected the arrest of the prisoner Puccinelli.
8. Torrini, an employé at the Pisa hôpital, who bandaged Puccinelli's finger on the evening in question.

A ninth witness, the Russian Consul-General, De Tcheffkine, had been summoned from Palermo, but he declined attending the trial on the ground of official occupation and ill-health.

The prisoner's Counsel took occasion, from M. de Tcheffkine's non-appearance, to apply for an adjournment of the trial on the ground that his evidence might be of great importance to the defence of the prisoner; the Court, however, overruled the objection, and decreed that the trial should be proceeded with, but it granted the prisoner's application that M. de Tcheffkine's recognition, taken at Pisa, before his return in Palermo, should be read and received as evidence on the trial.

Without occupying your attention with a detailed account of the evidence of each witness, it may, perhaps, suffice that I should state to you the finding of the Court, as set forth in the sentence, which was read by the President to the prisoner. The sentence declared it to have been proved that on the afternoon of the 15th January last, the late Dr. McCarthy returned from Leghorn to Pisa, accompanied by a lady, having with him a small box which was placed outside on the driving-seat of the carriage which conveyed them to Dr. McCarthy's residence ; that the carriage was followed to Dr. McCarthy's house by two porters named Gelli and Puccinelli, the former of whom seized hold of the said box, and carried it up to Dr. McCarthy's apartment on the second floor of the Casa Cordon ; that the other porter, the prisoner Puccinelli, followed very unnecessarily ; that Dr. McCarthy gave the porter Gelli 30 centimes for his unsought-for services ; that the money was handed over by Gelli to the prisoner Puccinelli, who objected to the payment as insufficient, and demanded a franc and a-half ; that Dr. McCarthy refused to give anything in addition ; that the prisoner Puccinelli became abusive ; that he threatened to stab Dr. McCarthy if he caught him outside his house ; that he refused to quit Dr. McCarthy's apartment, and even went so far as to shut the door, remaining himself inside ; that, after having been got outside, the prisoner continued to use the same loud and abusive language on the staircase, when Dr. McCarthy, impelled either by a feeling of humanity towards an invalid lady (Madame de Tcheffkine), who resided on the first floor of the said Casa Cordon, or perhaps irritated by the prisoner's conduct, quitted his own apartment for the purpose of turning the porters out of the building ; that the late Dr. McCarthy had then in his hand a slight cane, or walking-stick, which he was in the habit of carrying, but which no person remarked him to have on his return from Leghorn ; that it does not result from the evidence that Dr. McCarthy struck the prisoner Puccinelli with the said stick ; that, on Dr. McCarthy's coming down stairs to where the porters were, the Hungarian servant, Harlick, saw several thrusts with a knife made at Dr. McCarthy by one of the porters, whom he (Harlick) identifies as the prisoner Puccinelli ; that Dr. McCarthy, on being wounded, immediately returned upstairs, at the same time calling out to his servant to take care, as the prisoner had a knife in his hand ; that the prisoner made off without delay, and told the coachman, Campera, whom he met

on the staircase coming to ascertain what was the matter, that he did not know what the noise was about ; that the porter, Gelli, feeling that he had nothing to fear, remained in the neighbourhood of the Casa Cordon until he was arrested ; that the prisoner Puccinelli then went to the Pisa Hospital, and insisted on having a bandage applied to the index-finger of his right hand, stating that he had incautiously wounded himself ; that, on its being proposed by the witness Torrini to send for a surgeon, as prescribed under such circumstances by the regulations, the prisoner insisted, with blasphemous oaths, that Torrini should dress his wound, which accordingly he did, under intimidation ; that, when arrested, the prisoner offered resistance ; that a knife with blood-spots was then found on his person ; that the said knife has been declared by the surgeons who were delegated to make the post mortem examination, to have been the weapon with which the wounds were inflicted which caused the late Dr. Mc Carthy's death ; that, on meeting the porter Gelli at the lock-up house, the prisoner said, "Gelli, did you see the pistols which the Englishman had in his hands ?" and that, upon Gelli's replying, "I saw no pistols," or, "There were no pistols," the prisoner turned to the gendarmes and said, "I was in such a state that had I had a cannon I could have fired it off at him ;" and that, later in the evening, the prisoner added, "Perhaps by this act I may have secured to myself bread for life ;" that everything that skill could suggest was resorted to, but that the wounds inflicted on Dr. Mc Carthy were of so serious and deep a nature as to produce inflammation and mortification of the intestines, occasioning death after four days of intense suffering ; that the identification of the assassin by the victim had been objected to by the medical attendants as likely to produce excitement and to accelerate the death of the patient, and that the authorities, seeing that the ends of justice were not likely to suffer by the omission, had acted with discretion and consideration in dispensing with that formality ; that thus the feelings of the victim and of his family were saved ; that the Court rejected the fact that the prisoner Puccinelli had been confined in the hospital of Pisa on suspicion of insanity, inasmuch as his detention there on both occasions was very short, and that his malady was supposed to have been caused by over-abuse of spirits ; and, taking into consideration that the prisoner had, some years ago, been sentenced to six months' exile for wounding another person ; that he ought afterwards to have been punished

for injuries inflicted with a stick upon his own wife, which punishment he had the good fortune to escape under a Royal amnesty, and that he has repeatedly occasioned trouble to the executive police, the Court condemned Puccinelli to ten years' confinement in the Casa di Forza, to pay an indemnity to the family of the deceased, and to forfeit the knife with which the wounds were inflicted.

The prisoner may appeal against the sentence within five days from the time that a copy of it is served upon him.

The sentence was applied in virtue of Article 310 of the Tuscan Criminal Code, which declares "unpremeditated" manslaughter is punishable by imprisonment in the Casa di Forza for seven to twelve years.

I beg leave to remark that although the Court sentenced the prisoner to ten years of the Casa di Forza, the Public Prosecutor in his summing up of the evidence had only asked for eight years of the Casa di Forza.

The efforts of the defence were directed solely to the mitigation of the punishment: 1st, on the ground that Puccinelli had been under restraint for insanity; 2nd, because M. de Tcheffkine declared in his deposition that the late Dr. McCarthy had offered provocation, and had beaten the prisoner, conducting himself altogether as he would not have dared to do in England; further, because M. de Tcheffkine declares on the authority of Dr. Cuturi, that Dr. McCarthy had expressed his regret as a dying man for having so behaved towards Puccinelli: but the deposition of the Russian Consul-General De Tcheffkine was not even borne out by the evidence of his own servant; on the contrary, it was declared by Harlick, who saw the stabs inflicted on Dr. McCarthy, that the latter did not strike or ill-use the prisoner. Dr. McCarthy also declared that he had not struck him, and the prisoner said the same at his first examination.

Dr. Cuturi, having disavowed the interpretation put by M. de Tcheffkine on what he had told him, and having been called upon by the Court to explain what Dr. McCarthy had really said, remarked that M. de Tcheffkine had, from first to last, throughout this business entertained views peculiarly his own; that Dr. McCarthy had certainly expressed to him regret, but that such regret had reference to his own imprudence in venturing out of his apartments after he had, as it were, got rid of the porters.

I have to add that the case was most carefully got up, and that the examinations were conducted with great regularity and

ability. It was very evident that the proceedings were watched with interest by members of the Bench and Bar who were not mixed up with the case. The other business of the Court was made to give way to it, and as regards the expedition with which the case was carried through, it ought to be remembered that two months have not yet elapsed since the commission of the crime.

I believe that no authorities could have acted with greater consideration, promptness, and efficiency than the Italian authorities have done in the present case.

Some people may take exception to the punishment as too lenient for taking a man's life, but the punishment of death has been abolished in Tuscany, and if the sentence of the Royal Court is only carried out, it is by no means a light punishment. The detention in the Casa di Forza implies solitary confinement in a cell, with work according to the capacity of the prisoner, and the regulations prescribe the strictest silence. Puccinelli looks strong and healthy, but it may well be doubted whether he can live out the term of his sentence in solitude.

I have, &c.,

(signed) ALEX. MACBEAN.

“Copy of all Correspondence between the Jerusalem Consulate and the Foreign Office, and the Jerusalem Consulate and the Constantinople Embassy, from the year 1850 to the year 1863, on the affairs of the Abyssinians at Jerusalem.”*

With subsequent Correspondence presented by Her Majesty's Command : 1865—1867.

(1) *Consul Finn to Viscount Palmerston.*

(Received December 19.)

Jerusalem, November 30, 1850.

MY LORD,—I have the honour to relate that, some months ago, a small party of Abyssinian priests brought to me a letter of recommendation for good offices from Mr. Plowden, Her Majesty's Consul in Abyssinia.

Shortly afterwards they appealed to me for protection from the insults of Mahometans, who annoyed them for wearing white turbans ; they protested that it is the custom of their country, and that, being foreigners, they are not amenable to customs or rules of Turkish subjects. After some time, however, they adopted the dark-coloured turbans worn generally by Christians here. They were frequently to be seen at the house of his Lordship our Bishop.

On the 10th of last month they came to complain that the Armenian ecclesiastics were endeavouring to take from them their church and convent ; that his Lordship had advised them to seize the key by a stratagem from the Armenians, who had previously usurped its possession, and now the latter wished to heat them to get it restored.

I had then a long conversation with his Lordship, who related to me that the Abyssinians had been formerly a flourishing body here, in intercommunion with the Armenians and Copts, having a large library and valuable documents ; but that at the time of the last plague, about twelve years ago, they had all died away. The Turkish authorities, at the instigation of the Armenians, then burnt all their books and papers under the pretext of danger of infection ; and that ever since then the Abyssinians

* Given (first fifteen letters) January, 1869.

resorting hither reside in the last relic of their former possessions, and subsist for the most part as paupers upon miserable food given them by the wealthy Armenian convent. That the latter had for some years kept possession of the key of the little church attached to the Abyssinian convent, only occasionally admitting the Abyssinians to divine service, but had lately kept it altogether. That his Lordship had advised the latter to regain it by a stratagem, and to keep it.

The next day the poor people came to me again, and in the afternoon a deputation of the Bishops and other Elders of the Armenians came to me on the same subject, declaring that the church had been well known as their property for 400 years past; that the Abyssinians are like wild beasts, going hither and thither, not fit to be trusted with property, but yet had stolen the key, and were encouraged in it by the English Bishop, &c.

At length I proposed, and the Armenians consented to it, that the church should be kept open to both parties till the new Patriarch should arrive (and he was expected shortly), when the case might be impartially examined from documents, in presence of the Bishop and myself.

In a conference with his Lordship, which I had after they had left me, he accused the Armenians of being cunning liars; for he knew the church and convent to have been Abyssinian property about twenty years ago, and that an inscribed tablet exists in the wall of the church of the Holy Sepulchre, from ancient time, declaring to the same effect. That the Armenians had had a long interview with him before going over to me, and advised that in case of an arrangement being made, such as I had above suggested, the key should be deposited every night with some party not concerned in the matter, as, for instance, the Pasha or the Prussian Consul.

Accordingly I drew out a paper to that effect, but the Armenians would not consent to the last clause. They would keep the key themselves, "for the sake of honour."

A few days afterwards the matter came before the Pasha, and his Lordship proposed (he has since told me) that the Abyssinians should keep the key of the church door, entering from their convent: and the Armenians keep the key of the other door, entering the church from the Great Church of the Holy Sepulchre, until the arrival of the new Patriarch.

On the 17th I went to inspect the Abyssinian convent and its little church.

I have heard that his Lordship has had some transactions with the Pasha and his Council since that time, upon the subject ; and some correspondence has been kept up.

On the 19th instant the new Patriarch, named John, arrived, and was inaugurated on the 23rd. I have, &c.,
(signed) J. FINN.

(2) *Viscount Palmerston to Consul Finn.*

Foreign Office, December 28, 1850.

SIR,—I have received your despatch dated the 30th of November last, on the subject of the differences between the Abyssinians and the Armenians in Jerusalem, respecting the possession of the small church belonging to the former, adjoining the Great Church of the Holy Sepulchre ; and I have to state to you my approval of the steps you took and the advice you gave to the parties, as reported in your before-mentioned despatch.

I am, &c.,

(signed) PALMERSTON.

(3) *Consul Finn to Viscount Palmerston.*

(Received February 3, 1851.)

[Extract.]

Jerusalem, December 9, 1850.

I have the honour to report to your Lordship that, in harmony with the opinion of his Lordship our Bishop, I have been able to effect a reconciliation between the Armenian Convent and the Abyssinians, until some future and complete investigation can be made as to the right of property in dispute.

To understand the case fully, your Lordship will remember that the Copts and the Abyssinians, together with the Syrians and Armenians, subsist in one ecclesiastical intercommunion—the Armenian Convent being the wealthy and powerful patron of the other three.

Your Lordship will perceive by the enclosed plan* that the Coptic and Abyssinian Convents are near together, and that the Copts have no access to their Church but through the Abyssinian Convent and Church.

* The plan here referred to gives the relative position of Armenian, Coptic, and Abyssinian Convents and Churches at Jerusalem.

Such is the present relation of affairs, though the Abyssinians lay claim not only to both Churches, as well as to the Coptic Convent and small Armenian Convent, with much property around, besides property in the great Armenian Convent in a distant part of the city.

At the time, however, of the last calamitous pestilence, the Copts, under the direction of their patriarch in Cairo, and of the Armenians in Jerusalem, had the Abyssinian documents burned, and got possession of all the keys of the two Churches and Convents. These they have kept ever since, allowing the Abyssinians, who continue to come annually as pilgrims, (increasing in number every year), to reside in the dilapidated ruin of their ancient Convent, but locking them up there every night.

The Abyssinians naturally assumed some degree of hope when Bishop Gobat arrived; they met him at the city gate, and the first words that his Lordship uttered within Jerusalem were addressed to them in their own language. Since that time some of their clergy have brought a letter from their King Ras Ali to his Lordship, and a letter of recommendation to me from Mr. Plowden, Her Majesty's Consul for Abyssinia.

Then came the interval between the decease of the late, and the arrival of the present patriarch, of the Armenians, in which space of time the patriarchal vicar, a clever and cunning man, acting together with the Coptic Patriarch of Cairo, used the poor Abyssinians with great severity, beat them, chained them, and refused them access to the Church except at rare intervals; but all this time they were laying their grievances before his Lordship our Bishop, and reminding him of their claims to large property, though unable to produce documents in support of those claims, except a certain stone inscription near the Church of the Holy Sepulchre.

At length his Lordship advised them to the course which they adopted, that of seizing the key of their church, immediately after Divine service, while the Coptic deacon was looking in another direction. The object aimed at was not only to recover possession of the key, but to throw upon the Copts and Armenians the burden of proving their right to regain it.

Then followed the circumstances in which I had a share, as detailed in my last despatch to your Lordship.

But during my excursion to Safed at the end of October, his Lordship wrote upon the subject to Colonel Rose, and an Order arrived in Jerusalem from his Excellency Wameek Pasha (by

whose means obtained I know not), that the key should be restored to the same holders as before the troubles began.

Then arrived his Grace the new Patriarch of the Armenians, and found several abuses to rectify. In this case particularly he has adopted a different policy from that of the vicar and bishops. He has rebuked them in presence of the Abyssinians, then of our bishop's dragoman, and also of myself, professing himself the parent of both Copts and Abyssinians, and asking why should a father take a Church from one of his children to give it to another?

On the 5th instant I had a long conference with his Grace, who used expressions of ardent friendship, thanked me for bringing a green olive-branch, &c. It was at length agreed that the church is to be kept free for both convents, though the Copts are to hold the key. The practice of locking up at night is abolished; and should the Abyssinians have any cause of complaint, their complaint may be made through the British Consulate to the Patriarchate. This arrangement to be in force till both sides are able to enter upon documentary proof of property right.

This is a very important concession; for now the Armenians will no longer be able to beat the Abyssinians, or chain an iron collar round their necks, with a screw to tighten the collar, as they have done less than two years ago.

And again, the Armenian Convent can no more demand the Abyssinian Convent and Church for their own property, overlooking the Copts, as they did lately in a letter to his Lordship our bishop, and verbally to myself.

The present arrangement will not interfere with the daily feeding of a certain number of Abyssinians by the Armenians. Whether this is a distribution of alms, or a commutation for usurped landed property, may be discussed probably hereafter.

I have further to remark that those most conversant with such politics believe that the Patriarch is afraid of driving the Abyssinians to desperation, lest they should throw themselves upon the Anglican Church (especially as they are now constantly reading for themselves the Holy Scriptures, given by our Bishop), which might give them subsistence, and in virtue of its protection rebuild the Abyssinian Convent, which not only adjoins the Holy Sepulchre Church, but covers the subterranean chapel where it is believed Saint Helena found the crosses.

Finally, I should observe that the English influence is acknow-

ledged in these transactions, in consequence of the letter of King Ras Ali to his ancient acquaintance, our bishop, and of the letter from Mr. Plowden to myself; but more especially because his Lordship has repeatedly assured myself and the Armenian authorities that King Ras Ali has petitioned Her Majesty's Government to have the Abyssinians in Jerusalem placed under British political protection; and his Lordship tells me that he is endeavouring to obtain the same by means of his Grace the Archbishop of Canterbury.

(4) *Viscount Palmerston to Consul Finn.*

Foreign Office, February 15, 1851.

SIR,—I have received your despatch of the 9th of December last, detailing the steps taken by you and the Bishop of Jerusalem to effect a reconciliation between the Armenians, the Copts, and the Abyssinians residing in Jerusalem; and I have to state to you my approval of the steps taken by you, as detailed in your despatch. I am, &c.

(signed) PALMERSTON.

(5) *Bishop Gobat to the Earl of Malmesbury.*

(Received July 6.)

9, Carlton House Terrace, June 29, 1852.

MY LORD,—I have the honour to forward to your Lordship two letters to Her Majesty, which were inclosed to me for further conveyance by their authors, Ras Ali and Dejamatch Oobeay, the two independent Chiefs of Abyssinia, with a literal translation, the contents of both being exactly the same, with the exception of one or two words, which do not in the least affect the meaning. The letters have no date, but I have reason for supposing that they were written about the beginning of the present year, in consequence of a meeting of the two Chiefs at Gondar with the King and some of the most influential ecclesiastics of Abyssinia, in which meeting it was resolved that the two Chiefs should write to Her Majesty the Queen of England, to ask her to authorize me to superintend and protect their countrymen visiting or residing in Jerusalem, and to authorize her representative to lend me his assistance when needed.

The Abyssinians not being in the habit of writing, your Lordship might have some difficulty to find out the precise purport of these two letters, and the practical point in question.

I therefore take the liberty of forwarding to your Lordship the accompanying statement relative to the subject in question.

I have, &c.,

(signed) S. ANGL. HIÉROSOL.

Inclosure 1 in No. 5.

Letter from Ras Ali to Her Majesty the Queen.

(Translation.)

From the head of the judges, Ali, the Servant of God, the King of kings, who is one in the Godhead and three in person.

May this reach the Queen of England! How are you? Are you well, equal to heaven and earth? (That is, my desire for your well-being is infinite.) I desire and expect to be in friendship with you; may you also desire my friendship. What is it that, whilst you exist, my inheritance is taken from me? Whilst every one abides in his inheritance, I am deprived of mine. Now do (what is necessary), that I may not be deprived of my inheritance; (for) I have been deprived of the portion of ground belonging to Abyssinia (in Jerusalem). To be deprived of one's inheritance is a hard thing; for the inheritance of the earth (of Jerusalem) is the inheritance of heaven. Let not my people (*lit.*, my relatives) be deprived (of their own) during your reign. Let, I pray you, Samuel Gobat be their keeper, that my relatives may not be removed from my inheritance. I pray you (*lit.*, the matter is now in your hand) send me word for whatever you want, and I shall send it.*

Inclosure 2 in No. 5.

A Statement concerning the Present State of Abyssinians at Jerusalem.

The Abyssinians affirm, and there are hints in ecclesiastical history to the same effect, that in former times they had consider-

* The above is a literal translation of Ras Ali's letter to Her Majesty. Dejazmatch Gobeay's letter contains exactly the same, with the omission of the last sentence.

able possessions in Jerusalem, of which they have been deprived, so that now there remains only the convent called Deir Essultan (in which there are at present about sixty pilgrims) in their possession; but that such property, of which they have from time to time been deprived, really belonged to them they cannot prove by any documentary evidence, unless such evidence could be found in the Archives of the local Government; for about twelve or fourteen years ago, when all the Abyssinians residing at Jerusalem had died of plague, their library, containing many valuable manuscript books, was entirely burnt by order of Ibrahim Pasha, with all the documents which might have served them to recover their property in these better times. I have myself seen the library twenty-five years ago, together with such documents; and that all those books and documents were consigned to the flames on the aforesaid occasion is most notorious in Jerusalem. The question, however, is not now about what was, I conceive irretrievably, lost on that occasion, but about the consequences of that conflagration, and of the remedy thereof.

When the last Abyssinian had died of the plague, about the year 1838, the Coptic priest took the keys of the Abyssinian convent and of a chapel belonging to it, at the instigation of the Armenian Patriarch, who has since claimed the right to dispose of both the convent and the chapel.

After these events new Abyssinian pilgrims arrived in such numbers that in the years 1849 and 1850 their average number was never less than one hundred, many of whom were both intelligent and respectable. Yet they were treated like slaves, or rather like beasts, by the Copts and Armenians combined; they could never enter their own chapel but when it pleased the Armenians to open it; and on one occasion, in consequence of which I felt it my duty to interfere, they could not get their chapel opened to perform the funeral service of one of their number. The key of their convent having remained, since the plague aforesaid, in the hands of their oppressors, they were locked up in their convent in the evening until it pleased their Coptic jailor to open it in the morning, so that in case of any severe attacks of illness, which are frequent there, even in small families, they had no means of going out to call for a physician.

Things were in such a state when, about two years ago, I received letters from the King of Abyssinia, from Ras Ali, Dejjamatch Oobeay, and several influential priests, asking me

to take ~~their convent and~~ the pilgrims under my jurisdiction and protection, to choose one of the pilgrims, whom I considered most fit for it, and appoint him head of the convent, responsible to me alone, &c. To this I answered that I was most willing to give good advice, and to do for them all that was in my power as a friend to their people and country, where I had formerly been hospitably received, but that I could do nothing for them officially, unless I was authorised to do so by the Queen of England. And now it is in consequence of this hint that Ras Ali and Dejjamatch Oobeay were requested by the King and a meeting of priests and others, to write to the Queen, as they now have done, to ask her to authorise me and (although the writer has forgotten it) the Consul of Jerusalem to take their countrymen and their convent under our superintendence and protection.

(6) *Chevalier Bunsen to the Earl of Malmesbury.*

Royal Prussian Legation, London,
9, Carlton House Terrace, July 5, 1852.

MY LORD,—I have the honour to inclose a letter of the Lord Bishop of Jerusalem, transmitting to your Lordship petitions directed to Her Majesty by the two independent Chiefs of Abyssinia, Ras Ali and Dejjamatch Oobeay, and accompanied by a statement on the subject of the claims of these Chiefs who ask for the Queen's protection.

As the protection granted by the British Government to these influential men, whose claims seem just, would essentially contribute to promote the authority of the bishopric of Jerusalem, in which Prussia and England take an equally great interest, I take the liberty to recommend this question to your Lordship's kind consideration. I have, &c.,

(signed) BUNSEN.

(7) *The Earl of Malmesbury to Bishop Gobat.*

Foreign Office, July 10, 1852.

MY LORD,—I have had the honour to receive your letter of the 29th of June enclosing two letters addressed by Ras Ali and Dejjamatch Oobeay to the Queen in pursuance of a resolution adopted at a meeting stated to have been held at Gondar between

those Chiefs, the King, and some of the most influential ecclesiastics of Abyssinia, to the effect that Her Majesty should be requested to authorize you to protect and superintend their countrymen visiting or residing in Jerusalem, and to authorize the British agent residing at Jerusalem to lend you his assistance for that purpose when required.

I have to state to you in reply that Her Majesty's Government cannot undertake to protect officially the natives of Abyssinia who may chance to be residing in the territory of the Sublime Porte. But Her Majesty's Consul at Jerusalem will be instructed to use his good offices for them in case of need, as members of a Christian church in spiritual communion with the established church in this country.

In regard to yourself, the licence from the Crown under which you were consecrated, enables you to exercise spiritual jurisdiction as well in Abyssinia as in Syria ; and I think it on every account desirable that, as a purely spiritual authority, you should confine your interference in behalf of Abyssinians visiting Jerusalem exclusively to spiritual matters.—I am, &c.

(signed) MALMESBURY.

(8) *The Earl of Malmesbury to Chevalier Bunsen.*

Foreign Office, July 10, 1852.

M. DE CHEVALIER.—I have the honour to acknowledge the receipt of your note of the 5th instant, inclosing a letter from Bishop Gobat, communicating memorials addressed to Her Majesty by two independent Chiefs of Abyssinia, and I have the honour to transmit to you under flying seal the reply which I have returned to Bishop Gobat's communication. I am, &c.

(signed) MALMESBURY.

(9) *The Earl of Malmesbury to Consul Finn.*

Foreign Office, July 10, 1852.

SIR,—I transmit to you herewith copies of a letter, and of its inclosures, which I have received from Bishop Gobat, and of the answer which I have returned to it, respecting the wish which seems to have been expressed by the Rulers of Abyssinia, that the natives of that country visiting or residing at Jerusalem may be taken under British protection.

In pursuance of what I have stated in my letter to the Bishop, I have to authorize you, in case of need, to use your good offices for the protection of any Abyssinians who may chance to be in Jerusalem, as being members of a Christian Church in spiritual communion with the Established Church in this country.

I am, &c.,

(signed) MALMESBURY.

- (10) *Consul Finn to the Earl of Malmesbury.*
(Received September 18.)

Jerusalem, August 17, 1852.

MY LORD—I have the honour to acknowledge receipt of your Lordship's despatch dated 10th July, authorising me, in case of need, to use my good offices in favour of the Abyssinian community in Jerusalem.

I shall very willingly attend to those instructions in favour of the poor and oppressed people, but I fear it will often require delicate management in using those friendly offices, since they have powerful enemies in the rich Armenian community and the vindictive Copts, and are themselves of very hot temperament.

Especial delicacy will be required if they should undertake to rebuild or make repairs in the convent.

Our benevolent aid will be certainly misunderstood, for the Oriental ecclesiastical establishments will not fail to regard this species of protection as an indirect step of the Protestants towards gaining a portion of the Church of the Holy Sepulchre, which they could not obtain otherwise. The Abyssinian Convent covers part of the sanctuaries, especially the reputed place of finding the crosses. - I have, &c.

(signed) J. FINN.

- (11) *The Earl of Malmesbury to Consul Finn.*

Foreign Office, September 23, 1852.

SIR,—With reference to your despatch of the 17th of August, I have to instruct you most carefully to avoid taking any step which may seem intended to obtain for the Protestant community at Jerusalem a portion of the Church of the Holy Sepulchre. I am, &c.,

(signed) MALMESBURY.

(12) ~~www~~ *Consul Finn to the Earl of Malmesbury.*

(Received July 12.)

(Extract.)

Jerusalem, June 21, 1858.

I have the honour to report the unusual circumstance of a visit to Jerusalem of persons in high rank, natives of Abyssinia.

These were, a Councillor of State (Maccar) named Michail (or Guebra Yussos), and a military commander of 3,000 Infantry and 7,000 Cavalry, as we were told. They were attended by a military officer on the part of His Highness the Viceroy of Egypt.

Their residence was in the Coptic convent, the adjoining Abyssinian convent being in too ruined a condition for their reception. And they repaired to the sacred localities of the Christian religion in Jerusalem and Bethlehem.

On the 10th instant I visited them, with which they expressed themselves much pleased.

I reminded them of their people, when in this country, being under Her Majesty's gracious protection, by your Lordship's directions in 1852; and, that, aware of their depressed state in Jerusalem, I had lately taken advantage of a deputation returning thither to address a letter to the King, informing him of their protection here, and of my desire to carry out Her Majesty's benevolent intentions.* That I had lately established one of themselves as President over the rest, and should be glad if some effectual measures could be taken for confirming them in their right to their own convent here, which, although known by all parties to be theirs, as long as it is kept out of a legal Court, might be lost to them if contested, since all their documents were destroyed some years ago, probably at the instigation of the Copts and Armenians, under pretext of danger of plague.

The Maccar promised to recommend to his King the sending of a properly appointed officer to superintend the Abyssinian affairs in Jerusalem.

Of late years I have had Abyssinian servants always in my household, and one of these has left this country in the train of the Maccar, in order to return with him to his home.

I find them an undisciplined but high-spirited people; proud of being independent of Mahometans, and, in their own country,

* No copy of this letter was sent home by Consul Finn.

able to cope with and resist the latter, on more than equal terms, in the name of Christianity.

They seem to me far more susceptible of improvement than the Arab peasantry.

It is a remarkable fact that the Mahometans are in the habit of citing ancient traditions to the effect that the Abyssinians are destined to destroy Mecca and Medina.

And not less remarkable is the extraordinary reverence which in Abyssinia is paid to persons or objects reaching them from Jerusalem.

(13) *Consul Finn to the Earl of Malmesbury.*

(Received July 5.)

Jerusalem, May 27, 1859.

MY LORD,—I have the honour to represent to your Lordship that the Abyssinian Colony in Jerusalem have lately been thrown into extreme terror by a report that the Grand Duke Constantine of Russia was about to purchase their convent from the Copts, who have no right whatever to that property, and to eject them from it.

This seems to have arisen from the circumstance of the Copts having sold to the Russians a small piece of land, undoubtedly their own, adjoining the convent of the Abyssinians, and from some Russian officer having been lately seen to inspect the latter with a paper in his hand.

It is the intention of the Russians to build their Consulate on the piece purchased as above mentioned, and there can be no doubt that the Abyssinian convent would be very advantageous for Russian objects, seeing that it lies between the intended Consulate and the Greek Church of the Holy Sepulchre.

But I have not been able to learn that any steps have been really taken for procuring that property.

This alarm, however, has awakened my attention afresh to the tenure of the convent by the Abyssinians which, as I have had the honour to report on several occasions, is unsupported by any remaining documents, for all documents of that nature were burned at the instigation of the Armenians many years ago, on pretence of their harbouring the plague.

I have formerly mentioned a stone tablet built into the wall of the Holy Sepulchre Church as being said to substantiate their

claim to the property; but on proceeding to take a copy of it by photography some years ago, it was found to be in the Georgian language, and probably referring to a Georgian convent which was formerly in that neighbourhood.

The truest demonstration of the Abyssinian claim lies in the fact of its recognition by universal oral testimony, and of its being undisputed by any existing party in Jerusalem.

Still, to obviate possible danger in future, it may be expedient to obtain some document from the Porte in which their right should be acknowledged; and perhaps this might be had by means of some petition of the Rulers of Abyssinia requesting Her Majesty's good offices with the Sublime Porte for that object, such, for instance, as a renewal of that presented in June, 1852.

For myself I should be rather inclined to leave the question at rest, and to watch carefully what takes place, in fact; inasmuch as every year adds to the value of oral testimony and actual possession. There might be a danger also of the Porte, when asked for a document, attempting to fetter the Abyssinians by an assertion of the Sultan's supremacy over their country.

But I believe it useful to enter the matter on record, at this period, by writing the present despatch.

My former despatches regarding the Abyssinians are dated November 30 and December 9, 1850; and June 21, 1858.

The documents which I have received from Her Majesty's Government on the subject are contained as inclosures in your Lordship's despatch of July 10, 1852. I have, &c.

(signed) JAMES FINN.

(14)

Consul Finn to Earl Russell.

(Received March 31.)

Jerusalem, March 13, 1862.

MY LORD,—I have the honour to inclose copy of my despatch of the 11th instant to Her Majesty's Embassy, respecting the Abyssinians in Jerusalem, and to request from your Lordship whatever relief may be possible on their behalf, by means of a recognition of that people as independent of Turkey, and, in this country, under English protection. I have, &c.

(signed) JAMES FINN.

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Inclosure in No. 14.

Consul Finn to Sir H. Bulwer.

Jerusalem, March 11, 1862.

SIR,—I have the honour to report to your Excellency that recently a quarrel took place on a Sunday during Divine Service in the Church which is common to both Copts and Abyssinians, within the convent of the latter. From this circumstance, namely, that of position, such disputes do sometimes occur, especially respecting the keys, which are kept in duplicate. The Copts lately proceeded even to take off the old locks and replace them by new ones.

The Pasha immediately on hearing of the disturbance, repaired to the place with a whole battalion of Infantry, whom he stationed at their principal gate, namely, in the open square before the Church of the Holy Sepulchre, into which Church he summoned the Abyssinian President, and then placed a guard at the small upper gate of the convent.

The larger force had orders to prevent the exit of the Abyssinians.

On this the poor timid people thought it time to call for my aid, and contrived to send me a messenger. I went thither to inquire into the proceedings.

As soon as I arrived the Abyssinian President found himself released; and he came to tell me that the Pasha had threatened to make him, by force, surrender the church and the way to it entirely to the Copts, which order, however, he steadily refused to obey, on the ground that he and his people are not Turkish subjects, but have an independent nationality, under English protection in this country.

And here we come to the real point at issue.

The Abyssinians in religion are under the same Patriarch as the Copts, and both are in perfect intercommunion of doctrine. The Turkish Government, therefore, regards them practically as one nation, and it is very much to be feared that some day the helpless Abyssinians will have to succumb to the Copts, under the powerful dictation of the Armenians, unless they be fully recognised by a formal document, to be foreigners to Turkish rule.

And I think the time is now come to ask for such a document.

I have the honour to refer your Excellency to my despatch of the 27th May, 1859, to London, copy of which I inclosed to

Her Majesty's Embassy on the 7th of June of that year, which gives full information on the subject of the Abyssinians.

His Excellency Sureya Pasha employs his utmost efforts to avoid recognizing them as non-rayahs. I have, &c.

(signed) JAMES FINN.

(15) *Consul Finn to Earl Russell.*

(Received May 19.)

Jerusalem, May 7, 1862.

MY LORD,—I have the honour to state to your Lordship that his Excellency Sureya Pasha came to me lately to impress upon my attention the political principle that the Sublime Porte will never recognize the Abyssinians as a people independent of their dominion, and to assure me that all ancient Firmans or other documents issued on their behalf used to pass through the hands of the Civil Governor of Jeddah.

His Excellency informed me that he had been directed by his superiors to represent this to me in a friendly conversation.

I observed that Jeddah may have no more to do with Abyssinia than Calais has to do with England; and that as far as regards religious matters, in which the Abyssinian Church is subordinate to the Armenians in this country, this proves no more than the same relation of the Pope of Rome does to the Austrian, French, and Spanish Consuls here, who are yet independent of each other nationally.

I then reminded his Excellency that three or four years ago the Abyssinians were actually at war with the Pasha of Egypt, and gained some considerable advantages over him.

The Pasha contended that this proves no more than does the rebellious state of certain outlying towns in the Desert, which are yet counted in the Pashalic of Jerusalem.

As the conversation proceeded, I mentioned the political disruption of Algiers and of Greece from Turkey, and asked why the Porte did not claim those countries also.

His Excellency replied by asking sharply, "Has the Porte ever recognized her loss of Algiers?" and said that, on the contrary, "all Algerines coming to this country acknowledge themselves to be Turkish subjects. As to Greece, that its independence had been acknowledged because England had joined with the other powers to compel the recognition."

I made no reference to the common idea that the Sultan claims to be King of India also, because I wished to exclude all controversy between ourselves that did not directly bear upon the question before us, namely, the nationality of the Abyssinians.

The conversation concluded by my stating that I am awaiting directions from your Lordship and from Constantinople, and my promising to give him a letter on the subject of my protection of Abyssinians.

I here inclose copy of what I sent.

I also promised to use my friendly efforts to accommodate matters now in dispute between the Copts and Abyssinians.

For this he thanked me, but refused to join me in the task, as he could not recognize my right to exercise any jurisdiction in Abyssinian matters.

I have the honour to represent to your Lordship that this is not a mere matter of theory, such as the recognition of Algiers or of India to be free from Turkey, but that the Abyssinians are in danger of losing the last poor remains of their large ancient possessions in Jerusalem, if placed under a Turkish Pasha and so under the convents of their oppressors the Armenians and Copts, who are Turkish subjects.

For myself, I can have no interest, nor can Her Majesty's Government have any interest, in the question, except that of advocating the cause of a persecuted people.

I should explain to your Lordship, in conclusion, that I have been in the habit of giving passes to Abyssinians on their returning hence to their own country, but no other documents whatever on any occasion. I have, &c.

(signed) JAMES FINN.

Inclosure in No. 15.

Consul Finn to Sureya Pasha.

Jerusalem, May 2, 1862.

EXCELLENCY,—In reply to your question of yesterday, I have the honour to state that whatever I have hitherto done on behalf of the Abyssinians here has been done by virtue of directions received from my Government in London ten years ago, after the King of Abyssinia had written a letter to Her Majesty the Queen of Great Britain, asking to have his people placed under British protection while in Jerusalem. Yours, &c.

(signed) JAMES FINN.

NOTE.—*Though the Commissioners gave only the fifteen letters above to the candidates under examination, I think it better to print the whole correspondence, the remaining letters being admirably adapted for an additional exercise.*

(16) *Earl Russell to Consul Finn.*

Foreign Office, May 29, 1862.

SIR,—I have received your despatch of the 7th instant, reporting what has passed between you and Sureya Pasha relative to your protection of Abyssinians at Jerusalem, and I have to refer you, for the guidance of your conduct in this matter, to the instructions given to you by Lord Malmesbury in his despatch of the 10th of July, 1852.

I have nothing to add to those instructions except to enjoin you to act upon them with caution and prudence.

I am, &c.

(signed) RUSSELL.

(17) *Earl Russell to Sir H. Bulwer.*

Foreign Office, June 5, 1862.

SIR,—Her Majesty's Consul at Jerusalem has communicated to your Excellency a copy of his despatch of the 7th ultimo, relative to his protection of Abyssinians at Jerusalem; and I now transmit for your information copies of the answer which I have returned to Mr. Finn, and of the former instruction which was addressed to him on this subject by the Earl of Malmesbury.

I am, &c.

(signed) RUSSELL.

(18) *Sir H. Bulwer to Earl Russell.*

(Received June 13.)

Constantinople, June 1, 1862.

MY LORD,—I have the honour to transmit to your Lordship herewith, a copy of a despatch which has been addressed to me by Mr. Consul Finn respecting the protection which, as it would appear, he has been in the habit of according to the Abyssinians established at or visiting Jerusalem.

On referring back to previous correspondence on this subject, I find that Mr. Finn alludes to an instruction from the Earl of

Malmesbury, dated July 10, 1852, but I am not aware that a copy of that despatch was ever communicated to the Embassy. I am consequently somewhat at a loss to perceive under what authority Mr. Finn has assumed the protection of these people, and should feel obliged by your Lordship's instructions on the subject. I have, &c.

(signed) HENRY L. BULWER.

Inclosure 1 in No. 18.

Consul Finn to Sir H. Bulwer.

Jerusalem, May 5, 1862.

NOTE.—*This letter is a verbatim copy of No. 15.*

Inclosure 2 in No. 18.

Consul Finn to Sureya Pasha, May 2, 1862.

[See Inclosure in No. 15.]

(19) *Consul Finn to Earl Russell.*

(Received June 23.)

Jerusalem, June 3, 1862.

MY LORD,—I have the honour to inclose for your Lordship's inspection, a copy of my despatch of this day's date, addressed to Her Majesty's Ambassador at Constantinople, respecting the ill-treatment of the Abyssinians here.

The two despatches from me to his Excellency, referred to in the commencement of the inclosed, I have already sent in copy to your Lordship, on the 13th of March and 7th of May respectively. I have, &c.

JAMES FINN.

Inclosure in No. 19.

Consul Finn to Sir H. Bulwer.

Jerusalem, June 3, 1862.

SIR,—I have the honour to state to your Excellency, in continuation of my despatches of the 11th March and of the 5th May respecting the Abyssinians in Jerusalem, that their neigh-

hours the Copts have lately taken to beating them more than formerly, both men and women, and otherwise in several petty ways ill-using them, besides breaking open the locks of the church. And I am unable to obtain any redress on their behalf, as the Pasha is absent on a journey, and the Local Council acting for him in the city refuse (as they say by his direction) to hear any Abyssinian complaint in which the English Consul interferes, and in which these people do not come into Court as *bona fide* Turkish subjects.

I beg to add that this is a case of real hardship, and likely to lead to further evils, the Turkish authorities maintaining obstinately that the Abyssinians are their subjects, and the Copts and Armenians taking advantage of this principle being asserted to tyrannise over them.

As long as this question remains unsettled, we are unable to enter into the details of dispute in order to promote a final arrangement of them. I therefore beg of your Excellency to furnish me with instructions on the subject as early as possible.

I have, &c.

(signed) JAMES FINN.

(20) *Consul Moore to Earl Russell.*

(Received October 15.)

(Extract.)

Jerusalem, October 3, 1863.

I have the honour to transmit herewith, for your Lordship's information, copy of a despatch which I addressed to Her Majesty's Ambassador at the Porte on the 28th ultimo.

I have, &c.

(signed) NOEL TEMPLE MOORE.

Inclosure in No. 20.

Consul Moore to Sir H. Bulwer.

Jerusalem, September 28, 1863.

SIR,—I have the honour to state to your Excellency that the long standing dispute between the Coptic and Abyssinian Communities established at Jerusalem respecting the proprietorship of the convent and chapel adjoining the Church of the Holy Sepulchre, lately broke out afresh. The Convent has hitherto

been in the possession of the Abyssinians, whilst the chapel was common to both parties. The ownership of the building was claimed by either sect.

The Copts having laid their case before the Turkish authorities, the Abyssinians addressed themselves to me. I sought an interview with Khourshid Pasha with the view of using my good offices in favour of the Abyssinians for the purpose of bringing about an amicable adjustment of the dispute. On stating to the Pasha the object of my visit, his Excellency at once met me with the inquiry whether there existed in the Consulate any Firman or Vizirial Letter instructing the Governor of Jerusalem to recognise the British protection of the Abyssinians. I had to reply in the negative. He then said that in his own general instructions the Abyssinians were designated as Turkish subjects, and proceeded to read to me extracts from some official documents which certainly appeared to bear out his statement on this head; his Excellency added that under these circumstances he could not entertain any representations or admit any right of intervention on my part on behalf of the Abyssinians, and concluded by inviting me, if not satisfied, to write to him officially on the object of my visit.

As to the second alternative proposed by his Excellency, I did not consider myself authorised, looking to my predecessor's instructions and correspondence on the subject of the Abyssinians, to adopt it, and I moreover felt that it could but lead to the same conclusion already thus verbally announced by the Governor.

The case was proceeded with at the Medgliss, under the presidency of the Pasha himself, and in the presence of both parties. The decision of the Medgliss was given in favour of the claims of the Copts, with the proviso that the Abyssinians were to be allowed to make use of both the convent and chapel under certain conditions.

Not having assisted at the inquiry I am unable to form an opinion as to the justice of this verdict. It appears that neither party had more than oral testimony to adduce in support of their respective pretensions, but the Abyssinians could add to this the fact of possession. They also allege that their written titles were burnt, purposely, by the Armenians and Copts during the panic and confusion of the last visitation of the plague in this city, at the time of the Egyptian domination.

The Abyssinians came to me with complaints of the injustice

of the decision of the Medgliss. I told them that if they would address to me a statement of their case, with all the evidence they could furnish, I would undertake to submit it to your Excellency for your consideration, with such recommendation to your Excellency's favourable notice as I could properly give. This they have not done, and it is understood that they are preparing to abandon Jerusalem altogether and return to their country, a course their head priest has already followed.

(21) *Earl Russell to Consul Moore.*

Foreign Office, September 27, 1865.

SIR,—The attention of Her Majesty's Government has been drawn to a statement that one of the causes of the ill-treatment of British subjects has arisen out of your not having afforded to Abyssinians in Jerusalem that protection which was given to them by your predecessor, and of having asserted that in thus acting you were obeying the orders of Her Majesty's Government.

I have now to desire you to inform me whether this statement is correct, and, if so, to what orders you refer as prohibiting you from rendering assistance to Abyssinians, and as superseding the positive orders given by the Earl of Malmesbury, in July, 1852, to Her Majesty's Consul at Jerusalem, to use, in case of need, his good offices for the protection of any Abyssinians who might chance to be in Jerusalem, as being members of a Christian Church in spiritual communion with the Established Church of this country, and which orders were repeated by me in May, 1862, and are still in force for your guidance. I am, &c.

(signed) RUSSELL.

(22) *Earl Russell to Consul-General Eldridge.*

(Extract.)

Foreign Office, September 27, 1865.

I transmit to you a despatch which I have addressed to Mr. Consul Moore at Jerusalem, respecting an allegation which has become a matter of public notoriety, that he has failed to afford to Abyssinians in the Holy City the good offices ordered by Her Majesty's Government to be given to them.

This allegation is somewhat confirmed by the tenor of a report which I find that Mr. Moore made to Sir H. Bulwer on the 28th

September, 1863, a copy of which I inclose, and by which you will see that, instead of carrying out the instructions of Her Majesty's Government, he offered no remonstrance to objections raised by the Turkish Governor to his interference, nor to the assertion of the Pasha that Abyssinians were Turkish subjects. Mr. Moore's predecessor had rendered good offices to Abyssinians as members of a Christian Church in spiritual communion with the Church of England, and Mr. Moore should equally have remonstrated against the language of the Pasha and acts of the Turkish authorities ; but if a British agent submits, without protest at the right time, to whatever may be said to him by a foreign authority and thus leaves the instructions of his Government to be dealt with in a different spirit to that in which they were framed, such agent becomes practically of little use.

(23)

Consul Moore to Earl Russell.

(Received November 12.)

Jerusalem, October 21, 1865.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 27th ultimo, directing me to inform your Lordship whether a statement that I had not afforded to Abyssinians in Jerusalem that protection which was given to them by my predecessor, and that I had asserted that in thus acting I was obeying the orders of Her Majesty's Government, is correct.

I have the honour, in reply, to say that this statement, in both particulars, is not correct. What actually occurred was duly reported by me to Her Majesty's Ambassador at the Porte in a despatch of which I transmitted a copy to the Foreign Office, in my despatch of October 3, 1863, and of which I beg leave now to annex a copy.

The contents of my report show that I used my good offices for the protection of the Abyssinians, which I did to the full extent of the authority given to me, it follows that I could not have made the assertion that I had received orders not to do so.

My report elicited no reply or intimation from the Embassy.

I may add that assistance would have been worse than useless, it would have led to profitless collision with the Turkish authorities ; Khourshid Pasha was peculiarly jealous of Consular intervention in any form, and, although I explained to his Excel-

lency that, ~~my interposition~~ was one of good offices, he could not, or would not, see the distinction between that and official interference.—I have, &c.

(signed) NOEL TEMPLE MOORE.

P.S.—Khourshid Pasha, the then Governor of Jerusalem, is the present Finance Minister of Turkey. N. T. M.

(24) *Consul-General Eldridge to the Earl of Clarendon.*

(Received February 7,)

(Extract.)

Beyrout, January 29, 1866.

With reference to Earl Russell's despatch of the 27th of September last, I have the honour to inform your Lordship that, during my recent visit to Jerusalem, I devoted much of my time to a careful investigation into Mr. Consul Moore's proceedings in regard to the Abyssinians.

In order fully to understand the whole question, I examined with much diligence the correspondence of Mr. Consul Finn on this subject from the year 1850 to the year 1862.

From this correspondence it appears that Mr. Finn repeatedly represented both to the Foreign Office and to Her Majesty's Embassy, that, in order to afford to the Abyssinians any efficient protection against their powerful enemies and oppressors, it would be necessary to procure their recognition by the Porte as foreigners, and as under British protection; foretelling, what has since occurred, that, unless this could be done, they would be deprived of their property in Jerusalem in favour of the Copts, with whom the Turkish authorities persisted in treating them as identical, and obstinately denying the right of the English Consul to intervene in their affairs.

On the other hand, I find that, in answer to these representations, Mr. Finn is referred by Earl Russell's despatch of the 29th May, 1862, to the original instructions of 1852, authorizing him to use his good offices for the protection of any Abyssinians who may chance to be in Jerusalem, as being members of a Christian Church in spiritual communion with the Established Church of England; and Earl Russell modifies this authority by an injunction to use it with caution and prudence. Her Majesty's Ambassador also, when appealed to by Mr. Finn, in June, 1862, declines to interfere in the matter.

As the despatch from the Embassy here referred to may not exist in the Archives of the Foreign Office, I have the honour to inclose a copy.

Such appears to have been the position of affairs when Mr. Moore succeeded Mr. Finn. In 1863, when the quarrel between the rival sects concerning the ownership of the Abyssinian convent seems to have reached its culminating point, Mr. Moore attempted to use his good offices in behalf of the Abyssinians, with a view of protecting them from spoliation and assisting in bringing about an amicable adjustment of the dispute; but on being met with the old objection that the Abyssinians are Rayahs, and that he had no right to interfere, he did not consider himself justified in risking a compromise of his position by trying to sustain by official correspondence a right which he could not substantiate, and took the prudent and cautious course of reporting the circumstances to his superiors, and awaiting further instructions should it be decided advisable to adopt more formal and energetic measures.

In regard to the alleged influence of Mr. Moore's conduct upon the treatment of British subjects in Abyssinia, I am more inclined to attribute any blame there may be to the injudicious zeal of his predecessor, who, from his despatch of the 21st June, 1858, appears to have informed some Abyssinians of distinction who visited Jerusalem, that their fellow-countrymen were, in this country, under Her Majesty's gracious protection, and to have addressed a letter to the King of Abyssinia to the same effect.

Inclosure in No. 24.

Sir H. Bulwer to Consul Finn.

Constantinople, July 3, 1863.

SIR,—As I perceive by an instruction addressed to you on the 29th of May last, that Earl Russell has already informed you of the course you should adopt relative to the qualified protection you are authorized to accord to Abyssinians at Jerusalem, I do not think it necessary to interfere any further in regard to the matters adverted to in your despatch of the 3rd ultimo.

I am, &c:

(For Sir H. L. Bulwer)

(signed) E. M. ERSKINE.

(25) *Memorandum respecting the Abyssinians at Jerusalem, by the Rev. W. W. Malet, formerly and for ten years in the Bombay Civil Service, July 22, 1867.*

During a visit I paid to Jerusalem between the 1st and 20th of June, 1867, I became acquainted with the heads of the various Christian communities there, viz., Greek, Latin, Armenian, Syrian, Coptic, and Abyssinian.

Of this last, Father Saleeb, a priest, is at present Superior. Their convent consists of miserable huts and caves adjoining the ruins of a hospice of the Knights of St. John of Malta,* close to the Church of the Holy Sepulchre, and the well-built convent of the Copts. In this community of Abyssinians there are now seventy-one members, four of whom are priests. For four years past they have not been able to have their "Eucharist," a holy communion, on account of being without a place for worship, i.e., a chapel and altar in the Church of the Sepulchre—like all the other communities. Saleeb was much hurt at this, and said, "it was taking life from them." Till four years ago, for a long time, they had used the same chapel and altar as the Copts, who had now obtained exclusive use of it.

Mr. Finn, the British Consul, had wished them to continue their right; but when a dispute arose, it went before the Court at Constantinople, where they had no one to speak for them. At one time the Copts forced open the door of the chapel when it was the Abyssinians' turn to have it from Mr. Finn. The British Consul had been directed to use his influence to obtain justice for them; but when the violence of the Copts was reported by him to the British Ambassador, Sir Henry Bulwer, at Constantinople, the Consul could not obtain a reply, so he could do nothing. King Theodorus had been informed of the whole matter, but he was so engaged in war that he could not send any one to plead for them.

Saleeb knew that several English were in prison in Abyssinia, and was very sorry for it. The Copts were rich, and had paid large sums of money at Constantinople to obtain their ends; but the Abyssinians had no money.

The above information was given to me by Saleeb during an interview I had with him in his miserable dwelling. He requested me to take to England a book he had written for Lord

* They declare this site is inherited from the Queen of Sheba, to whom Solomon gave it.

Bute ; he also sent me a letter to Lord Bute concerning his grievances, and showed me the following testimonial :—

“ Jerusalem, September 14, 1866.

“ I am requested by Father Saleeb, Superior of the Abyssinian convent here, to give him a certificate that I am now having a copy of the Æthiopic Missal transcribed for me by one of his religious. I may take the opportunity of saying that I believe there could not be another object found more deeply needing charitable offerings than this community.

“ (signed) BUTE.”

They call the language “ Amharic.” They showed me several manuscript copies of the four Gospels beautifully written by them. The language is not printed apparently :—

“ On the 19th of June I met Benjamin, a Greek, and very learned Professor of the Theological Seminary at the Greek Convent and College of St. Cross, two miles from Jerusalem. He said the Greeks were well disposed towards the Abyssinians, who had been hardly treated. He believed that the continuance of the captivity of the English by Theodorus was caused by this treatment, viz., the privation of the holy place in the Church of the Resurrection. The British authorities at first defended the Abyssinians, and then deserted them. He had heard that an Armenian had been employed to intercede with the King on behalf of the prisoners, which was absurd : for, firstly, the Armenians, taking advantage of the poverty of the Abyssinians, had deprived them of their property ; and, secondly, they were a people unknown to King Theodore. Professor Benjamin said the plan would be to get the Coptic Patriarch at Cairo, and the Greek Patriarch at Alexandria, to intercede with Theodorus, and at the same time the British Government to treat with the King, and offer, by way of ransom, to supply the Abyssinians in their convent with food to the same amount as the Armenians do, who, being relieved of this obligation, might be induced to give up part of the vast space they have in the Church of the Sepulchre, for a chapel to the Abyssinians, in which the Sultan could greatly assist, as the Armenians are his subjects. The Armenians supply the Abyssinians daily with two large casaroles of soup and seventy-five small loaves of bread at the cost of about 40 piastres, or ten francs, per diem, which might be discharged at once by a comparatively small sacrifice for England, say, about £3,000. The custom began 160 years ago, when the

Abyssinians were starving, and when to obtain this allowance of food they gave up to the Armenians all that space in the Church of the Sepulchre which now is occupied by their convent in the precincts and their chapels, reserving only a small chapel for themselves and the Copts in common, their worship being the same."

I saw the poor Abyssinians wandering about the vast courts and passages of the church as if broken-hearted, urging their prayers and reading their bibles against the stone walls.

Their patience and devotion is worthy of a better fate, and their poverty is deserving of pity from the British nation.

From the kindness which I received from the Armenian Patriarch at the Convent of St. James, on Mount Sion, I feel sure he would listen to terms in behalf of these poor people ; and if my services be required in this affair by Her Majesty's Government, I am quite willing to return to Jerusalem in November next. The Armenian Patriarch had all my credentials, *e.g.*, passports—letter commendatory from the Archbishop of Canterbury ; letter from the Association for Promoting Reunion of Christendom ; letter from the Society of St. Joseph for England ; letters of Priests' Orders—translated into his language, and then gave me permission to use his Chapel of the Holy Spirit for celebration of Holy Communion at Whitsuntide.

To arrange the matter with the Armenians would, of course, take more time ; but the fact of its being entertained by Her Majesty's Government and by the Sultan (while he is still in England) being communicated at once to King Theodorus from the Queen and the Sultan, would probably turn him to show mercy to the suffering captives. Surely it would be worth trying, before making warlike preparations against him.

It is the common saying in Jerusalem that "formerly the Abyssinians were under the protection of the British Government, and then they were able to worship at Jerusalem, but now they have been 'discharged' from that protection, and the Copts have gained all by money."

(signed) WILLIAM WYNDHAM MALET,

Vicar of Ardeley, Herts (on leave). Pilgrim to Jerusalem in 1867, for the Association for Promoting Union of Christendom, consisting of near 10,000 members.

Phoenix Club, 17, St. James's Place,
London, July 22, 1867.

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ENLISTMENT OF KREWEN.

A copy "of a letter of Mr. Spence, relative to the enlistment of Krewmen :"

"And memorandum of interview between the Court of Directors of the East India Company and Mr. Spence relative thereto, and all subsequent correspondence and instructions relative thereto ; together with memorandum of the amendment required in the Mutiny Act, to enable the East India Company to enlist and attest in the same manner as Her Majesty's Government."

Time, 3 hours.—(See directions page 8.)

19, Adam-street West, Oxford-street,
11 March, 1858.

SIR,—I should have written to you before, but have abstained from doing so until the hurry of election was over. I have landed from the West Coast of Africa only a few weeks ago, and was surprised by the news of the Indian mutiny, and an idea struck me, which, if carried out, would be of the greatest service to the country, as it is both practicable and feasible. On the West Coast of Africa there is one of the finest races of men in the world—the "Kroo Boys ;" and this people has long been employed, not only by the British merchants, but by the British navy, as being most useful in working under a burning sun, where Europeans could not possibly stand it. Now these people, taken to India, would make a most useful transport corps, or an irregular rifle brigade, they being dead shots ; and they are never so happy as when fighting. I would engage in three weeks, properly authorised, to raise a thousand men, whose services would prove invaluable in India ; their pay, too, is very trifling, and their principal food rice. Should you be pleased to consider this suggestion, I should be most happy to give you every information in my power ; and would be honoured by waiting on you, and explaining personally any particulars you might wish to know. I am, &c.

(signed) JOHN SPENCE, L.R. C.S.E.

General Peel

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Memorandum.

On the 18th instant the chairman and deputy chairman had an interview with Mr. John Spence on the subject of the practicability of enlisting negroes, and particularly Kroomen, on the West Coast of Africa, for service as soldiers in India.

Mr. Spence stated that he doubted whether Kroomen would engage for more than four years, but that he thought they might be induced to enlist for seven years.

The towns where they could best be sought he stated to be—

Bareby,	Fish Town,
Cabalby,	Grande Cestres.
Tabore,	

The Kroomen obtain wages in Africa of from 10s. to 15s. per month, paid in goods at the end of the term of service, together with food and a single body-cloth once a month. They are never paid money wages till end of term of service ; meanwhile they are fed.

Their food is rice, and if supplied with a sufficiency of it, they require no other food. They can work hard upon it. They have no prejudices as to food or as to religion. They would wear clothes, and are fond and proud of dress. They will bear flogging if they deserve it. Are healthy ; will drink, but don't get drunk. The average height is five feet nine inches.

They are very well-limbed men, not like negroes in that respect. They are dead shots. They would not take their women to India and settle there.

They speak a smattering of English.

Pay at the rate of 15s. per month he thinks would satisfy them ; perhaps less.

They would require warm clothing for a voyage round the Cape.

Mr. Spence thinks he would get 1,000 men.

Mr. Campbell, the Consul-General at Lagos, might go down to assure the men as to the nature of their employment in India ; or some public officer (query, the Governor) from Sierra Leone. The Kroomen would trust them.

The Kroo country lies in latitude about four or five degrees north ; longitude from seven to ten degrees west.

The nearest point where the mail packet touches is Cape Coast Castle.

Mr. Spence stated that he would proceed to the West Coast of Africa for the purpose of carrying out the plan of enlisting Kroomen. He would require a free passage out and home, and be granted compensation about £150.

East India House,
20 March, 1858.

Memorandum.

It appears to be necessary that the powers given by the 60th and 61st section of the Annual Mutiny Act for the enlistment and re-enlistment of soldiers abroad, should be extended to enlistment for the East India Company's service, otherwise the negroes enlisted for that service cannot be legally attested. The Mutiny Bill is now in progress, and the necessary additional words can, it is found, be added on Monday.

East India House,
20 March, 1858.

Enlistment and Re-Enlistment abroad.

LX. And whereas it is expedient that provision should be made for enlisting and attesting of soldiers desirous of re-enlisting or of enlisting abroad; be it enacted, that it shall be lawful for Her Majesty, by any warrant signed by the Secretary at War in that behalf, to authorise the governors of colonies, and of the several Presidencies in India, to appoint any person, not being a general officer nor holding any regimental commission, to enlist and attest, or for any justice of the peace or magistrate acting for the place of such enlistment, and not being a general officer nor holding any regimental commission, to enlist and attest, out of Great Britain or Ireland, any soldiers or persons desirous of enlisting or re-enlisting into Her Majesty's service, or into the service of the East India Company; and any person so appointed shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so enlisted or re-enlisted shall be deemed to be an attested soldier; and as often as any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised by the officer commanding in chief at such station to receive as transfers as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier; and every infantry soldier consenting to be transferred to the cavalry or artillery shall upon such transfer become liable

to serve the limited period prescribed for the cavalry or artillery, as the case may be, notwithstanding his original engagement to serve in the infantry for a shorter period.

LXI. All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, or into that of the East India Company, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, or that of the East India Company, as the case may be, and be entitled to all the privileges of natural-born subjects; and all negroes purchased by or on account of Her Majesty previous to the total abolition of slavery throughout the British Colonies, and serving in any of Her Majesty's forces; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily, enlisted to serve as soldiers in any of Her Majesty's colonial forces.

East India House, 22 March, 1858.

SIR, — The Court of Directors having been apprised that you are ready to proceed by the mail steamer of the 23rd instant to the Gold Coast on public duty, I am desired to inform you that a passage has been engaged for you in that vessel. Passages have also been engaged for Lieutenant W. H. Solly, who is hereby placed under your orders, and for Mr. John Spence, who has been engaged to accompany you.

On your arrival at Cape Coast Castle, you will report yourself to the Governor, Sir Benjamin Pine, and act entirely under his orders. Mr. Spence having an intimate personal knowledge of many of the tribes on the coast, particularly of the Kroomen, will be able to give you information and advice, to which you will pay every attention.

The objects in view are to ascertain whether negro recruits are obtainable for service in India, on what terms, and in what numbers.

The East India Company are prepared to enlist negroes from the tribes of the Gold Coast and its neighbourhood, provided they will enlist for not less than seven years, on the same terms as to rates of pay and pension as are granted by Her Majesty's Government to the men of the Gold Coast Corps.

The East India Company will undertake to bring the negroes back to the Gold Coast, or to the place of their enlistment, if such shall be their desire, at the expiration of the stipulated term of enlistment, commencing from the date of their departure for India; or to renew the engagement for a further term if desired by the negroes, and by their employers.

If it shall be found that the recruits can be procured in sufficient numbers to form a corps of 500 men, measures may be immediately commenced upon for raising them.

The Governor of the Gold Coast will, it is hoped, be able to furnish staff sergeants for the purpose of carrying on the necessary preliminary drill.

It is very important that the recruits to be entertained should have some knowledge of the English language, if such recruits well qualified in other respects are to be procured.

The recruits must be attested according to the terms prescribed by law. Forms of attestation will be sent by the next mail packet.

Whilst employed on this duty, you and Lieutenant Solly will receive the pay and Indian allowances of your regimental rank.

Mr. Spence's passage, out and home, will be defrayed by the East India Company. The travelling expenses of the whole, whilst in Africa, are also to be defrayed by the Company.

The expenditure on this account is entrusted to you. Bills for the same, attested on honour, are to be sent to me by every mail. Until an officer senior to you shall be appointed, you will report to me in detail all your proceedings under the above instructions.

You will draw upon me, as Secretary to the Court of Directors, for the funds you may require for the discharge of this duty.

I have, &c.,

(signed)

J. D. DICKINSON, Secretary.

Lieutenant Arthur Hawes.

East India House, 22 March, 1858.

SIR,—I have received the instructions of the Court of Directors to acquaint you that they have accepted your offer to proceed by the mail packet of the 23d instant, under the orders of Lieutenant Arthur Hawes, of the Bengal army, for the purpose of ascertaining whether a body of negroes can be enlisted on the Gold Coast and its neighbourhood for service in the East Indies.

You will be granted the pay and Indian allowances of your rank whilst so employed, and your *bona fide* travelling expenses will be defrayed by the Company. A passage has been engaged for you by the mail steamer of the 23d instant.—I have, &c.,

(signed)

J. D. DICKINSON, Secretary.

Lieutenant Solly,
5th Bengal L. Cavalry.

East India House, 22 March, 1858.

SIR,—I have received the instructions of the Court of Directors to acquaint you that they have accepted your offer to proceed to the West Coast of Africa for the purpose of giving your advice and assistance in carrying out an experiment with the view of ascertaining whether negroes of the Gold Coast and its neighbourhood, including the Kroomen, are willing to enlist as soldiers to serve in the East Indies.

The Court have accordingly agreed to provide you with a passage to Cape Coast Castle by the mail steamer of the 23d instant, to defray your *bona fide* travelling expenses whilst in Africa, to provide you with a return passage, and to grant you, on your return, as remuneration for your services, the sum of £150.

You will be pleased to act in concert with Lieutenant Arthur Hawes, who, with Lieutenant Solly, proceeds by the same packet, to discharge, under the orders of the Governor of Cape Coast Castle, all the military duties connected with the experiment. A copy of the instructions to Lieutenant Hawes is herewith enclosed for your information.

You will be pleased to communicate to me from time to time, through Lieutenant Hawes, all the information which you may collect on the subject of this mission.—I have, &c.,

(signed) J. D. DICKINSON, Secretary.

John Spence, Esq.

(Immediate.)

Mr. Dickinson presents his compliments to Lieutenant Hawes, Lieutenant Solly, Mr. Spence, and begs to inform him that the intention of sending him to Cape Coast Castle is suspended for the present.

East India House, 23 March, 1858.

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NEW COURTS OF JUSTICE.

Copy "of Treasury Minute of the 22nd day of December, 1865." "Of the Award of the Judges." "And further Correspondence relative thereto."*

Time 3 hours—(See directions page 8.)

(1) *Copy of Treasury Minute of 23 December, 1865.*

The Financial Secretary states to the Board that a deputation from the Courts of Justice Commission waited on him to-day by appointment, and informed him that they were delegated by the Commission to ascertain the views of this Board as to the part which the Commission would be expected or authorised to take in the preparation of the plans of the new building.

By the 4th section of the Act 28 Vict, c. 48, the functions of the Commission in this respect appear to be limited to advising and concurring with the Treasury "in the determination of the plan upon which the said buildings shall be erected, and the necessary arrangements for the proper and convenient accommodation of all the courts and offices to be provided for therein, and for proper accesses thereto;" but it was suggested by the deputation, and it appeared to Mr. Childers desirable, that in the preliminary steps to be taken for preparing this plan, harmonious action between the Treasury and the Commission should be secured.

Mr. Childers adds, that he had consulted the first Commissioner of Works in the matter, and that he made the following proposal to the deputation, with Mr. Cowper's concurrence.

1. That so soon as the instructions for the competing architects, now in course of preparation by Mr. Burnet, have been settled by the Commission and approved by the Treasury, a committee of five judges be formed, two being named by the Commission, two by the Treasury, and the fifth being the First Commissioner of Works, as Chairman.

2. That the question of limited or unlimited competition, and in the event of the former being adopted, the selection of the

* Given at a Competitive Examination, April, 1869.

competing architects, should be decided by the committee of judges, the amount of the premiums to be awarded being fixed after reference to the Treasury.

3. That the notice or invitations to compete be issued by the committee of judges, and that their award should be final.

4. That the plans and drawings, having been prepared by the successful architect and approved by the Treasury, should receive the final confirmation of the Commission by the signature of the Chairman being attached to them when the contracts are entered into.

The deputation having expressed their concurrence in this proposal, Mr. Childers submits it for the consideration of their Lordships.

My Lords approve.

Send copies of this Minute to the Lord Chancellor, as Chairman of the Commission, and to the First Commissioner of Works.

(2) *Mr. Cowper to the Lords Commissioners of the Treasury.*

Curzon-street, 30 July, 1867.

MY LORDS,—I have the honour to inform your Lordships that the Judges of Designs appointed to adjudicate on the competition for the Courts of Justice having carefully and anxiously considered the designs, and also the reports and correspondence communicated to them, have been unable to select any one of the designs as the best in all respects ; but they are of opinion that the design of Mr. Barry is the best in regard to plan and distribution of the interior, and that the design of Mr. Street is the best in regard to merit as an architectural composition ; and they recommend that an offer be made to those two architects to act conjointly in the preparation of the final plan to be executed, Mr. Barry being chiefly responsible for the internal arrangements of the building, and Mr. Street for the elevations.

I have, &c.,

(signed)

WILLIAM COWPER.

The Lords Commissioners of
Her Majesty's Treasury.

(3) *Treasury Minute, dated 12 August 1867.*

Write to the Chairman of the Judges of Designs for the New

Courts of Justice, that my Lords have received his communication of the 30th ultimo, informing their Lordships that the judges have been unable to select any one of the designs as the best in all respects, and recommending that an offer be made to Mr. Barry and Mr. Street to act conjointly in the preparation of the final plan to be executed.

My Lords have before them the instructions issued to the competing architects by the Courts of Justice Commission, and approved by this Board. They contain in paragraph 56, a memorandum which commences as follows :—

“A payment of £800 to be made to each competitor, except the successful one, who is to be employed as the architect of the building.

“The architect employed shall receive 5 per cent. commission on the amount of the contract or contracts, and on any extras the amount of which shall have been distinctly and previously authorised by the Treasury.”

It appears to their Lordships that this memorandum contemplated the selection of one of the competitors as the architect to be employed, and that the expression of opinion on the part of the judges of designs, contained in Mr. Cowper's letter, “that the design of Mr. Barry is the best in regard to plan and distribution of the interior, and that the design of Mr. Street is the best in regard to merit as an architectural composition,” coupled with a recommendation that those gentlemen should be invited “to act conjointly in the preparation of the final plan,” is not such a selection as was indicated by the above-mentioned memorandum as intended to be made, nor such an award as their Lordships' predecessors, by Minute of 23rd December, 1865, agreed should be considered as final.

My Lords would, moreover, invite the attention of the judges to the 54th section of the instructions to the competing architects, which contains the following intimation :—

“The estimate on which the Acts of Parliament relative to the new Courts have passed, has assumed that there will be £750,000 applicable to the erection of the building. The architect is requested, if possible, to design such a building as may be erected for that sum, and to state the cost at which he estimates his design could be carried out. An independent surveyor will be named to test the estimates so sent in, in concurrence with the several architects or their respective surveyors.

“The comparative cost of carrying out each design will be an important element in determining the competition.”

Mr. Gardiner was subsequently appointed, with the approval of this Board, to test the estimates accordingly.

Since the receipt of Mr. Cowper's letter my Lords have received from the Secretary to the Commission a copy of Mr. Gardiner's Report upon the estimates, and by the date of that Report, namely the 3rd August, it would appear that when the judges of designs came to the conclusion that they were unable to select any one of the designs as the best in all respects, the result of Mr. Gardiner's examination of the estimates had not been before them.

My Lords are unable to say in what way, without the assistance of his Report, the judges dealt with the question of "the comparative cost of carrying out each design," which the Commissioners had intimated would be "an important element in determining the competition."

Adverting to these considerations, my Lords would venture to hope that the judges of designs will, after further deliberation and with the additional information that has been supplied by Mr. Gardiner's Report, now before them, be able to make such an award in favour of some one of the competing architects as may be taken as final.

(4) *Mr. Cowper to the Secretary to the Treasury.*

21 August, 1867.

SIR,—I have the honour to acknowledge the receipt of your letter of the 13th instant, referring to my communication of the 30th July, and I beg to assure you that I will communicate it to the other Judges of Designs as soon as I have an opportunity of doing so.—I have, &c.,

(signed) WILLIAM COWPER.

The Secretary, Treasury.

(5) *Mr. Cowper to the Lords Commissioners of the Treasury.*

Curzon-street, 28 November, 1867.

MY LORDS,—The Judges of Designs for the Courts of Justice have met for the consideration of your Lordships' letter of 28th August.

We regret that we could not agree to make such an award as was contemplated in the Treasury Minute, and the instructions

to the architects, but having arrived at the conclusion that the design of Mr. Barry is the best in regard to plan, and that of Mr. Street in regard to elevation, we considered that the best course of procedure we could adopt under the circumstances was to tender our recommendations to your Lordships, that those two architects who were the first in the two branches of the competition should be entrusted conjointly with the preparation of that final design which it was understood, between the competitors and your Lordships, would be adopted subsequently to the exhibition of the competitive designs.

On reviewing our proceedings, no course appears to have been open to us better than that we have taken, but whether we judged rightly or not, it is clear that we have no power to render further assistance in this matter.

With reference to Mr. Gardiner's report on the measurements and estimates of the competitors, I may observe that it does not contain anything to affect our previous decision.

I have, &c.,

(signed) WM. COWPER.

The Lords Commissioners of the Treasury.

(6) *Mr. G. A. Hamilton to the Secretary to the Courts of Justice Commission.*

Treasury Chambers, 10 December, 1867.

SIR,—I am desired by the Lords Commissioners of Her Majesty to transmit to you, to be laid before the Courts of Justice Commissioners, the enclosed copy of a letter, dated 28th November last, from the Chairman of the Committee of the Judges of Designs, stating their regret that they could not agree to make such an award as was contemplated in the Treasury Minute of 23rd December, 1856 last, and the instructions to the architects. I am, &c.

(signed) GEO. A. HAMILTON.

The Secretary
To the Courts of Justice Commission,
&c. &c. &c.

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(7) *The Secretary to the Courts of Justice Commission to the Secretary to the Treasury.*

Courts of Justice Commission,
33, Lincoln's-inn Fields,
14 December, 1867.

SIR,—By a resolution of the Courts of Justice Commission, at a meeting held yesterday, I am directed to acknowledge the receipt of your letter of the 10th instant, transmitting to me the copy of a communication from the Chairman of the Committee of Judges of Designs, in which the judges state their regret that they could not agree to make such an award as was contemplated in the Treasury Minute and the instructions to the architects.

You do not acquaint the Commission with what object (except that they may be informed of what has occurred in the matter) this communication is made to them; but their attention has been called to the reply given on the 29th November last, by their Lordship's Financial Secretary, to a question in the House of Commons, in which Mr. Hunt stated that in this matter "the Treasury propose to do what the Act of Parliament laid down, and to seek the advice of the Commission." The Commission accordingly conclude that the letter from the judges of designs is sent to them in order that they may advise the Treasury upon it.

The Commission desire me to observe that, in strictness, the Courts of Justice (Building) Act 1865, s. 4, only requires the advice of the Commission as to "the plan upon which the buildings shall be erected, and the necessary arrangements for the proper or convenient accommodation of all the courts, and offices to be provided for therein and for proper accesses thereto." The selection of the architect rests with Her Majesty's Government, and the arrangements under which the concurrence of the Commission with the Treasury, in this and other preliminary steps for preparing the plan, was ensured, are based on the Treasury Minute of the 23rd December, 1865, adopted by the Commission on the 15th January, 1866.

On advising, therefore, the Treasury at the present juncture, the Commission are not acting under their statutory powers.

I am, however, to state, that it appears to them most desirable

that the selection of the architect should be made in accordance with the terms of the Memorandum which forms Section 56 of the instructions to the competing architects, signed by Lord Cranworth on the 17th April, 1866; and that the opinion of the Attorney General, by whom all questions which may arise in the interpretation of that Memorandum are to be determined, should be taken, whether the decision of the seven judges should be recognised as naming Messrs. Barry and Street, the two equally successful competitors, so that they may be jointly employed accordingly, if prepared to accept such employment, and to share the architects commission on the conditions already settled. I am, &c.

(signed) EDWIN W. FIELD,
Secretary to the Commission.

The Secretary to the Treasury.

(8) *The Secretary to the Treasury to the Secretary to the Courts of Justice Commission.*

Treasury Chambers, 25 May, 1868.

SIR,—I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit herewith, for the information of the Courts of Justice Commissioners with reference to previous correspondence, the enclosed copy of the opinion of the Attorney General on the decision of the Judges of Designs as to the selection of an architect for the New Courts of Justice.

I am at the same time to state that, having regard to the terms of that opinion, my Lords now consider themselves free to make any appointment they may think proper, and that they will forthwith proceed to consider what appointment should be made. I am &c

(signed) G. SOLATER-BOOTH.

To the Secretary of the Courts of
Justice Commission, &c. &c.

(9) *Copy of Treasury Minute, dated 30th May, 1868.*

The First Lord of the Treasury and the Chancellor of the Exchequer state to the Board that, after the decision which my Lords have come to, as expressed in their Minute of 22nd May, to the effect that they considered themselves free to appoint any

architect for the new Courts of Justice Buildings, and after consultation with the First Commissioner of Works, they recommend that Mr. G. E. Street should be appointed the architect.

My Lords approve.

Transmit copy of this Minute to Mr. Field, for the information of the Court of Justice Commission, and to the First Commissioner of Works.

Transmit a copy of this Minute to Mr. Street.

(10) *Mr. G. E. Street to the Secretary to the Treasury—Courts of Justice Competition.*

51, Russell-square, W.C.,
15 March, 1868.

SIR,—As I observed that one or two very incorrect statements were made by Members of the House of Commons last night, may I bring before your notice the state of the case in regard to one most important portion of the subject, that of the comparative cost of the buildings shown in the various designs.

I observe that Mr. Pease asserted that I estimated the cost of my design at £300,000 less than the surveyor appointed by the Treasury. The real difference between our estimates was less than £200,000. But Mr. Pease omitted to notice, and I am particularly anxious to call your attention to the fact, that the surveyor appointed by the Treasury calculated the cost of my design at a price per cubic foot lower than the designs of all the other competitors, save Mr. Abraham and Mr. Garling.

I need hardly say that it is the price per cubic foot which is the real test of costliness in such a building. For, as not two competitors have proceeded exactly on the same data as to the important dimensions of the heights of rooms and offices, it is obvious that a comparison of the total cubical contents of the various schemes is not really a just comparison. For instance, I find that if I were to reduce the heights of the rooms used as offices throughout the building, from the height shown on my plan, to that which is shown on Mr. Waterhouse's plan, the cubical contents of my building would at once be so much reduced as to make the cost of my plan, according to the surveyor's estimate, less than that of Mr. Waterhouse's plan. I have, &c.

(signed) GEORGE EDWARD STREET.

To the Secretary of the Treasury.

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(11) *Mr. E. M. Barry to the Secretary to the Treasury.*

21 Abingdon-street, 8 June, 1868.

SIR,—I am informed that Her Majesty's Government propose to disregard the award of the Judges of Designs for the New Law Courts, and to appoint Mr. Street sole architect of that important work, notwithstanding that they have been twice officially informed by the Right Honourable W. F. Cowper, the Chairman of the Judges of Designs, that the judges have decided that my design is the best in regard to plan, and that of Mr. Street in regard to elevation only.

The conditions of competition provide in the most stringent manner that excellence of plan and internal arrangement is to be preferred to all other considerations. The conditions state on page 11, "The chief points to be kept constantly in view, and to be treated as *superseding, as far as they may conflict, all considerations of architectural effect*, are the accommodation to be provided and the arrangements to be adopted, so as in the greatest degree to facilitate the dispatch and the accurate transaction of the law business of the country, and, in carrying out this design, the first object should be to provide ample uninterrupted communication and accommodation for those who have legitimate business in the new building. On page 7 we read, "*The arrangement of the courts and offices is of vital moment, on it chiefly depends the success or failure of their concentration, and its importance cannot be over-estimated.*" For the interior of such a building, and in such a locality, a requirement of the first magnitude, and one having a very important bearing on the question of arrangement, is abundant window light. It will be next to impossible to give too much to any of the offices. Almost every room throughout the building being devoted to purposes of writing or reading, will necessarily require the fullest extent of light which can be obtained." Again, on pages 8 and 9. "But whilst the question of a sufficiency of light is of very great importance, and must necessarily have influence in the arrangement of the rooms, a necessity of almost equal moment is *quiet*. In short, the utmost precautions must be taken, and means provided, by which the quiet of the courts may be secured. The comparative degrees of quiet required for the different offices, are meant to be indicated in the schedules ; thus, q¹, q², q³, sig-

nifying respectively quiet, quieter, and quietest." Again, on page 13, "*The convenient working of the whole arrangement depends on the manner in which facilities of communication are afforded.*" The above extracts are but specimens of the spirit which animated the conditions throughout, laying down the principles to be followed in the selection of the architect, and their requirements are summed up in the general heading in the index, "*Utility to be attended to before effect.*"

Few practical persons will fail to admit the good sense of these instructions, or the difficulty of complying with them, in respect of a building which is to be one of strict utility. Fewer still will be prepared to find that the result of the competition is to disregard them as if they had never been written, and to choose a design avowedly recommended by a preference for its elevation alone.

The Judges of Designs have twice officially recorded their judgment in their award, that "*the design of Mr. Barry is the best in regard to plan and distribution of the interior.*" Two of their number, Messrs. Shaw and Pownall, who were specially appointed to advise the Royal Commission on points of professional detail, have recorded their opinion, *seriatim*, on the several points referred to in the instructions to the competing architects, and have reported in my favour under the following heads :

Light and Air.	Vice-Chancellor Wood's Court and rooms.
Quiet.	Spare Court of Equity.
Relative position of departments.	Registrars' Offices.
Accesses and staircase.	Enrolment Office.
Communication between different sets of offices.	Visitors in Lunacy.
Separation of traffic.	Queen's Bench Judges' Chambers.
Private road, Clement's Inn, Bell Yard, and Strand.	Common Pleas Judges' Chambers.
Queen's Bench Court and rooms.	Exchequer Judges' Chambers.
Common Pleas Court and rooms.	Queen's Bench Master's Office.
Exchequer Court and rooms.	Common Pleas Master's Office.
Exchequer Chamber.	Queen's Bench Associate.
Spare Court.	Common Pleas Associate.
Lord's Justices' Court and rooms.	Exchequer Associate.
Vice-Chancellor Kinderley's Court and rooms.	Circuit Associates.
Vice-Chancellor Stuart's Court and rooms.	Crown Officers' rooms.
	Royal Commissions Offices.
	Spare rooms.
	Waterclosets and urinals.

By this report, a copy of which is annexed, my design is

selected as the best for almost all the courts and most important offices, and is specially preferred in the all-important matters of *light and air, quiet, accesses, general arrangements, &c.* which are the vital points to be attended to, and for the neglect of which, no exterior, however attractive, will furnish compensation.

Mr. Street's design is only specially noticed four times, first, as to condition No. 5, as being inconsistent with the conditions, in the important matter of the size of the courts, which is stated to be deficient; secondly, and thirdly, as to area of site and tramways, on which points it is preferred; and fourthly, it is put on an equality with the designs of seven other competitors, in the provision made for the Receiver of Wills Department.

When the architects were invited to compete, they were informed by a Treasury Minute, dated 23rd December, 1865, that "the notices for invitations to compete" should "be issued by the committee of judges, and *that their award should be final*;" and though I have been willing, in deference to the award, to waive my special claims, and to consent to act jointly with Mr. Street, I must, in justice to myself, maintain that, by the award of the judges, my claims were made superior to those of any other single competitor, and *no other ought to have been preferred to me.*

I write in no spirit of hostility to my friend Mr. Street; but it is impossible not to see that my design has been selected for *what I have done*, in respect of those important points which the competitors were told were of vital moment. The solid grounds of my selection are plainly and intelligibly recorded, so that all the world may judge of their importance; while Mr. Street is to be appointed from an æsthetic preference for his elevation alone, in defiance of the clearest statement that such preference was not to determine the competition. Moreover, as Mr. Street's elevation is altogether inconsistent with the plan approved, and cannot therefore be carried out, he is selected not for what he has done, but *for what he may yet do*, a ground upon which he might as well have been chosen without any competition at all. I have every confidence in Mr. Street's ability to design and carry out a building worthy of the nation, but I regret to say, that I cannot acquiesce in the justice of the course proposed to be adopted, as it is directly at variance with the letter and the spirit of the conditions, on the faith of which, I, in common with the other competitors, agreed to devote my time and attention to *this work.*

Having conformed to the regulations of the Commission,

having complied with the conditions, and having the award of the judges in my favour, I have a right, very respectfully but most urgently, to ask that *the Government should, on their part, abide by their engagement formally recorded in a Treasury Minute, that the award of the judges should be final.* I therefore most earnestly appeal to their Lordships, not to turn my hard-earned success in this arduous competition into a serious loss and injury, by denying to me, after a long and trying suspense, my just reward, and excluding me from all connection with this great national work, with which they have allowed my name to be publicly associated during the last twelve months.

I have, &c.

(signed) EDWARD M. BARRY.

G. Sclater-Booth, Esq., M.P.,
Secretary to Her Majesty's Treasury.

Inclosure in No. 11.

COURTS OF JUSTICE COMMISSION.

Report of Mr. Shaw and Mr. Pownall on the Competitive Designs for the New Courts of Justice.

Courts of Justice Commission,
33, Lincoln's-Inn Fields, 13 May, 1867.

MY LORDS AND GENTLEMEN,—We have now the honour to present the Report of our investigation of the competitive designs for the Courts of Justice on the several points contained in the instructions furnished to the competing architects.

We should have been glad to feel that this Report, made we believe in conformity with the instructions contained in your Minute of the 23rd day of March, would have enabled the Commissioners to determine “which of the designs upon the whole afforded the greatest advantages.”

We fear, however, that this is not the case, and that although we have expressed a definite opinion on all the most important requisitions, the number of those requisitions is so considerable, and they vary so much in their relative importance, as to make it extremely difficult, if not impossible, for the Commissioners upon the Report alone to arrive at a satisfactory conclusion as to which of the designs does offer the greatest advantages, having reference as well to the relative compliance of the several com-

petitors with the instructions in detail, as to the equally important points of the general arrangement and combination of the design as a whole.

We beg to submit the following observations for the consideration of the Commissioners :

We have been deeply impressed with the great talent exhibited in the designs, and with the unwearied application which must have been devoted to their preparation, and to the difficult task of compressing into the allotted space the large extent of accommodation called for by the instructions.

We are, however, decidedly of opinion that it is impossible properly to provide this extent of accommodation on the proposed site, and that, in order to obtain sufficient light and air to the numerous courts and offices, it is essential that the area of ground should be enlarged.

This enlargement, it appears to us, is further desirable as facilitating the placing the courts and some of the more frequented and important offices on a lower level than has been found practicable in any of the present designs.

We consider this change in the level important, both as regards the convenience of the judges as well as of the numerous persons attending the courts and offices in question.

On the subject of warming and ventilation, we beg to suggest, that while as regards the courts, halls, and corridors, some general system of hot air or hot water should be adopted, it would be desirable to warm and ventilate all the rooms by means of ordinary fire-places and sash-windows opening, not into covered courts, but directly to the external air.

The Commissioners will be fully aware that the opinions we have expressed in the Report have been formed entirely without reference to the relative merit of the designs as architectural compositions, that part of the subject not having been referred to us. We have, &c.

(signed) JOHN SHAW,
GEORGE POWNALL.

To the Royal Commissioners,
&c. &c. &c.

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R E P O R T.

Accommodation.

As to No. 4, Public Hall.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

As to No. 5, Area of Courts and Rooms.—The designs of Mr. Street and Mr. Waterhouse as regards the courts are not in accordance with the instructions, being deficient in the prescribed area on the floor level; the rest of the designs are in accordance with the instructions. Our opinion of the advantages they offer will be given in a latter part of the report under the head of each court.

As to No. 6, Height of Rooms.—The designs in our opinion offer equal advantages.

As to No. 7, Level of Floors.—This subject is referred to in the letter which accompanies our report.

As to No. 8, Shape of Courts.—No observation appears to us to be necessary.

As to Nos. 9, 10 and 11, Extra Courts and Offices.—We are of opinion that the design of Mr. Seddon offers the greatest advantages.

As to No. 12, Spare Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 13, Housekeepers, Police, and Firemen's Residences.—No observation appears to us to be necessary.

As to No. 14, Housekeepers' Accommodation in the Building, Lifts, &c.—The designs in our opinion offer equal advantages.

As to No. 15, Waterclosets and Urinals.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 16, Refreshment Department.—We are of opinion that the design of Mr. Burges offers the greatest advantages.

As to No. 17, Block Plan of Site.—No observation appears to us to be necessary.

As to No. 18 (referring also to Minutes, pages 113, and 142), *Area of Site.*—We are of opinion that the design of Mr. Street offers the greatest advantages. Mr. Seddon's design is not in conformity with the instructions, by reason of its encroachment upon Carey-street.

As to No. 19, Extent of Excavation.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

As to No. 20, Probate Court Tower.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Arrangement.

As to Nos. 21 and 22, Arrangement, Proximity, and Communication.—Having read the Reports of the heads of the several departments as to—

The Lord Chancellor's Court and Room—We are of opinion that the designs of Mr. Burges and Mr. Abraham offer equal advantages.

Lord Justices Court and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Master of the Rolls Court.—We are of opinion that the design of Mr. Deane offers the greatest advantages.

Vice-Chancellor Kindersley's Court and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Vice-Chancellor Stuart's Court and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Vice-Chancellor Wood's Court and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Spare Court of Equity.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Master of the Rolls' Chambers.—We are of opinion that Mr. Scott offers the greatest advantages.

Vice-Chancellor Malins' (late Kindersley) Chambers.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Vice-Chancellor Stuart's Chambers.—We are of opinion that Mr. Scott's design offers the greatest advantages.

Vice-Chancellor Wood's Chambers.—We are of opinion that the design of Mr. Brandon offers the greatest advantages.

Registrars' Offices.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Taxing Masters' Offices.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Accountant General's Offices.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Record and Writ Office.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Petty Bag Office.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Examiners' Office.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Enrolment Office.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Masters in Lunacy.—We are of opinion that the design of Mr. Burges offers the greatest advantages.

Visitors in Lunacy.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Registrar in Lunacy.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Solicitor to the Suitors' Fund.—We are of opinion that the designs offer equal advantages.

Queen's Bench Courts and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Common Pleas Courts and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Exchequer Courts and Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Exchequer Chamber.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Spare Court.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Judges' Chambers, Queen's Bench.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Judges' Chambers, Common Pleas.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Judges' Chambers, Exchequer.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Queen's Bench, Masters' Offices.—We are of opinion that Mr. Barry's design offers the greatest advantages.

Common Pleas, Masters' Offices.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Exchequer, Masters' Offices.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Queen's Bench Associates.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Common Pleas Associates.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Exchequer Associates.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Crown Office.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Queen's Remembrancer.—We are of opinion that the design of Mr. Brandon offers the greatest advantages.

Circuit Associates.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Acknowledgment Office, Married Women.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Court of Probate, Divorce, and Matrimonial Causes.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Registry.—We are of opinion that Mr. Scott's design offers the greatest advantages.

Seats Department.—We are of opinion that the designs of Mr. Scott and Mr. Waterhouse offer equal advantages.

Correspondence Department.—We are of opinion that the designs of Mr. Scott and Mr. Waterhouse offer equal advantages.

Personal Application Department.—We are of opinion that the designs of Mr. Seddon, Mr. Scott, and Mr. Waterhouse offer equal advantages.

Clerk of Papers Department.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Divorce Department.—We are of opinion that the designs of Mr. Scott and Mr. Waterhouse offer equal advantages.

Record Keepers' Department.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Inland Revenue Department.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Receiver of Wills Department.—We are of opinion that the designs of Mr. Garling, Mr. Lockwood, Mr. Seddon, Mr. Scott, Mr. Waterhouse, Mr. Street, Mr. Deane, and Mr. Brandon offer equal advantages.

The Sealer.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

General Position of the Registry.—We are of opinion that the design of Mr. Burges offers the greatest advantages.

Admiralty and Ecclesiastical Courts and Offices.—We are of opinion that the design of Mr. Scott offers the greatest advantages.

Appellate Court.—We are of opinion that Mr. Brandon's design offers the greatest advantages.

Crown Officers' Rooms.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

Court of Bankruptcy.—We are of opinion that the design of Mr. Lockwood offers the greatest advantages.

Land Registry.—We are of opinion that the designs offer equal advantages.

Registry of Judgments.—We are of opinion that the design of Mr. Waterhouse offers the greatest advantages.

Middlesex Registry.—We are of opinion that the design of Mr. Burges offers the greatest advantages.

Royal Commissions Offices.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to Nos. 23 and 24, Light and Air.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 25, Quiet.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 26, Tramways.—We are of opinion that the design of Mr. Street offers the greatest advantages.

As to No. 27, Position of Courts.—We are of opinion that all the designs sufficiently conform to the instructions.

As to No. 28, Relative Position of Courts.—We are of opinion that all the designs sufficiently conform to the instructions.

As to No. 29, Floor Level of Courts.—We are of opinion that Mr. Seddon's design offers the greatest advantages.

As to No. 30, Relative Position of Departments.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 31, Probable Amalgamation of Offices.—We are of opinion that the designs offer equal advantages.

As to No. 32, Accesses and Staircases to Offices.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to No. 33, Communication between different Sets of Offices.—We are of opinion that Mr. Barry's design offers the greatest advantages.

As to No. 34, Speaking Tubes, &c.—No observation appears to us to be necessary.

As to No. 35, Telegraphic Communication.—No observation appears to us to be necessary.

As to No. 36, Intercommunication, &c.—We are of opinion that Mr. Barry's design offers the greatest advantages.

As regards *Fireproof Separation*, the report of Captain Shaw, of the Metropolitan Fire Brigade, will render any remark from us unnecessary.

As to No. 37, Subways for Public.—None of the designs appear to us adequately to meet this requirement.

As to No. 38, Separation of Traffic.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

As to Nos. 39 and 40, Private Road, Clement's Inn, Bell Yard and Strand.—We are of opinion that the design of Mr. Barry offers the greatest advantages.

General Subjects.

As to No. 41, Chief point to be kept in view.—No further observation appears to us to be necessary.

As to No. 42, Ventilation and Acoustics.—As to Ventilation, the Report of Dr. Percy will render any remark from us unnecessary.

As to No. 43, Heating.—The designs of Mr. Brandon, Mr. Burges, Mr. Garling, Mr. Street, and Mr. Waterhouse, provide for conveying the smoke from the fireplace in the several rooms by means of descending flues, culverts, and smoke towers; the rest of the designs provide for this object in the ordinary way by separate shafts, by which the smoke will ascend; but all the designs will admit of this arrangement.

As to No. 44, Fireproof Construction and Water Supply.—All the designs are capable of being constructed fireproof, and they provide for adequate water supply.

As to Nos. 45 and 46, Police Accommodation, &c.—We have no observations to make on these heads.

As to Nos. 47 to 53, inclusive, Illustration of Designs.—We are of opinion that the conditions have been most fully and satisfactorily complied with.

As to No. 54, Estimate.—We have no observation to make on this head.

(signed)

JOHN SHAW.
GEO. POWNALL.

13 May, 1867.

(12) *Mr. G. E. Street to the Secretary to the Treasury.*

51, Russell-square, London, W.C.,
22 June, 1868.

SIR,—It seems to be necessary that I should say a few words in reply to the protest which Mr. E. M. Barry has published on the occasion of my appointment as architect to the New Courts of Justice, and I have accordingly prepared a memorandum, of which I enclose a copy herewith. I have, &c.

(signed)

GEORGE EDMUND STREET.

G. Selater-Booth, Esq., M.P.,
Secretary to the Treasury.

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Inclosure in No. 12.

THE NEW LAW COURTS.

Some Remarks on Mr. E. M. Barry's Protest against the appointment of Mr. Street as Architect.

The protest against the decision of the Treasury in the case of the New Law Courts, which has been prepared by Mr. E. M. Barry, is a most incomplete and very one-sided statement of facts.

In order to prove this, it is necessary to recapitulate what has passed. The instructions issued to the competing architects in April, 1866, were very strict in three points, viz. (i.) extent of site, which was generally understood to be a block 700 feet x 510 feet, but as to which there was so much doubt, that Mr. Barry took a frontage of about 30 feet more than Mr. Street, to the very great advantage of his plan; (ii.) the arrangement of courts and offices, which was said to be of vital importance, and which was to be treated as "superseding, so far as they may conflict" [no further], "all considerations of architectural effect; and (iii.) cost, as to which the instructions said, "An independent surveyor will be named to test estimates," and "*comparative cost of carrying out each design will be an important element in determining the competition.*"

The designs were sent in January, 1867, and, in order to aid the judges of design in arriving at a conclusion, *three separate investigations* were carried on by direction of the Royal Commission:—

(a) A joint committee of bar and solicitors was appointed to examine and report on the plans, and to prepare certain recommendations and resolutions which should be binding on the architect who was employed to prepare the final plan. This was the most important inquiry of all.

(b) The designs as to each department were laid before the judges and officers of that department, and their opinion was asked as to the comparative merits of the various plans in detail.

(c) In December, 1866, two gentlemen (Messrs. Shaw and Pownall) were employed to make an independent investigation, and report upon all the plans. They examined

the plans and reported on them ; and *a few days after they had reported* they were added to the number of the judges of design, and the inevitable consequence was, that these two gentlemen stood apparently pledged to their report, which was mainly in Mr. Barry's favour, without having seen the report of the Barristers' and Solicitors' Committee, or the reports of the heads of departments, or the estimate of the comparative cost of the plans.

It is on this one preliminary report, to the *entire exclusion* of the others, that the whole of Mr. Barry's protest is founded ; and he appears to consider that it has a special value and importance over and above that which attaches to the other reports which were presented to the judges of design, and indeed that it has so much force as to be binding both on the judges of design, and even now that the whole competition has come to an end upon the Government. In short, that the real decision in this competition was arrived at and announced by Messrs. Shaw and Pownall before they were even appointed judges of design, and without leaving to the other eminent men appointed to be judges of design any opportunity of exercising their powers.

Mr. Barry has rested his case on this preliminary report for the very obvious reason that it is, as he says, much in his favour. Yet it is to be observed that, to take one instance, even Messrs. Shaw and Pownall were unable to commend the extraordinary arrangement of the Probate Department proposed by Mr. Barry, and that if, as certainly must have been the case, he was compelled to move this enormous fireproof department from the centre of the building above the central hall where he had placed it, to some safer and more accessible position, he would have been compelled at once to alter the whole arrangement of his plan, and to reduce largely the spaces for light and air which he had obtained by stowing away in an impracticable place this large section of the building.

If Mr. Barry's plan is examined in connection with the recommendations of the Bar and Attorneys' Committee, and the resolutions founded on them and agreed to by the Commission, it will at once be found that it no longer stands in the position which he claims for it upon the strength of the other report. They expressly condemn in his case : (1). The level of the central hall ; (2), its very complicated plan ; (3), the position of the Courts of Chancery (Mr. Barry's is the only plan of the eleven condemned in this most important particular) ; (4), the

lack of provision for ingress and egress from both sides of the courts ; (5), the position of the bar rooms ; (6), the position and the level of the rooms appropriated to attorneys ; (7), the position of the offices of the Probate Court, which has been placed, they say, "by Mr. Barry, in the centre of the building, so as to increase the concourse of persons into that part to an extent which, in the opinion of the officers of the Probate Department, cannot but interfere with the general utility of the building."

Finally, the Commission protest warmly against the portion of Messrs. Shaw and Pownall's report, referred to in Mr. Barry's protest, which condemns the plan of the Courts in Mr. Street's and Mr. Waterhouse's schemes, and resolve that their arrangements are properly made in order to secure greater quiet in the courts, and that, so far from being defective, they are really better than the rest.

This important report and the resolutions founded on it, form the data on which the selected architect now has to proceed in preparing the final plan.

It need hardly be said that it is altogether unfavourable to Mr. Barry's plan (far more so than it is to Mr. Street's), and opposed, therefore, *in toto* to the spirit of the report of Messrs. Shaw and Pownall, which, in point of fact, is superseded.

It is necessary next to examine the report of the officers of the various courts and offices. They may be supposed to know what they require, and each office was furnished with a copy of so much of the plans as referred to it. The results of their report, when examined carefully, are startlingly different from those at which Messrs. Shaw and Pownall arrived. They report, in the case of Mr. Barry, on thirty-seven offices ; of these they consider the arrangement, &c., of nine to be good, those of ten to be moderate, and those of eighteen bad. In the case of Mr. Street's plan they report 12 good, 12 moderate, and 11 bad. So that, judged by the reports of men who ought to have been able to form a very good opinion, Mr. Street's plan was more convenient than Mr. Barry's.

Finally, Mr. Barry has entirely ignored the surveyor's estimate of cost, and for a very obvious reason. Mr. Gardiner, the surveyor employed by the Treasury, reports that Mr. Street's design could be executed for £87,600 less than Mr. Barry's, so that on this head, which was to be "an important element in determining the competition," Mr. Street possesses a great, clear, and incontestable superiority over Mr. Barry.

The judges of design bracketed the designs of Mr. Barry and Mr. Street as equal ; they could not decide (so their Chairman said in the House of Commons) to which to give the preference. But this must have been because they sent in their award before they had received Mr. Gardiner's estimate as to cost ; for as the merits of the two plans were, in their opinion, equal before that estimate was seen, it is clear that they ceased to be so after its presentation, and that Mr. Street was fairly entitled to the position which has now been accorded to him.

It remains to observe that when Mr. Barry asserts that his plan was selected "for what he had done," and Mr. Street's "for what he might yet do," he makes an entirely misleading statement. He knows, as indeed all the competing architects knew from the first, that after the competition was over, a "final plan" would have to be prepared, founded on the resolutions which the Commission came to after an examination of all the schemes. These resolutions were so entirely hostile to Mr. Barry's plan, that if he had been appointed architect he must have re-arranged every part of it from one end to the other.

Mr. Barry adopts the somewhat extraordinary assumption, that in a building of this magnitude and purpose, architectural merit is of comparatively little importance. On the contrary, he ought to know that whilst most men of intelligence and good ability, if they have definite instructions, can plan a fairly convenient building, it is given to comparatively few to be able to clothe their plans with really noble architectural features. If this can be done without extravagant outlay, so much the better ; and it is worth remark, therefore, that Mr. Gardiner's estimate of the cost of Mr. Street's design is not only so much lower than that of Mr. Barry's, as has been stated, but that he estimates its cost per cubic foot at a lower rate than the designs of all the other competitors, except Mr. Abraham and Mr. Garling. So that Mr. Street has not only earned the judges' award for having produced the design which "has the greatest merit as an architectural composition," but he has done so, according to the Government surveyor, at a most moderate rate of cost.

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Correspondence with the Government of the Two Sicilies respecting the presence of the British steamers at Marsala on the occasion of the landing of General Garibaldi at that port.

Time, 3 hours.—(See directions page 8.)

Mr. Elliot to Lord J. Russell.

(Received May 22.)

Naples, May 14, 1860.

MY LORD,—I have the honour to inclose the copy and translation of a note from M. Carafa, relative to the armed expedition which has landed at Marsala, together with the acknowledgment which I returned.

A similar communication has, I believe, been addressed to all my colleagues, including the Marquis Villamarina, who informed me that he intended, in reply, simply to acknowledge its reception, and to state that he would transmit it to his Government, but that, in the mean time, he could not accept as facts, all that the Neapolitan Minister for Foreign Affairs advanced in proof of violation of international duties by the Sardinian Government. I have, &c.

(signed) HENRY ELLIOT.

Inclosure 1 in No. 1.

Mr. Caafa to Mr. Elliot.

(Translation.)

Naples, May 12, 1860.

An act of the most barbarous piracy has been perpetrated by a horde of brigands, publicly enlisted and armed in a not hostile State under the very eyes of that Government, and in spite of its promises to prevent it.

The Royal Government having been informed of the preparations which were being made with the most bare-faced impudence in Genoa, Turin, Leghorn, Milan, and Sienna, for an expedition against the Kingdom of Naples, hastened to call the attention of the Piedmontese Government to such an outrage against the rights of nations and international obligations. The

evasive answers of that Government in the first place, and secondly its promises to impede such an expedition, should have sufficed to convince the Royal Government of the sincerity of its assurances and assertions, which confirmed the good harmony and reciprocal policy of non-intervention which we have never ceased to have the intention of preserving.

Nevertheless, the King's Government has continued to watch the plotting of the insurgents, who united themselves in Genoa and Leghorn for a well-known purpose, and has followed their proceedings, the account of which is abridged in the inclosed Memorandum.

Vainly hoping that the departure of those pirates would be prevented after their embarkation in Genoa and Leghorn in three merchant-vessels, of which two were Piedmontese and one English, the two first of the said vessels, having started from Leghorn, directed their course to the port of Marsala, where they arrived yesterday without any flag, and were preparing to land the bands which they had on board, when the two Royal ships of the squadron cruising near opened a fire on the aggressors. But the fire was obliged to be suspended to give two English steamers, which had arrived a few hours before, time to take on board their officers who were on shore, and when these were embarked, the steamers put to sea, and then only was the firing on those pirates resumed, nevertheless without being able any more to impede their landing in Marsala, city of the Province of Trapani.

With this sketch of the scandalous attempt, the disastrous consequences of which, in our insular dominions, where the insurrection had hardly been repressed, the short time does not permit us to foresee, the Undersigned, charged with the portfolio of Foreign Affairs, has the honour to communicate to Mr. Elliot, &c., &c., the details of the occurrence, in order that he may inform his Government ; and in order that, whatever the consequences may be of an attempt perpetrated against all right, in violation of international law, and by reason of which Italy may find itself plunged in the most bloody anarchy, compromising at the same time the whole of Europe, the responsibility of such an act may not fall on any others than the authors, the aiders and abettors, of the barbarous invasion which has taken place.

The Undersigned, &c.
(signed) CARAFA.

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Inclosure 2 in No. 1.

Memorandum.

(Translation.)

May 9, 1860.

Since the 28th of April, the concentration has been apparent in Genoa of Italian emigrants (principally Sicilians), Lombards, Piedmontese, natives of the Romagna, and Tuscans, of notoriously extravagant political opinions, and more especially of a crowd of those volunteers from amongst whom Garibaldi, during the recent war, formed his corps of "Cacciatori delle Alpi," who afterwards were enrolled in the regular army, and who, according to a generally believed report, had recently been expressly discharged.

These numerous persons have assembled both by sea and by the railroads, and it has not yet been denied that they were enabled to travel with entire liberty, and absolutely at free cost.

Garibaldi, who was known to be in Genoa, and who from time to time became invisible and impossible to find, latterly established himself in the Palace Passano at Quarto: and there were assembled in crowds, and concentrated, not only foreigners who were constantly arriving, but those numerous Genoese whose antecedents, namely, their being members of shooting-clubs, and otherwise remarkable, rendered them conspicuous as ultra-Liberals. This concourse excited the attention and the fears of all, excepting of that Government which it seemed impossible to move by any means.

Whilst the intention of effecting an armed disembarkation in Sicily, in order to foment the revolution, was openly manifested by public notices, by public speeches, by theatrical representations, and by other means publicly made use of, without an attempt at concealment of any kind, arms and ammunition were carried to the Palace Passano, which had become an arsenal.

Arms and implements of warfare, not belonging to the army or the ordnance, were carried about freely in the city.

By these and other means, the announcement of preparations against Sicily having become public, the departure of the expedition having been several times postponed, and finally it being announced that it would be concentrated in Malta, we arrived at the 5th of May.

After noon on that day, 100 men armed, having in two boats left the western side of the port (every approach is guarded by

sentries), embarked on board of the Sardinian commercial steamers "Piemonte" and "Lombardo" (the property of the Company Rubattino, the same to whom the "Cagliari" belonged). The first-named of those two steamers had arrived the day before from Tunis; the other was not to have left before the 9th for the Italian line. Nevertheless in both vessels the lockers were found full of combustibles, and probably they were amply provided with provisions. The captains were absent; and in one case, at least, perhaps the "Piemonte," the engineer also. Giuseppe Orlando, a Neapolitan emigrant, a partner in a foundry in Genoa, undertook the duties of these men.

Without any impediment being offered either by the port guard-ship, by the Sardinian ships of war which were there, by a Spanish war-steamer, by two French ships who were also present, by the naval arsenal which was quite close, or lastly, by the land batteries, the aggressors lighted the engine's fires on one of the ships, then waited unmolested till the steam was got up and had sufficient strength to turn the paddles (an operation which, at least, must have required an hour), and, having taken the other vessel in tow, left the port to anchor almost within range of cannon shot, and before the military post of the harbour.

Here a quantity of boats were waiting, with a considerable number of those enlisted for the service, a crowd which was increased by curious spectators.

Under the direction and superintendence of Garibaldi the embarkation commenced; and those who left, for the most part, went in carriages, accompanied by their friends cheering vociferously.

Before sunset, the embarkation, which had been subsidiarily effected from the port itself, was not completed, which circumstance, though it seemed to be pretended that the steamers were taken by force, proves clearly that the business was transacted in open daylight.

It is reported that one of the steamers, after leaving the harbour (which was effected at daybreak on the 6th), took in tow a Greek sailing-vessel fitted, like the steamers, as an arsenal for the use of those Sicilians who might follow the present movement.

In the course of the night Garibaldi embarked from Quarto on board a launch, and, with others, boarded the steamers to inspect them. They, with their large and remarkable cargo (certainly arms and ammunition) pursued the same course.

It has been, ~~moreover,~~ asserted that, in the same way, six rifled cannon were embarked, which were taken from the shore at Nervi.

At daybreak the steamers were sighted off the "Riviera di Levante," and it is believed that they stopped at various points to communicate with the land.

On his examination, the captain of the steamer "Amalfi," bearing the Royal flag, has declared that he distinctly saw them leave the Gulf of Spezzia between 6 and 7 P.M., full of passengers.

Amongst those on board are the pilots of three merchant-ships of Palermo, who deserted on the 5th from Genoa.

All the inhabitants of Genoa could have been eye-witnesses of these facts, inasmuch as all are certainly cognizant of them, owing to their notoriety.

Inclosure 3 in No. 1.

Mr. Elliot to M. Carafa.

Naples, May 13, 1860.

The undersigned, &c., has the honour to acknowledge the receipt of the note which His Excellency the Commander Carafa, &c., has done him the honour to address to him, relative to an armed expedition which has landed on the coast of Sicily, and to state that he will not fail to transmit this communication to Her Majesty's Government by the earliest opportunity.

The undersigned, &c.
(signed) HENRY ELLIOT.

(2) *Mr. Elliot to Lord J. Russell.*

(Received May 22.)

(Extract.) Naples, May 14, 1860.

In the account of the landing of the expedition at Marsala, your Lordship will observe that it is stated by M. Carafa that the fire of the Neapolitan men-of-war was impeded by two British vessels, but that it is not said that they were men-of-war, as was intimated in the first account which I heard.

I took the earliest opportunity of seeing M. Carafa to inquire

into the matter, when His Excellency, by the King's desire, put into my hands the original despatch that had been received, and from which it neither appeared that the steamers were men-of-war, nor that they had intentionally placed themselves so as to cover the landing.

This telegraphic despatch simply announced to the Government that a landing had been effected at Marsala, and then added the words embodied in the communication from M. Carafa.

(3)

Mr. Elliot to Lord J. Russell.

(Received May 26.)

(Extract.)

Naples, May 18, 1860.

I informed your Lordship by telegraph that upon the reception from Vice-Admiral Fanshawe of the report of Commander Marryat, I immediately protested against the statement of the Neapolitan Government, that the fire of their vessels upon the expedition landing at Marsala had been impeded by two British steamers.

I have the honour to transmit to your Lordship a copy of the note which I addressed to M. Carafa, forwarding the substance of Captain Marryat's report.

The time has been too short for me yet to receive any reply to my note ; but it is evident to me that, even before its reception, the Government had begun to have doubts of the accuracy of their statement ; and I was this afternoon assured by M. Carafa that the King had told him that, if a further report which he had ordered to be made did not confirm the first, the rectification must be made as publicly as the original statement.

I said I expected no less from the candour of the Neapolitan Government ; for that the statement which they had put forth, had, without distinctly expressing it, undoubtedly produced the impression that the landing had proved successful mainly owing to the presence of the British ships-of-war, and had left every one to form his own opinion as to whether this was the result of accident or design on the part of the officers commanding them.

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Inclosure 1 in No. 3.

Mr. Elliot to M. Carafa.

Naples, May 17, 1860.

In the narrative of the recent landing of an armed expedition at Marsala, which his Excellency the Commander Carafa, &c., did the undersigned, &c., the honour to forward to him on the 12th instant, there occurs the following passage :—"But the firing was obliged to be suspended to give two British steamers, which had arrived a few hours before, time to take on board their officers, who were on shore, and who being embarked, the steamers put to sea, and then only was the firing on the pirates resumed, nevertheless without being able any more to impede their landing in Marsala, city of the Province of Trapani."

However satisfied the undersigned might be that no officer of Her Majesty's navy had intentionally thrown any obstacle in the way of the operations of the Neapolitan vessels, he lost no time in communicating with the Admiral Commanding-in-chief at Malta, and in begging him to inquire into the circumstances of the case ; and he has now received a full report from the captain of Her Majesty's ship "Intrepid," which was one of the vessels at Marsala at the time.

The undersigned does himself the honour to transmit herewith to his Excellency M. Carafa the substance of this report, the accuracy of which cannot be called in question, and from which it is clearly evident that neither intentionally nor unintentionally did the officers of Her Majesty's ships offer the slightest impediment to the free action of the Neapolitan vessels.

It is not the intention of the undersigned to accompany the inclosed document with any lengthened observations of his own ; but as the Neapolitan Government have communicated to the Representatives of all the foreign Courts at Naples a narrative calculated to convey the impression that the landing of the expedition might have been prevented if it had not been for the presence of the British men-of-war, the undersigned must be permitted emphatically to protest against a statement which can only have been made on the most imperfect knowledge of what had taken place, and which throws a most uncalled-for reflection upon the officers of Her Britannic Majesty, which the undersigned is convinced the Government of His Sicilian Majesty will be anxious to rectify as far as lies in their power.

The undersigned, &c.
(signed) HENRY ELLIOT.

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Inclosure 2 in No. 3.

Statement of Facts connected with the recent Disembarkation at Marsala, as reported by Captain Marryatt, of Her Majesty's ship "Intrepid."

The "Intrepid" and "Argus" arrived at Marsala between half-past 10 and 11 A.M., on the morning of the 11th.

Commander Ingram, of Her Majesty's ship "Argus," considering it likely that he would have to stay there three or four days, anchored his ship about three miles out, where the book of directions states the best holding ground to be. I on the contrary, knowing I was to remain but a few hours, brought up as close to the shore as I could, distant from three-quarters of a mile to a mile from the lighthouse at the end of the mole.

At 11.30 we landed, having got pratique, and being met by Mr. Cossins, the gentleman acting for the Vice-Consul, proceeded to his house, where some other English residents shortly arrived, and we then drove through the town with these gentlemen, visited the Cathedral, and eventually went out to their wine stores, which are three in number, distant or rather extending from half-a-mile to one mile and a-half from the city.

Whilst here an Englishman came to report that two steamers were coming in from the north-west with Sardinian colours flying.

We immediately ascended to a look-out place, and with a telescope watched the whole proceeding.

The headmost and smallest steamer had a boat in tow which gave us the idea, at the time, of having been seized off the land, and made to do the duty of pilot. There was no hesitation shown in bringing the vessels in; they steamed round the bows of the "Intrepid," and steered direct for the mole, where they arrived about 2 P.M., the first one getting in all right, the second grounding within 100 yards of it.

At this time there were three Neapolitan vessels-of-war in sight, cruising between Marsala and Mazzara, a town twelve miles to the southward, viz., two steamers and a sailing frigate, six miles only from the Sardinian vessels.

Before the Neapolitan arrived within range, the first Sardinian had discharged all her living cargo, which consisted of armed

men to all appearance well disciplined, as they fell into companies on landing, shouldered their muskets, and marched off in perfect order.

The one which had grounded, however, having to land all her men in boats, had not succeeded in getting more than one-fourth out of the ship when the Neapolitan came within easy range of his guns ; his bulwarks were down and guns laid, and we watched with some curiosity to see the result of his firing.

Before this I had advised the owners of two or three English schooners to get their vessels out of the port, as they seemed to me to run the risk of being hit ; but the wind being dead in, they could not be removed, consequently they had to take their chance.

The Neapolitan, however, instead of opening fire, lowered a boat, and sent it towards the Sardinians ; but when half the distance between the two ships had been traversed, the officer suddenly turned his boat round and pulled back to his own vessel as fast as he could.

We now made sure the firing would commence, but we were surprised to see him paddling out towards the "Intrepid," instead of frustrating at once the further landing of the expedition.

The commanding officer of the "Intrepid" states that he was hailed by the commander of the Neapolitan, and asked if there were any English troops on shore : the reply he received was, "No ; the Commanders of two English men-of-war are on shore, and two or three officers."

Shortly afterwards an officer came on board and asked for me, and seemed anxious to know when I should return : a boat had, however, been sent to me before his arrival, and I had sent an officer into the town to recall every one to his ship.

By this time all the expedition had landed (4 o'clock), and he then began to open fire. Commander Ingram, Mr. Cossins, and myself, now went on board to see the Commander of the Neapolitan : he informed us that large bodies of armed men had landed, and that he was obliged to fire on them ; to which not the slightest objection was made, and nothing more passed than a request from us that he would respect the English flag wherever he saw it flying, which he promised faithfully to do. Whilst we were on board he continued his firing, and even offered a kind of apology for the shot going so low ; but he said he did not wish to fire into the town, only on the men marching from the Mole to the city gate.

As we left the steamer, the frigate arrived under sail and fired a useless broadside; but before they could reload the guns, the new arrivals were safely inside the walled town of Marsala.

On my return to the "Intrepid," I found an officer from the other Neapolitan steamer on board; he had come to ask me to send a boat to the Sardinian vessels with him to get them to surrender.

This I declined to do. A short time after my refusal, boats manned and armed were sent in, and the vessels being totally abandoned were taken possession of, and the Sardinian colours hauled down.

It is hardly necessary for me to add that the report current in Naples, as conveyed to you by telegraph from Her Majesty's Minister, is entirely without foundation: to say that it is mischievous, is to use too mild a term, as it brings a false accusation against the Commanders of two English vessels of war, who happened to be there by the merest chance at the time of this occurrence, and who were as much astonished at it as people never dreaming of such a thing could be.

(signed) J. H. MARRYATT, Commander.

(4)

Mr. Elliott to Lord J. Russell.

(Received June 5.)

Naples, May 28, 1860.

MY LORD,—I announced to your Lordship by telegraph that the Neapolitan Government had recognized that there were no grounds for the imputation thrown upon the officers of Her Majesty's ships "Intrepid" and "Argus," of having impeded the operations directed by the Neapolitan navy against the landing of Garibaldi and his companions at Marsala.

I have now the honour to transmit copy and translation of M. Carafa's note in reply to my protest, stating that the officers of Her Majesty's ships had not intentionally or unintentionally interfered with any of the Neapolitan operations; and as a similar communication has been addressed to the Representatives of all the foreign Governments at Naples, Her Majesty's Government will, I imagine, consider that all necessary reparation has been made for the unfounded accusation.—I have, &c.,

(signed) HENRY ELLIOTT.

www.libtool Inclosure in No. 4.

(Translation.)

Naples, May 26, 1860.

The Undersigned, charged with the portfolio for Foreign Affairs, has received the note addressed to him by Mr. Elliot, Her Britannic Majesty's Envoy Extraordinary, &c., to which was annexed the report transmitted by the Admiral of the British squadron at Malta, intended to relate the conduct observed by the two British men-of-war, the "Intrepid" and "Argus," which were anchored in the waters of Marsala at the time of the well known disembarkation of the Garibaldians on the 11th instant.

The King's Government has observed, with pain, in the above-mentioned note, the disagreeable impression produced, as it is therein stated by one of the passages of the note of the 12th instant, addressed to the Representatives of the foreign Governments at this Court, containing a genuine narrative of the facts of the disembarkation, written for the purpose of communicating to them the first reports transmitted from the theatre of the event, by the Commandant of the division of the Royal ships which were obliged to act against the aggressors.

The above-mentioned Commandant, and still less the Royal Government, had never the intention of casting any blame, nor impugning the responsibility of the operations of those on board the British ships, but was desirous simply of stating all the circumstances in which the Royal vessels found themselves, and under which they acted, and, above all, to bear witness to the scrupulosity with which their Commanders had acted up to the stringent instructions they had received, to respect, as far as their duty permitted, the persons and property of foreigners; thence the above-mentioned wished to point out in their reports that they omitted nothing which could possibly prevent the loss which might thus result to the officers who then found themselves on shore, to the English ships as well as to the English subjects, who are in much greater numbers in Marsala than other foreigners, owing to the numerous establishments they possess there.

His Excellency Mr. Elliot has thought proper to protest against the manner in which the facts have been reported, ascribing it to an incorrect knowledge of the circumstances as they occurred; but the true meaning of the statement enables the Undersigned to protest, in his turn, against any wrong explanation or unfa-

vourable interpretation which might have been given to the narration of the facts, in which it is frankly admitted that the officers of the British navy had not, either intentionally or otherwise, acted in a way to impede or retard the operations of the Neapolitan ships.

This explicit and frank declaration must therefore refute the observations occasioned by the above-mentioned passage in the statement of the events which took place on the shore of Marsala, having direct reference to the officers of the British ships ; and the Undersigned, in making such a declaration to His Excellency Mr. Elliot, that he may be pleased to inform his Government thereof, begs to add that he will not omit to address a similar communication to all those foreign Representatives to whom was addressed the circular note of the 12th instant, which has given rise to his Excellency's remonstrances.

(signed) CARAFA.

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Copy of Extracts of all Correspondence relating to the Importation of South Sea Islanders into Queensland.

DESPATCHES FROM THE GOVERNOR.*

Time 3 hours—(See directions page 8.)

- (1) *Extract of a Despatch from Governor Sir G. F. Bowen, G.C.M.G., to His Grace the Duke of Newcastle, K.G.; dated Government House, Brisbane, Queensland, 16 September, 1863.*

A cotton plantation has been commenced near Brisbane by Captain Towns, a highly respectable and influential merchant and shipowner of Sydney, lately appointed by the Crown to be a member of the Legislative Council of New South Wales. About a month ago this gentleman imported, in one of his own ships, 60 South Sea Islanders from the Polynesian group, to work on his plantation. The only law regulating this kind of immigration which is in force here applies to Indians alone; but my Government agreed with me that it would be desirable to make some inquiries from Captain Towns, who immediately furnished full information respecting his dealings with these immigrants. I enclose printed copies of his engagements, and of his instructions to his agents. The greatest possible publicity was given to these documents, by laying them before the Colonial Parliament, by which they appear to have been considered satisfactory. I enclose further a copy of a circular addressed by Captain Towns to the missionaries in the South Sea Islands.

Enclosure 1, in No. 1.
1863.

QUEENSLAND,—LEGISLATIVE ASSEMBLY.

SOUTH SEA ISLANDERS (IMPORTATION OF).

(Ordered to be printed by the Legislative Assembly, 26th August, 1863.)

* Given to Candidates at a Competitive Examination, April, 1869.

Sydney, 30 May, 1863.

Memorandum of Agreement for engaging Natives for my Cotton Plantation in Queensland, for Six or Twelve Months.

Witnesseth : Robert Towns, hereby engage and undertake to pay as wages to any able adult native that may be hired for my service, at and after the rate of 10s. (ten shillings) per month in such trade as he may prefer at the end of his agreement, and to return him to his home within 12 months, should he require such.

2. I also agree to find the natives huts or houses, or tents, until huts can be put up, and to supply them with good and sufficient food, such as they are accustomed to, and to provide them with cooking utensils, and in every way watch over and protect them, during the period of their servitude.

3. The labour these natives will be required to perform will be chiefly field labour, of a light and easy description, such as cleaning and picking cotton when in season, and any other work they may be called on to perform.

Witness my hand this 30th day of May, 1863.

(signed) R. Towns.

Sydney, 29 May, 1863.

SIR,—Referring to our verbal agreement for your present employment on the intended expedition of the "Don Juan," after a number of natives to be employed on my cotton fields in Queensland.

I now give you my written instructions for your guidance, and as I understand you are no scholar, Captain Grueber will read them for you, and explain what is required of you.

First, you will proceed to, and call at such islands as you are known to the natives, and then explain to them what your object is, namely, to engage for me from 50 to 100 natives, all male, on the present voyage, until they are better known in the district and Colony.

I will prefer young lads, from 14 and 15 to 18, in preference to older men, as the bulk; you must have some old hands amongst the lot to induce the young ones to enlist.

In engaging or persuading these people, you must tell them exactly what they will have to do, that is, their chief work will

be in the cotton fields, and that they will have good huts to live in, a kind master to protect, and that you will take them back within twelve months, perhaps in six, and that you will be on the station to explain and interpret for them, and that they will be paid in goods at the rate of 10s. per month (over and above their rations) for the able men, and the others according to their worth and value.

I presume you will call at Leifoo or Ware first, and then to Sandwich ; I leave this for you and Captain Grueber to arrange ; and while I am on this, I must here remind you, that while you are on board the ship you are to act, and do the duty in every way, as second mate, for which service you have signed the articles of the vessel, and in which capacity you will be paid at and after the rate of £5 (five pounds) per month, which pay will be continued you on the station so long as you remain, or other arrangements are made.

In conclusion, I must remind you of my earnest desire that the natives are treated with the greatest kindness, and on no account allow them to be ill-used by the crew or any person on board ; if such is offered to them, it is your duty to report the same to the captain. I will be satisfied with 50 young men and boys if you can get them, but will be better pleased with 70, if the vessel can bring so many comfortably ; but on no account crowd them, or delay the vessel for the purpose.

You must endeavour all you can to keep the natives in good humour and friendly, and on good terms with each other ; on no account allow them to quarrel or have any of their national disputes on board ; keep all such quarrelling from them ; if you find such, unfortunately, to take place, at once separate them, and put up bulkheads between them. Take care none of the old beach-coomers (European sailors) smuggle themselves on board with the natives.

You had better call at Leifoo before Hayes gets there, and leave before he may arrive.

I think I have now said all I have to mention, and hope you may have a successful voyage.—I am, &c.,

Mr. Ross Luin.

(signed)

R. Towns.

29 July, 1863.

DEAR SIR,—Your vessel is now ready, and victualled with sufficient for the voyage and return with natives, you will at

once proceed to sea, and make the best of your way to the Isle of Leifoo, or such other island as you may first make, for the purpose of procuring natives for the cotton fields, with which you will return to Moreton Bay with all possible despatch, where I will in all probability be to receive and direct you. The above is an outline of your intended voyage.

I will now proceed more in detail to instruct you for your future guidance.

The nature of your voyage is, as before stated, to proceed to the different islands of Leifoo, Ware, and Sandwich, and any other islands you may find it necessary to proceed to for the purpose of selecting the natives, and with a view to collect a useful class of men, lads, and active boys. I have engaged Mr. Ross Luin, who speaks the native language, and is well known amongst the islands. This man, now shipped as second mate, will do the needful in engaging the men, which I promise to return to their native land within twelve (12) months from the time they leave. You must endeavour to convince the friends of the people, as well as themselves (those you engage), the honesty of our intention, and if there should be any legal authority, give them guarantee to the same object that the people will be returned in accordance with their agreement.

And as the natives may not be cognisant with our language, I wish you to be present when these arrangements are made through the interpreter. I have sketched out a memorandum for Mr. Ross Luin to explain to the natives in your presence the terms of their engagement, and the work they have to do; also the rations they will receive; at the same time assuring them of every protection the British law will afford them. In this, you will please to observe we wish you to act as our agent, and not allow any advantage to be taken of the natives, even to our interest.

And when engaged, I look to you to see that they are properly cared for, that they have proper food and attention, and they are made to keep the place in which they live thoroughly clean.

I have put on board two suits of shirts and trousers for 100 natives. You will please serve out one suit when they first embark, keeping one for their landing. If you can procure 70 natives in all, you may do so; but half the number will do. If you find much difficulty in getting them, on no account attempt force to take the people against their own free-will and

consent. If you find any missionaries at the islands, make their acquaintance, and tell them from me what my object is in engaging the natives to leave the island they belong to, and engage for a short season to serve me in cultivating cotton. The labour will be light, in weeding, cleaning, and picking cotton ; and I will engage to provide them comfortable huts, and regular rations of rice, meat, pumpkins, potatoes, and yams (if they will grow), and return them to their homes within the twelve months, very likely within six months.

And you may also mention to the missionary, that it is my intention to bring over their wives with them next year if they like the place, and answers my purpose to do so.

I will make their wages for the best men equal to 10s. per month, with others in proportion. These natives will have every protection equal to Europeans in Queensland, which is a climate as warm as the one they leave. This much you may tell the missionaries ; and if they can find a reader or interpreter, I will gladly receive him, and pay him for what he may be worth, over and above his food and lodging, which I suppose will be little ; but he will learn civilisation.

I mean to exchange these people every six or twelve months, and bring over their wives and families with them when they get accustomed to the country and the work.

I have now shadowed forth my views and intentions, and leave you to carry them out ; and, in conclusion, I will again repeat, on no account allow the natives to be ill-used. They are a poor, timid, and unoffending race, and require all the kindness you can show them. You may lead them to anything, and I will not allow them to be driven.

If you find it difficult to procure the natives through Mr. Ross Luin, you had better run over to Erromanga, to Mr. Henry's station, and he may be able to assist you, should such be necessary, but it will be a disappointment to me if you cannot procure for me from 50 to 70 natives for the purpose required.

In reporting your ship inwards from the islands, be particular, and state the number, names, and ages you have on hand as passengers for Mr. Towns' cotton plantation ; let everything be clear in your proceedings. Mr. Palmer, my agent in Brisbane, will have my instructions respecting you, if I am not in Queensland, to which you will please attend.

Use your utmost endeavour to get over the ground, and land the people as soon as possible. You must be a little easy with

Mr. Ross Luin, but if he fails to give you satisfaction, go to Mr. Henry, at Erromanga, or Underwood, at Anataw, and they will put a man on. Yours, &c.,

(signed) R. Towns.

Captain Grueber, "Don Juan."

Inclosure 2 in No. 1.

To any Missionary into whose hands this may come.

Sydney, 29 May, 1863.

REV. SIR,—Should this meet the eye of any gentleman in that sacred calling, I beg to explain the nature of the voyage on which I am about to despatch the bearer, Captain Grueber, with the schooner "Don Juan."

If I now address an old resident among the islands, my name will be familiar, and justify a belief in the sincerity of my mission to which I am about to explain, and solicit your friendly aid; if, on the other hand, the reader has not heard of the writer, I may refer him to Captain Grueber, or any man connected with these islands for the last 20 years.

Suffice to say, I have embarked considerable capital in Queensland, in the cultivation of cotton, and as so much depends on the *rate of labour* in the ultimate success of this important enterprise, I am endeavouring to try our natives from the immediate adjacent islands, whose habits, although not strictly industrious, may be rendered most serviceable in the light work of the field labour, in weeding and picking cotton, as the seasons may require. Such being my views on the subject, I have sent this my pioneer vessel to enlist a supply, and will be much obliged if you will kindly assist us in this our worldly mission, and, as I have told your worthy brotherhood, Messrs. Inglis and Geddes, that I with my cotton emigration (returning them every six or twelve months) will do more towards civilising the natives in one year than you can possibly in ten; they will see what civilisation is, and aim to follow it; and if you can supply me with a native *teacher or reader*, as they may be termed, it will very much hasten the object; at all events if you cannot assist me in this particular, you may be able to point out to the poor unsuspecting natives that they have nothing to fear, as I will bind myself to return them within 12 months from the time they may leave, and more likely in six months.

If my scheme prospers, it is my intention to bring over the wives and families of these poor fellows, as a superior race to the ordinary coolie from India, about whom we hear so much; and for the light work of cotton-picking they are well calculated.

I send an interpreter, a man who says he can speak the language; this is very important to make the poor fellows understand.

Trusting to your kind assistance, I remain, &c.

(signed) R. TOWNS.

(*) *Copy of a despatch from Governor Sir George F. Bowen, G.C.M.G., to the Right Honourable the Earl of Carnarvon.*

Government House, Brisbane, Queensland,
16 November, 1866.

MY LORD,—In continuation of many previous despatches addressed to your predecessors respecting the progress of cotton cultivation in Queensland, I have the honour to transmit herewith an interesting account which has been recently published, of the "Townsvale" Plantation, situated at about 40 miles from Brisbane, and the largest hitherto farmed in this Colony. It is the property of Captain Towns, a well-known Australian merchant and shipowner, and a Member of the Legislative Council of New South Wales, and of his partner, Mr. Brooks, a Member of the House of Commons (for Weymouth). I have visited this plantation on several occasions, and believe that the account now forwarded is substantially correct. Some details respecting the South Sea Islanders employed there will be found in my despatch, No. 49, of 16th September, 1863.

2. I transmit further a return of the quantity of cotton grown in this colony during the past season. It amounted to 183,680 lbs., or 612 bales of clean cotton, fit for shipment. Of this number, 267 bales were furnished by Messrs. Towns and Brooks, from the plantation described above. The crop of cotton raised in Queensland during the last three seasons was as follows—

In 1864	-	-	-	-	-	38,730 lbs.
In 1865	-	-	-	-	-	145,820 lbs.
In 1866 (first ten months)	-	-	-	-	-	183,680 lbs.

I am informed that a much larger area of ground will be cultivated for cotton in the season of 1867. I need scarcely remind your Lordship that during the first 60 years of the present century the export trade in cotton from America grew up from much smaller beginnings than those already made in Queensland to an annual amount valued at 40 millions sterling.

3. A summary of the progress and prospects of cotton cultivation in Queensland will be found in my despatches, Nos. 3 and 13, of 1866, and in the copies sent therewith of letters addressed by me (in answer to his inquiries) to Mr. Cheetham, M.P., the President of the Cotton Supply Association at Manchester. As it appears that the intelligence lately received in England respecting the last cotton crop in America is far from encouraging, I venture to submit that it would be well to forward to the Cotton Supply Association a copy of the present despatch and of its inclosures. I have, &c.

(signed) G. F. BOWEN.

(1) *Copy of a Despatch from Governor Sir George F. Bowen, G.C.M.G., to His Grace the Duke of Buckingham and Chandos.*

Government House, Brisbane, Queensland,
13 July, 1867.

MY LORD DUKE,—In my despatch, No. 49, of 16 September, 1863, I reported that a small number of South Sea Islanders from the Polynesian group had been lately employed on his cotton plantation in Queensland, by Captain Towns, a wealthy merchant and ship-owner of Sydney, and a Member of the Legislative Council of New South Wales. I added that Captain Towns had furnished full information to the Government of Queensland respecting these immigrants, and I transmitted copies of his engagements with them, of his instructions to his agents, of a circular on the subject addressed by him to the European missionaries in the South Sea Islands, and of his official letter to the Chief Secretary of this Colony (Mr. Herbert), explaining his plans and operations. The greatest possible publicity was given to these documents at the time by laying them before the Queensland Parliament, by which they appear to have been considered satisfactory. I further observed that even if Captain Towns' position and character were not a sufficient guarantee for his fair treatment of these South Sea Islanders, his plantation was only

40 miles from Brisbane, under the eye of the Government, of the magistracy, and of a vigilant press, and that I intended to visit myself occasionally.

2. I have now the honour to report that on the 25th April ultimo, Captain Luce, R.N., of H.M.S. "Esk," then the senior naval officer in Australia, addressed to me an official letter, stating that he had lately received accounts of the loss of several vessels, and of the murder of several Europeans at certain of the South Sea Islands; and that it appeared, from a letter written by a trader in those seas, that "the natives say that they are perpetrating these atrocities in revenge for the loss of many of their countrymen, who were carried away three years ago to Queensland and the Fiji Islands, by Europeans, who hired them as labourers, and promised to return them home in 12 months." Captain Luce asked for whatever information on this subject the Government of Queensland might be able to afford him.

3. I lost no time in bringing Captain Luce's letter under the consideration of my Responsible Advisers, and I now enclose a copy of the Minute of the Executive Council, containing their views upon it, and giving all the information procurable in Queensland; Captain Towns, the principal employer of the South Sea Islanders, being resident at Sydney, where Captain Luce could place himself in direct communication with that gentleman.

4. I sent a copy of this Minute to Captain Luce, further informing him that the official returns show that in the aggregate only three hundred and eighty-two (382) South Sea Islanders have landed in Queensland, of which number seventy-eight (78) have returned to their homes. It is stated that those already sent back were under an engagement for one year only; that most of the remainder are under engagements for three years; and that they will be provided with passages to their native islands when that period shall have expired. I added that the principal employer of these labourers, after Captain Towns, of Sydney, is Captain Whish, formerly an officer in Her Majesty's 14th Light Dragoons, and now the resident owner of a sugar plantation near Brisbane.

5. It will be seen from the accompanying Minute of Council, that the Government of Queensland in common with myself "are anxious to punish all fraud and injustice wherever committed, and to secure the inhabitants of the Colony, of every class, in the full enjoyment of their rights;" and that "should

it be proved that further legislation is required for the due protection of the South Sea Islanders, the Council do not doubt that the Colonial Parliament will be ready to pass any measure which facts and documents hereafter to be laid before them may show to be absolutely necessary ;" and that "in the meantime the police magistrate of the district is ordered to inspect periodically the plantations on which any such islanders may be employed."

6. In reply to my Despatch, transmitting to him a copy of the Minute of Council, with the above-mentioned information, Captain Luce stated (in a letter, dated June 4th ultimo), that he "is now well satisfied that the South Sea labour traffic to Queensland will continue to be carried on with justice, and will be of great benefit to the natives themselves."

7. I am advised that the "Master and Servants" (25 Vict., No. 11), now in force in Queensland, applies to labourers engaged in all "foreign countries," and that (as it has been already stated) the Colonial Legislature will be ready to pass any further measure which may be proved hereafter to be necessary to ensure the maintenance of just and proper relations between the South Sea Islanders and their employers. It will be recollected that, in 1862, Queensland Parliament passed an "Act to give the force of law to regulations for the introduction and protection of labourers from British India" (26 Vict., No. 5), and that the regulations published under the authority of that Act received the sanction of the authorities of British India, and the approval of the Imperial Government. Hitherto, however, no advantage has been taken of the provisions of this Act, for those settlers who look to the employment of coloured labour on their sugar and cotton plantations seem to prefer South Sea Islanders to Indians, on the ground (as I am informed) that the former are at once stronger and more tractable than the latter.

8. I have on several occasions visited the principal plantations on which immigrants from the South Sea Islands are engaged ; and, last week, I made it my business to inspect the plantation of Captain Towns, who is (as it has been already said) the first and by far the largest employer of this kind of labour. One hundred and sixty (160) islanders were then paraded before me ; and they all seemed to be well fed, well clothed, and contented. Many of them are to be soon restored to their homes at the cost of Captain Towns, as the period of their engagements is about to expire ; and several of these men stated that they would return to Queensland shortly, and would induce their wives and numbers of their countrymen to accompany them.

9. In my Despatch, of the 16th November ultimo, I transmitted a full account of the Townsvale Plantation referred to above, and of the general progress of the cultivation of cotton in Queensland. Mr. Charles Cowper, for many years at the head of the Administration in New South Wales, is now a partner in the firm of Towns and Co., and accompanied me on my recent visit. From him I learned that at least four hundred (400) bales of cotton, of the average value of about £15, will be exported during the present year from this single plantation.

I have, &c.,

(signed) G. F. BOWEN.

Enclosure in No. 3.

Extracts from the Minutes of Proceedings of the Executive Council of Queensland.

At the Government House, Brisbane.

Present :—His Excellency the Governor in Council.

His Excellency the Governor lays before the Council a letter (dated 25th April, 1867) addressed to His Excellency by Captain Luce, R.N., now commanding her Majesty's naval forces on the Australian station.

This letter states that Captain Luce had lately received reports of the loss of several vessels, and of the murder of several Europeans at certain of the South Sea Islands; and that it appears, from a letter written by a trader in those seas, that "the natives say that they are perpetrating these atrocities in revenge for the loss of many of their countrymen, who were carried away three years ago to Queensland and the Fiji Islands by Europeans, who hired them as labourers, and promised to return them to their homes in 12 months."

Captain Luce asks for information on the subject from the Government of Queensland.

The Council deliberate. They observe that the first and principal importer of South Sea Islanders as labourers into this Colony is the Honourable Robert Towns, Member of the Legislative Council of New South Wales, and resident at Sydney, but the owner of a cotton plantation in Queensland. This gentleman can give Captain Luce more information on the subject than

any other person and they suggest that personal application should be made to him. Moreover, it is believed that the small number of South Sea Islanders who have hitherto come to work in Queensland on the new sugar and cotton plantations have all been landed from ships belonging to Sydney.

The Council further observe that the Masters' and Servants' Act (25 Vict., No. 11), now in force in Queensland, provides for the due enforcement by both parties of labour contracts, whether made in this colony or in foreign countries. Should it be proved that further legislation is required for the due protection of the South Sea Islanders, the Council do not doubt but that the Colonial Parliament will be ready to pass any measures which facts and documents hereafter to be laid before them may show to be absolutely necessary.

It need scarcely be said that the Responsible Ministers are anxious to punish all fraud and injustice whenever committed, and to secure the inhabitants of the Colony, of every class, in the full enjoyment of their rights.

The Council advise that the proper Government officers be directed to procure the information respecting the number of South Sea Islanders now in Queensland, &c., as asked for by Captain Luce, R.N., and also that the police magistrate of the district be ordered to inspect periodically the plantations on which any such islanders may be employed, and report to the Colonial Secretary the results of such inspection.

(signed) A. V. DRURY,
Clerk of the Council.

(4) *Copy of a despatch from Acting Governor O'Connell to His Grace the Duke of Buckingham and Chandos.*

Government House, Brisbane, Queensland,
27 January, 1868.

MY LORD DUKE,—I have the honour to transmit to your Grace herewith a petition for presentation to the Queen, purporting to be a petition from a number of the inhabitants of the Colony of Queensland in public meeting assembled in the City of Brisbane, praying that Her most gracious Majesty will be pleased to prohibit this traffic in human beings (meaning the importation of natives of the South Sea Islands into Queensland

for employment on (sugar and) cotton plantations and on sheep and cattle stations), as being a development of the slave trade, with its attendant evils, in its most modern form.

2. This petition was brought to me by a deputation consisting of Mr. Alderman Jeays, who signs it, and who was formerly mayor of this city, and Mr. Robert Short, a gentleman connected with the press, and one who has delivered several public lectures adverse to the importation of South Sea Islanders.

3. The petition being couched in respectful terms, and the deputation waiting on me to request that it might be forwarded, being inhabitants of this city of good fame and respectability, I have deemed it my duty, in view of the common right of Her Majesty's subjects to lay their grievances before Her by petition, to enclose this to your Grace for presentation.

4. The subject to which this petition refers, is one which has already been brought under your Grace's notice by Governor Sir G. F. Bowen in his despatch (of the 13th July, 1867), and I directed your Grace's answer to that despatch (of the 9th November, 1867), which was received by the last mail, to be laid before both Houses of Parliament during the last week.

5. I may inform your Grace that there is a Bill now before the Parliament of Queensland, and which has already passed the Legislative Council, intended to protect and regulate the immigration of South Sea Islanders into this Colony, and that this Bill contains all the provisions for their protection, pointed out in your Grace's despatch, above alluded to, of the 9th November, 1867.

6. I believe and trust the fears of the persons who now petition Her Majesty in reference to the employment of South Sea Islanders in this Colony are unnecessarily excited; at least, I am sure that when once within the boundaries of the Colony they will be safe from any treatment which by any stretch of imagination can be termed slavery.

7. I do not feel so certain, however, as to the mode in which they have hitherto been allowed to be engaged by unauthorised persons on the islands from whence they came; but the Bill, of which I enclose a copy in its latest stage, endeavours to provide a remedy in this respect, and I have no doubt your Grace's communication to the Lords Commissioners of the Admiralty, as mentioned in your despatch (No. 40, of 9th November, 1867), will have a beneficial effect. I have, &c.

(signed) M. C. O'CONNELL

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- (5) *Copy of a Despatch from Acting Governor O'Connell to His Grace the Duke of Buckingham and Chandos.*

Government House, Brisbane, Queensland,
23 March, 1868.

MY LORD DUKE,—Inasmuch as the employment of labourers from the Polynesian Islands in the Colony of Queensland has been made the subject of remonstrance by certain well-meaning persons here, who are apprehensive it may in some measure revive the evils which formerly attached to the Slave Trade, and as I had the honour to enclose to your Grace, under cover of my despatch of the 27th January, a petition for presentation to Her Majesty in reference to this subject, I deem it better to accompany the copy of the Act “to Regulate the Introduction and Treatment of Polynesian Labourers,” which I send under another cover by this mail, with a separate communication having reference only to the general bearing of this measure.

2. I beg, therefore, to inform your Grace that I have signified the Royal Assent to this Bill under the advice of the Attorney-General of the colony, Mr. Pring, given in the following terms in his Report, forwarded through my private Secretary :—

“In reply, I have the honour to report that, in consequence of the continued increase and importation of the South Sea Islanders into this colony, it appears to me urgently necessary that this Bill should be brought into immediate operation ; and although it may be characterised as a Bill of an extraordinary nature, still it does not fall within the class of Bills specified in the Royal Instructions for reservation for the signification of Her Majesty's pleasure, there is, in my opinion, no objection to his Excellency, the Acting Governor giving his assent to this Bill.”

3. This subject, of the employment of Polynesian labourers in Queensland, was first brought under notice in a despatch (of the 16th September, 1863) from Governor Sir George Bowen to his Grace the Duke of Newcastle, and it has furnished the matter of several subsequent communications, to the last of which your Grace's despatch of the 9th November, No. 40, was a reply.

4. In this latter communication your Grace very justly surmises, that “as the experiment seems to have succeeded with

Captain Towns and Captain Whish, the principal employers of these labourers, it is probable that other settlers may desire to follow their example ;” for I have now to report that such has been the case.

5. I have obtained from the Collector of Customs in this port a Return, which I enclose, showing the number of vessels entered at the different ports of the colony with Polynesian labourers during the four months ending 29th February, 1868, by which it appears that during that time seven vessels, arriving in five different parts of the colony, brought to these shores nine hundred and eighteen (918) of these people ; and I can add that some are employed, not only on cotton and sugar plantations, but also on sheep stations.

6. The time, therefore, seems to have fully arrived when it is necessary to provide for their protection and their just treatment by some law more applicable to their particular cases than the ordinary one which provides for the enforcing of engagements between masters and servants would be, if standing alone.

7. The law to which I am now referring seems to me amply to meet the case in point ; it establishes in the Government a sort of protectorate over these persons and their engagements ; and as far as possible it provides that they shall not be engaged except under precautions which ought to prevent any chance of kidnapping.

8. I perceive, by your Grace’s despatch, No. 1, of the 8th January last, received this day, that the Lords Commissioners of the Admiralty have instructed the senior naval officer on the Australian station to make inquiries, and report whether any person has been improperly transported to the Fiji Islands by British subjects, and I can assure your Grace that the Government of this colony will be prepared to give every assistance and support to such inquiries should any cases of the nature referred to be found to attach to the emigration of Polynesians into Queensland. I have, &c.

(signed) M. C. O’CONNELL.

Inclosure in No. 5.

Return of the number and tonnage of vessels entered at the different ports of the Colony with Polynesian Labourers during the four months ending 29th February, 1868 :—
Into the port of Brisbane—3 vessels, with a tonnage of 537, and 523 labourers

Into the port of Marlborough—1 vessel, with a tonnage of 99, and 84 labourers.
 Into the port of Rockhampton—1 vessel, with a tonnage of 177, and 104 labourers.
 Into the port of Mackay—1 vessel, with a tonnage of 85, and 78 labourers.
 Into the port of Bowen—1 vessel, with a tonnage of 132, and 129 labourers.
 Total, 7 vessels, 1,030 tonnage, and 918 labourers.

D. W. SOMERSET, for Collector.

Custom House, Brisbane,
 23 March, 1868.

DESPATCHES FROM THE SECRETARY OF STATE.

- (1) *Copy of a Despatch from the Earl of Carnarvon to Governor Sir George F. Bowen, G. C. M. G.*

Downing-street, 1 February, 1867.

SIR,—I have the honour to acknowledge the receipt of your Despatch of the 16th November, respecting the progress of cotton cultivation in Queensland, and inclosing a printed account of the "Townsvale" plantation.

A copy of your despatch has been sent to the Board of Trade as well as to the Cotton Supply Association at Manchester.

I have, &c.

(signed) CARNARVON.

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- (2) *Copy of a despatch from His Grace the Duke of Buckingham and Chandos to Governor Sir George F. Bowen, G. C. M. G.*

Downing-street, 9 November, 1867.

SIR,—I have to acknowledge the receipt of your despatch, No. 36, of 13th July, on the subject of the employment in Queensland of the natives of some of the South Sea Islands.

The practical question which arises on your despatch is, whether any measures beyond those already in force can be taken for the protection of these islanders.

So far as regards the people now in the colony, there seems no

reason to doubt that they have been treated kindly and loyally ; nor apparently would there be any ground for apprehension if the immigration remain as limited as it is at present. But as the experiment seems to have succeeded with Captain Towns and Captain Whish, the principal employers of these labourers, it is probable that other settlers may desire to follow their example, especially if the cultivation of cotton in Queensland should, as may be expected and hoped, prove remunerative, in which case the adoption of some fixed regulations for the protection of these people may be desirable.

It would not be necessary in the case of the small number of South Sea Islanders likely to be introduced, to establish such detailed and elaborate regulations as those made by the Act of 1862, regulating the introduction of Indian immigrants into Queensland.

But if the Legislature should be willing to entrust the Governor with a power similar to that conferred by the above Act, of making rules for the protection of South Sea Islanders, all that is necessary might be done.

The following are, I think, the principal points to which such rules should be directed :—

1. That the ships to be employed in the service should have adequate accommodation, should be properly found, and should not carry above a prescribed number in proportion to their deck area.

2. That no one should be allowed to introduce these immigrants except under a non-transferable license from the Government.

3. That the general tenour of the contract to be entered into with them should be prescribed by the Government, and that the contracts, to be valid, should be countersigned by the immigration agent on the arrival of the immigrants.

4. That the immigrants should be placed under the special superintendence of the local magistracy ; and, as a consequence, that none should be allowed to estates so remote as to be withdrawn from such superintendence.

5. That a power should be reserved to the Government of cancelling a contract in case of the ill usage of the immigrant by his master, or of the non-fulfilment of the conditions of the contract.

6. That the contract should not be for a period exceeding five years ; and,

7. That security should be taken for the reconveyance of the immigrant to his own country at the time stipulated in the contract, and for the grant to him of fair compensation for any unreasonable delay in fulfilling that condition.

A regulation might also be added to provide for the re-engagement of an immigrant who may not wish to return to his country at the end of his five years' contract. In this case the liability to provide for a back passage would rest with the new employer, the first employer paying the immigrant some compensation in lieu of passage.

I shall be glad to learn what course your Government may propose to pursue in the matter.

I have informed the Lords Commissioners of the Admiralty of the steps taken in consequence of Captain Luce's statement regarding the abduction of the South Sea Islanders to Queensland, and have left it to their Lordships to take such measures as would seem to them practicable and expedient, in order to ascertain whether any persons had been improperly transported to the Fiji Islands by English subjects. I have, &c.

(signed) BUCKINGHAM AND CHANDOS.

(3) *Copy of a despatch from His Grace the Duke of Buckingham and Chandos to Officer Administering the Government.*

Downing-street, 8 January, 1868.

SIR, — With reference to the last paragraph of my despatch to Sir George Bowen, No. 40, of 9th November, on the subject of proposed introduction of South Sea Islanders into Queensland, I have to acquaint you that the Lords Commissioners of the Admiralty have stated their intention to instruct the Officer on the Australian Station to make inquiries and report whether any person has been improperly transported to the Fiji Islands by British subjects. I have, &c.

(signed) BUCKINGHAM AND CHANDOS.

ELEVENTH EXERCISE,

CORRESPONDENCE

RESPECTING THE

REMOVAL AND SUSPENSION OF COLONIAL
JUDGES.*

(1). *Extract from a Despatch from Governor Sir Harry St. George Ord, R.E., C.B., to the Duke of Buckingham and Chandos. Dated Government House, Singapore, July 14, 1868.*

(No. 145).

“In compliance with the request contained in a letter from Mr. Carmichael and others, which I have the honour to enclose, I forward to your Grace a Petition Drawn up by these gentlemen in pursuance of certain Resolutions passed at a Public Meeting held at the Town Hall on the 22nd June, together with a copy of the reply I have caused to be addressed to them.”

Enclosure 1 in No. 1.

Singapore, 14th July, 1868.

SIR,—We have the honour to call His Excellency the Governor's attention to the following Resolutions, passed at a Public Meeting held in the Town Hall on Monday, the 22nd June:—

1. “That the people of this Settlement have long enjoyed, in common with their fellow-subjects in the United Kingdom and India, the great advantage of having the Judge of the Supreme Court independent of the control and interference of the Executive Government, and the meeting desires to record their strong sense of that advantage.”

2. “That the meeting views with concern and alarm the unconstitutional power possessed by the Governor of suspending

* Given at an Examination held 29th November, 1870.

any Judge of the supreme Court, and considers the existence of such a power as most injurious to the administration of justice."

3. "That the Ordinance constituting a Supreme Court of Judicature is incomplete, in so far as no provision is made therein to secure the independence of the Judges from interference on the part of the Local Executive."

4. "That a Petition of the inhabitants of Singapore, embodying the resolutions just carried, be forwarded to the Secretary of State for the Colonies through His Excellency the Governor."

The accompanying Petition has been prepared in accordance with these Resolutions, and we now beg to lay the same before His Excellency, for transmission to Her Majesty's Principal Secretary of State for the Colonies.—We have, &c.,

(signed) A. T. CARMICHAEL, Chairman of Public Meeting above referred to.

WM. ADAMSON.

JOHN S. ATCHISON.

H. F. Plow, Esq., Secretary to His Excellency.

P.S.—We would call His Excellency's attention to the fact that the Petition is signed not only by a large majority of the principal European inhabitants, but also by the most influential of the Arab, Chinese, and Indian traders resident in Singapore.

Enclosure 2 in No. 1.

Singapore, 30th June, 1868.

MAY IT PLEASE YOUR GRACE!—We, the undersigned inhabitants of Singapore, have learnt with great concern and alarm that the power possessed by the Governor of the Colony to suspend public officers extends to the judges of our Supreme Court.

Ever since the establishment of that Court, now sixty years ago, the Straits Settlements have enjoyed the inestimable advantage of having justice administered by Judges entirely independent, not only of the local Governors, but even of the Governors-General of India; and that position of dignified independence secured to the Judges the entire respect and confidence of the various communities, both Native and European.

We deem it essential to the pure administration of justice that this independence should be preserved intact, and that the Judges should never be in a position in which they might be suspected of being under the influence of the Executive: any

change in this respect we should consider deeply injurious to the best interests of the Colony.

We therefore pray that your Grace will take such measures as may be fitting to restore that complete judicial independence which we enjoyed under the Government of India.

And your Petitioners will ever pray, &c.
(signed)

THOS. SCOTT.
R. LITTLE, M.D.
and by 200 others.

To His Grace the Duke of Buckingham and
Chandos, Her Majesty's Principal Secretary
of State for the Colonies.

Enclosure 3 in No. 1.

Government House, Singapore, 15th July, 1868

GENTLEMEN.—I am directed by the Governor to acknowledge the receipt of your communication of the 14th instant, calling His Excellency's attention to certain Resolutions passed at a Public Meeting held in the Town Hall on the 22nd June, copies of which are given in your letter, and enclosing a Petition which has been prepared by you in accordance with those Resolutions, and which you request His Excellency to transmit to Her Majesty's Principal Secretary of State for the Colonies,

2. His Excellency's instructions require him to transmit documents of this description to the Secretary of State with all reasonable despatch, accompanied by such Report as their contents may appear to him to require; and His Excellency will have much pleasure in forwarding your communication and the Petition to His Grace the Secretary of State for the Colonies by the Mail of the 18th instant.

In the Report which it is His Excellency's duty to make on these documents, it will be necessary that he should call His Grace's attention to the circumstances that they proceed upon the assumption (1st Resolution), that the people of the Settlements have long had the advantage of having the Judges of the Supreme Court independent of the control and interference of the Executive Government, and that this judicial independence (Petition) will not be preserved if the Governor be entrusted with the powers possessed by all Governors of Colonies of suspending the judges of the Court.

4. It is, of course, open to question whether the independence of the Judge is in any way affected by the existence of this regulation ; but His Excellency must point out to His Grace the error which has been committed, in assuming that the Judges have hitherto enjoyed a position of dignified independence of the Governor.

5. A reference to the Charter, which defines the duties and position of the Judges, will show that the Judges of the Court were the Governor, the Resident Councillor of the Settlement, and the Recorder ; and that the two former not only possessed equal authority and power with the Recorder, but that their decision in any judgment, rules, orders, or act of authority or power whatever, was binding, even though in opposition to that of the Recorder.

6. The Governor thinks it due to the signers of the Petition that they should be made aware of the exception he is thus compelled to take to one of its prominent statements.

7. His Excellency has not failed to observe, and will bring to His Grace's notice, that, with the exception perhaps of the members of the legal profession, the Petition is signed by a large majority of the principal European inhabitants unconnected with the Government, as well as by the most influential of the Arab, Chinese, and Indian traders resident in the Settlement.—I have, &c.,

(signed)

H. F. PLOW.

A. T. Carmichael, Esq., and others.

(2). *Copy of a Despatch from the Duke of Buckingham and Chandos to Governor Sir Harry St. George Ord, R.E., C.B.*

Downing-street, September 21, 1868.

SIR,—I have to acknowledge the receipt of your Despatch (No. 145) of the 14th of July, transmitting a Petition signed by Mr. Scott and other inhabitants of Singapore, in which they pray that I will take such measures as may be fitting to secure the complete judicial independence which the Petitioners enjoyed under the Government of India.

From the introductory sentences of the Petition, it appears that the Memorialists object to the power conferred by Her Majesty on the Governor of the Straits Settlements, as on the

Governors of other Colonies, to suspend Judges of the Supreme Court, and that they are under the apprehension that the existence of this power will lay the Judges open to the suspicion of being under the influence of the Executive.

I infer that, on the same grounds, they would still more strongly object to the power of "amoving" Judges, which is conferred on Colonial Governors by Act of Parliament (22 George III, c. 75.) In both of these cases the power can only be exercised with the concurrence of the Executive Council; but the suspension must be confirmed by the Crown before it becomes a dismissal, while the amotion becomes at once complete, and can only be set aside by an expensive appeal to the Privy Council. The power, therefore, which is conferred on the Governor by statute is even greater than that which is conferred on him by the act of the Crown.

The system which now exists in the Straits Settlements prevails in all Crown Colonies, and, with scarcely a modification, in all Colonies not possessing Responsible Government; and I am aware of no reason for doubting that whatever is, in this respect, best for the Straits Settlements, would also be best for Ceylon or Hong-Kong, and other Colonies not possessing Responsible Government. The real question, therefore, which is raised by the Memorial is, whether it is or is not for the public interest that Judges of such Colonies shall be liable to suspension or removal by the Governor and Council.

Her Majesty's Government are fully alive to the importance, or rather to the paramount necessity, of enabling Colonial Judges to administer the law of the Colony, in all cases which may be brought before them, without any prospect or apprehension of direct or indirect interference from the Executive. But on this, which is true judicial independence, the Governor's power of suspension or removal has scarcely any bearing whatever. It is not by so rude and dangerous a method as undeserved dismissal that a corrupt Governor could, in these times, endeavour to interfere with the course of justice.

Nor, again, can any argument be properly drawn from the analogy of this country. I am far from undervaluing the knowledge and abilities of Colonial Judges and lawyers. But it is evident that no lawyer can be advanced to a place on the English Bench without a professional trial longer and far more severe than that which would qualify him for a colonial appointment; and that an English Judge performs his functions under the eye

of a numerous and highly-educated Bar, with the assistance and under the correction of colleagues who are among the first lawyers of the world, and subject to the observation of a critical and well-informed Press. Lastly, the engrossing nature of his own duties, and the magnitude of the sphere in which he acts, render it improbable that he will so entangle himself in local, personal, or political controversies, as to impair his credit for judicial impartiality. Thus chosen and thus circumstanced, there is little danger that an English Judge will neglect his duties, or abuse his great powers. In the Colonies, I need scarcely point out, these securities for judicial propriety exist in a very mitigated form ; and while, with the Memorialists, I hold it indispensable that no Governor should influence, or attempt to influence, or (if possible) have the power to influence, a decision of the Supreme Court. I do not think it for the good of the community that a functionary who is not, like an English Judge, immediately under the control of an enlarged public and professional opinion, nor, like the Governor, subject to the direct authority of the Crown, should be relieved from that general responsibility to the Local Executive which is confessedly necessary in the case of all other public officers.

I may add, that if he were thus relieved from responsibility to any local authority, he would occupy a position, in some respects, even more advantageous than that accorded to English Judges, who perform their functions under the observation of a body which is capable of removing them in case of improper behaviour—the Parliament of the United Kingdom.

I am by no means prepared to say that the conditions under which Colonial Judges are removable are incapable of improvement ; but I am clearly of opinion that the alterations which are indicated by the Memorialists would not be for the public interest. As guardian of that interest, I am, therefore, unable to recommend their adoption ; and I think it right to express my conviction, founded on the experience of this Department, that, if adopted, they would cause far more apprehension and discontent in other Colonies than the introduction of what I will call the Colonial System has occasioned the Memorialists.

You will communicate to them a copy of this Despatch in answer to their petition.—I have, &c.,

(Signed), BUCKINGHAM & CHANDOS.

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(3.) *Memorandum by Sir Frederic Rogers, Bart.
The Removal of Colonial Judges.*

(1.) Modes of Removal :—

(a.) The Act called Burke's Act extends to all Colonies, and to all Colonial Judges appointed *by Patent* (which is the usual, if not universal, mode of appointment), whether they hold during good behaviour or during pleasure.

This Act enables the Governor and Council to "*amove*," or dismiss, a Judge, subject to an appeal to the Privy Council.

(b.) The Queen's Commission and Instructions authorise the Governor, after taking the advice of his Council, not to remove, but to suspend, any officer liable to dismissal by the Crown. This suspension becomes dismissal if confirmed by the Queen, who would in general act on the advice of the Secretary of State, but in the case of a Judge might invoke the Judicial Committee.

The Governor may act contrary to the opinion of his Council, but, of course, would not do so except in a most extreme case.

These powers extend to all Judges holding during pleasure, and the same method is considered applicable, in the absence of any statutory provision, to Judges holding during good behaviour.

(c.) In most Colonies having Responsible Government, a Judge may be removed by the Queen on Addresses from the two Houses of the Legislature.

It has been determined that the Queen is not a passive agent, but is bound to ascertain the propriety of a removal, which would probably be done by proceedings before the Judicial Committee.

(d.) The Judicial Committee will, if requested by the Secretary of State, exercise the power of trying a Judge on complaint made by a Colonial Legislature against him. This has been done in cases of Judges holding during pleasure.

In this state of things various questions have arisen, viz :—

What Judges ought to hold during good behaviour, and what Judges during pleasure? What questions coming to England should be decided by the Secretary of State, and what by the Judicial Committee? Whether it is more convenient to proceed under Burke's Act, or under the Queen's Commission, or by resort, in the first instance, to the Judicial Committee, and so on?

The general tendency has been to consider: (1.) That every Judge should be treated as holding during good behaviour; the difference being that where the tenure was nominally during pleasure, the rules of evidence are to be less rigidly applied, and the condition of "good behaviour" to receive a larger acceptance.

(2.) That Judges should be appointed formally during good behaviour, where the salary is such as to command a superior class of lawyer, and where there exists a sufficient combination of the following conditions: a reasonably extended public opinion, a tolerably efficient press, colleagues, an intelligent Bar, and a society large enough to make the Judge's personal habits no great element in the improvement or corruption of Colonial society.

But that, where no such combination exists, it is advisable to possess a somewhat more ready mode of getting rid of officers who, if they turn out ill, can disorganise the whole society and administration of the place.

The salaries of Colonial Judges vary from £500 to £2000 a year. And the Judges are lawyers who have had no such practice as renders them unwilling to accept this scale of payment.

(3.) As to the mode of proceeding. An efficient inquiry on the spot, where all the witnesses are, and details are understood, is, of course, indispensable. To transfer all this to England would make justice as against a Judge unattainable in the case of a small Colony, and inordinately expensive in all cases. It is apprehended that the Judicial Committee prefer that questions should be brought before them on appeal rather than in the first instance. And Secretaries of State have been, perhaps, inclined to "amotion" under Burke's Act, with appeal to the Judicial Committee, rather than suspension under Instructions with appeal to themselves.

All this appears pertinent to the issue now raised, which is, whether all questions relating to the removal of a Judge (except, it is presumed, in Colonies having Responsible Government)

should not be referred in the first instance to some tribunal at home, without any local decision whatever?

The question has arisen with reference to the Judges in the Straits Settlements. Before these Settlements were (about two years ago) placed under the Colonial Office, the Judges held their offices in entire independence of the Local Executive, and were responsible solely to the Minister of the Crown. Now they are removable according to the colonial system, and against the introduction of this (there novel) system complaints have been made.

In this case we have to consider the case, not of judicial officers in some of the smaller Colonies—men more of the class of English police magistrates than of English Judges—but of Judges having, like the other Colonial Supreme Courts, all the criminal and civil jurisdiction which belongs to the Courts of Chancery or the Queen's Bench in this country.

The following reasons are alleged for exempting the Judges from all responsibility to the Local Executive :—

1. They ought, as far as possible, to be exempt from all influence likely to affect the impartial discharge of their duties, and the influence most likely to affect them seems to be that of the Governor. He reports confidentially on their conduct and efficiency, and influences by his reports their prospects of advancement.
2. The more we can adhere to the principle on which Judges are removable here the better.
3. The Legislature does not come into close contact with English Judges. It is not influenced with reference to them by likes or dislikes. It has to decide on charges against them in the face of day, and, except in times of vehement and abnormal party excitement, it will never condemn a Judge unjustly. Its decision is final, but its operation is slow. There is no place under our system for cases such as Cloëté's, or that of the other Judge suspended in Natal (p. 24 of Mr. Napier's pamphlet).

All these conditions are far better fulfilled by a Secretary of State than by a Governor. The Secretary of State is not in personal contact with Colonial Judges. He is responsible to Parliament for his acts. His decision is final. He does not wound—he strikes home. His action is slow, not precipitate—not too slow. A

month will, in most cases, bring the case before him, and the telegraph, if necessary, may carry back his decision.

4. Can it be a question which system is most likely to secure the impartial administration of justice? How are mischievous quarrels likely to be avoided by the subordination of Judges to Governors, except so far as this subordination makes the Judges subservient to the Governors? It was Mr. Burke's opinion that "Colonial Judges should hold their offices during their good behaviour, and should not be removed therefrom but when the said removal should be adjudged by the Sovereign in Council, upon a hearing or complaint from the General Assembly, or on a complaint from the Governor, or Council, or House of Representatives, severally, of the Colony in which they have exercised their office."

This shows, at all events, that the arguments from the superior facility of getting evidence on the spot, and from the absence of an educated and powerful public opinion in Colonies, had no controlling weight with Mr. Burke.

For a Local Tribunal there are the following reasons:—

1. Promptitude. A Judge's refusal to perform his duties, or abuse of his powers, may be such that it is necessary at once to arrest his proceedings, *or* supply his place.
2. The local inquiry will be conducted with more completeness, and questions pushed more home, if the inquirers are responsible for arriving at a conclusion.
3. The transfer of the decision to England will encourage the manufacture of evidence, plausible on paper, though not to persons on the spot, which, if it does not mislead the Home Tribunal, will lead to references and correspondence.
4. It will deprive the Home Tribunal of the assistance derivable from the opinions pronounced under a sense of responsibility by persons who examined the witnesses personally, and are cognizant of local usages and circumstances.
5. It will deprive the accused person of the advantage of an appeal. One tribunal will pronounce a final decision.

6. It will invite an unfair Governor and Council to harass a Judge, by sending for decision at home complaints on which they would not themselves venture to pronounce an adverse decision.
7. On an intelligent and upright Judge the change would be wholly inoperative. If it rendered a weak Judge more actually and apparently independent for good, it would render an ignorant, dishonest, or perverse Judge more independent for evil.
8. And the evil is more real than the advantage, as, practically, the complaints of perverse or discreditable Judges who require control are frequent; whereas complaints do not reach the Colonial Office, either of weak Judges who are in the hands of a Governor, or of upright Judges who are harassed by charges against them. When suspensions have been reversed, they have rarely involved a substantial acquittal of the Judge.

With a view to balancing these advantages and disadvantages, it should be observed :—

- (1.) That it is very difficult in a small Colony to substitute any other Local Tribunal for the Governor and Executive or Legislative Council.
- (2.) That it is *primâ facie* to be presumed that a Council composed of the principal officers of the Colony will act fairly in a matter of importance concerning a colleague more than able to defend himself, and in which their act has to be confirmed by the Secretary of State; while the Governor is more responsible to the Home Government than any other officer, being liable not only to removal, but to loss of reappointment.
- (3.) That the argument from promptitude is diminished in force by present facilities of communication.

The present arrangements, having been the growth of circumstances—almost of chance—may probably be improved. But Burke's Act cannot be modified but by Parliament.

(4.) MEMORANDUM with reference to the Practice of the Privy Council in the Removal of Colonial Judges.

The Lord President, in answer to the questions submitted to this Department and to the Lords of the Judicial Committee by

direction of Earl Granville, has caused the following Memorandum to be prepared for the purpose of explaining the views taken by their Lordships on the subject of the Removal of Colonial Judges, as far as they may be gathered from reported cases, and from the experience of the last thirty years.

It is obvious that some effectual means ought to exist for the removal of Colonial Judges charged with grave misconduct, and that these means ought to be less cumbrous than those existing for the removal of one of Her Majesty's Judges in this country. The mode of procedure ought to be such as to protect Judges against the party and personal feelings which sometimes sway Colonial Legislatures, and to insure to the accused party a full and fair hearing before an impartial and elevated tribunal. Hence, it was considered in the case of Mr. Justice Boothby, that although the Legislature of South Australia had passed Addresses to the Crown for his removal, that measure did not suffice, as it would have done in England; and that, although the Legislature might act as his accuser, it rested with the advisers of the Crown in England to dispose of the charges against him.

All the forms of suspension or removal which are in use lead by different roads to the same result—viz., a hearing before the Privy Council.

When a positive "motion" has been made by a Governor under Burke's Act, the appeal to the Queen in Council is *strictissimi juris*, being provided by the statute itself.

When an order of suspension from office has been made, the matter has commonly been referred by the Queen to the Judicial Committee, on the recommendation of the Secretary of State, though not invariably so, as in some cases the Secretary of State has himself advised the Crown to confirm or to disallow the suspension.

The reference may be made to the Judicial Committee, or to a Committee of Council generally; but if it be made to the Judicial Committee, it is desirable that the Lord President and the Secretary of State for the Colonies should sit with the Judges on the hearing. This course has been pursued with advantage in several instances.

When charges are brought by a Colonial Assembly against a Judge, in the shape of a Petition to the Queen in Council for his removal—as in the cases of Chief Justice Boulton from Newfoundland, Mr. Justice Sanderson from Grenada, and Chief

Justice Beaumont from British Guiana—the Privy Council exercises a species of original jurisdiction on these Petitions, which shall be considered presently.

It may be remarked, generally, that it is extremely difficult, and might be highly injurious to the public service, to lay down an inflexible rule as to the mode of procedure to be adopted in all cases of this nature. When a Judge is charged with gross personal immorality or misconduct, with corruption, or even with irregularity in pecuniary transactions, on evidence sufficient to satisfy the Executive Government of the Colony of his guilt, it would be extremely improper that he should continue in the exercise of judicial functions during the whole time required for a reference to England, or a protracted investigation before the Privy Council. Immediate suspension is in such cases a necessity, if much greater evils are to be avoided. But it must be borne in mind that a Governor who resorts to such a measure takes it at his own peril, and is bound to make out a complete case in justification of it. When such cases come to be investigated at home, both the Governor and the Judge are in reality on their trial; and to have taken unwarrantable proceedings against a Judge would doubtless be regarded as a most serious offence on the part of an executive officer.

On the other hand, when the charges against a Judge consist, not in any alleged acts of personal misconduct, but in a cumulative case of judicial perversity, tending to lower the dignity of his office, and perhaps to set the community in a flame, it is more difficult for the Local Executive to act on its own responsibility. It is in cases of this description that Petitions for the removal of Judges have been addressed to the Queen in Council by Colonial Legislatures.

This last-mentioned mode of proceeding has been found by the Lords of the Judicial Committee to be more dilatory, more expensive, more onerous to the parties, and less satisfactory to their Lordships, than the mode by way of previous suspension or “amotion; and that for the following reasons:—The Privy Council, accustomed to act as a Court of Appeal, that is, to review the evidence and decision of inferior tribunals, has by its constitution considerable difficulty in exercising an original jurisdiction, especially when the evidence has to be transmitted from the Colonies. No regular system of pleadings and procedure can be said to exist in such cases. The consequence is, that the charges being often loose, vague, and multifarious, their

Lordships have not found it easy to reduce them to distinct and positive issues of facts or of law, such as are necessary to the maintenance of a quasi-criminal proceeding.

As in ecclesiastical suits for the correction or removal of clerks, to which these proceedings offer some analogy, it is essential that the articles should be clearly expressed, and that the accused person should have full notice of all that is to be proved against him.

When the issues are settled, comes the difficulty of the evidence. Both sides produce affidavits and other written testimony from the Colony. When a batch of affidavits has been filed on one side, application is made by the other side for time to answer them. Great delay and expense ensue; and as in the case of Mr. Beaumont, this kind of irregular pleading may protract the hearing of the case for two or three years, during which time the Judge, whom the Colony is seeking to remove, retains his office. When the case is completed, by the parties or their agents, and brought on for argument, it is often loaded with a mass of irrelevant matter. Over these proceedings, regulated as they are by the advice of counsel on either side, their Lordships can exercise but little control in the preliminary stages of the case, being themselves unacquainted with the merits of it.

The mode of "amotion" with the right of appeal, or of temporary suspension with a reference to England, is not open to these objections. The evil of an inefficient or discredited judicial officer is at once removed. The Governor, who feels called upon to take so decided a step, is bound to give to the accused person full notice of all the charges brought against him, to call upon him for his answer, and to hear it. This, therefore, affords a solid groundwork for his subsequent proceedings.

Furthermore, the Governor, knowing that his decision will be reviewed in England on appeal, is bound, for his own justification, to send home the proceedings and evidence on which that decision rests in a clear and intelligible shape; and provision is made for the performance of this duty by Nos. 83, 84, 85, and 86 of the Colonial Regulations.

If the matter is then referred by Her Majesty in Council to the Judicial Committee, their Lordships are at once in a position to deal with it. The delay and expense incidental to getting up a case at a distance from the original scene of dispute, vanish. The case is, or ought to be, already complete. And it

it be at once submitted to the judgment of their Lordships in a complete form, there is no reason that it should not be heard and disposed of in a very short time, and at a small expense. Mr. Cloëté's case (8 Moore, 484) is a fair sample of a proceeding judiciously conducted in this manner. That gentleman had been improperly removed from a judicial office on the 12th of April, 1853—he was restored to it by their Lordships on the 20th of February, 1854; and, although he had undoubtedly suffered an injustice, their Lordships expressed their desire that he should be indemnified for the expense he had been unjustly put to—and he was, in fact, soon afterwards promoted to a higher judicial office.

It is scarcely necessary to add that, in Colonies having Legislative Assemblies, those Assemblies cannot be deprived of their undoubted constitutional right to address the Crown for the removal of a Judge; and the exercise of this right is altogether independent of the course which the Governor of the Colony may think fit to adopt. When the charges against a judicial officer originate with Assemblies, the form of Address or Petition is perhaps the most correct, though not the most convenient, form of proceeding. When the action for removal originates with the Governor, he has the power to give effect to it in his own hands, subject to the control of the Home Authorities.

The experience of the Lords of the Council, therefore, strongly corroborates the arguments stated in Sir F. Rogers' Paper *in favour* of proceedings by the Governor, subject to a review by the Secretary of State or Privy Council in England; and they have invariably found, that in the cases in which proceedings have originated with the Local Assemblies, the delay, uncertainty, and expense have been greatly augmented.

At the same time, when the misconduct charged is purely judicial, and therefore not properly amenable to the decision or the executive authority, acting on the advice of Law Officers or advisers of inferior rank, it would seem that the due maintenance of the independence of Judges requires that judicial acts should only be brought into question before some tribunal of weight and wisdom enough to pronounce definitively upon them; and this function appertains with peculiar fitness to the Privy Council, which, as a Court of Appeal, has to review the decisions of all the Colonial Courts.

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Observations by Lord Chelmsford upon the MEMORANDUM with reference to the Practice of the Privy Council in the Removal of Colonial Judges.

9th April, 1870.

I concur generally in the views expressed in this Memorandum.

The question of the removal or suspension of a Colonial Judge is one of great delicacy and of some difficulty; but, upon the whole, I think that in all cases, except those which sometimes occur of judicial indiscretion or indecorum, the best system is that which leaves the responsibility in the first instance to the Governor of the Colony, subject to an Appeal to the Queen in Council. Of course so serious a step as the removal or suspension of a Judge ought not to be taken without a distinct communication being previously made of the specific charges of misconduct imputed, and without an ample opportunity being afforded to the Judge of answering these charges. In every instance of this kind, it seems to me that it would be better that the matter should be brought before the Privy Council, rather than that the final decision should rest with the Secretary of State—because the reasons for the determination in the latter case are not made public (publicity in an accusation of a Judge being always desirable), and because an impression sometimes prevails that there is an inclination in the Colonial Office to uphold their Governors upon any subject of complaint which arises in the Colonies.

When I speak of judicial indiscretion or indecorum, it may be difficult to explain my meaning in words, and yet it will probably be sufficiently understood. As an illustration, I would mention ebullitions of temper and intemperate language, leading continually to unseemly altercations and undignified exhibitions in Court. Upon occasions like these, different opinions may be entertained whether the conduct of the Judge is such as to render him unfit to continue upon the Bench. I think the evil of allowing such a Judge to exercise his functions while his conduct is being inquired into, would not be so great as permitting a Governor to determine upon his own judgment and discretion that the behaviour of the Judge was so incompatible with the temperate and dignified administration of justice, as to render it desirable on public grounds that he should be removed. In these cases it would be better, in my opinion,

to inform the Judge of the specific instances in which it is alleged that he has not preserved the decorum of his judicial character, and to call upon him for distinct answers to the charges, with an intimation that the whole will be sent home for the decision of the Privy Council.

These observations do not apply to grave charges of judicial delinquency, such as corruption, or to cases of immorality or criminal misconduct. Instances of this kind ought to be visited by immediate removal from the Bench (of course, not before a full opportunity has been afforded to the accused Judge to defend himself.) Such serious cases ought to be brought before the Privy Council, either by Appeal on the part of the removed or suspended Judge, or upon the recommendation of the Secretary of State.

CHELMSFORD.

Opinion of the Right Hon Stephen Lushington, D.C.L., late Judge of the Admiralty, on the Removal of Colonial Judges.

14th April, 1870.

It is, I think, perfectly clear that all inquiries into the alleged misconduct of Colonial Judges must be attended with difficulty, and in most cases with some mischievous consequences.

I entertain no doubt in my own mind that the most efficacious means of proceeding, and productive of the least evil consequences, is that the Governors of the Colonies respectively should be entrusted with the power of investigating any alleged charges against the Judges, and if in their opinion need be, of suspending them. Of course all the proceedings, and the evidence upon which they act, should be remitted without delay to the Colonial Office, and, if need be, Her Majesty will be advised to remit the case to the consideration of the Privy Council. I apprehend that the Judicial Committee has no peculiar claim to take cognizance of such a case.

I think that the propriety of the Colonial Governor being invested with this power, great as it is, would be more apparent if contrasted with any other mode of proceeding than that suggested.

I forbear to enter into those particulars, not only because they are obvious, but also because I feel confident the consideration of them would naturally occur to all who have to look into this question.

S. L.

F

Opinion of the Right Hon. Sir Edward Ryan on the Removal of Colonial Judges.

21st April, 1870.

I entirely concur in the opinion expressed by Lord Chelmsford and Dr. Lushington, and in the Memorandum, that the best mode of proceeding, and productive of the least evil consequences, in most cases, will be to leave the responsibility, in the first instance, to the Governor of the Colony, subject to an appeal to the Queen in Council.

I agree with Dr. Lushington in thinking that the Judicial Committee has no "peculiar claim" to take cognizance of such cases, though probably the Secretary of State would generally be desirous of referring such cases to that body. In the case of Willes and Gipps (5 Moore), the then Lord President (the Duke of Buccleuch) and Mr. Gladstone sat on the Judicial Committee upon an appeal against an Order of Amotion.

I concur in the arguments stated in Sir F. Rogers' Memorandum in favour of proceedings by the Governor, subject to a review by the Secretary of State, or the Privy Council, and generally in the view so clearly stated in the Memorandum as to the course of proceeding in cases of this nature before the Privy Council.

E. R.

(5.) *To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.*

The humble Petition of the undersigned Landowners, Merchants Traders, and others, being inhabitants of Singapore.

Singapore, 3rd January, 1870.

SH EWETH : That the Supreme Court of these Settlements was founded by Royal Charter in 1807, which was extended by another in 1826, and amended by a third in 1855, and that from its first institution until 1867, the Judges held their office in entire independence of the Local Executive, and were responsible solely to the Minister of the Crown.

That under this tenure, which is the same as that of the Judges of the Supreme and High Courts of India to this day, these Settlements possessed, practically, all the advantages enjoyed in England in the tenure of the judicial office ever since the Revolution of 1688.

That under this system, sanctioned by Her Majesty's predecessors and by Her Majesty herself, the administration of justice was always respected, and harmony and good understanding between the Governor and the judges were rarely disturbed. If the conduct of the latter was ever questioned, it was submitted to a Great Officer of State, who, not mixed up in the controversy and free from all local and personal feelings, decided with impartiality. The Judges, though naturally less experienced than those of the Courts at home in certain details of professional experience, and though their sphere of action was distant from the authority which alone had the power to remove them, and though they were exposed to no other criticism than that of a colonial bar, press, and public, were at the same time called upon to administer the law in all its various phases, and in so doing were never found inferior in purity and honour, and were always respected and trusted by all classes as upright and fearless. Much of this respect and confidence was founded on the knowledge that they were independent of the Local Executive, and that they had therefore no motive for fearing or propitiating it.

That upon the transfer of these Settlements to the Colonial Office, in 1867, the Judges became liable to suspension by the Governor, for any cause that might appear to him sufficient, by virtue of a power contained in his Commission, and even to removal by him and the Executive Council, by virtue of the Act of the 22 Geo. 3, c. 75.

That great uneasiness and alarm are felt, quite as much among the various Eastern races as among the British residents of these Settlements, by this alteration. It is opposed to a fundamental principle which has been regarded at home for nearly two centuries, and now also by every other civilized nation, as one of the most solid securities of the liberties of the people; and your Petitioners think that there is no solid reason why the purity and dignity of the judicial office should be less guarded here. They regret and fear this change further, because they have reason to believe that the system now introduced is prejudicial to the Colonies in which it is in force. They believe that any suspension of a Judge by the Local Executive must be detrimental to the community where it takes place, by impairing the public confidence in the Executive or in the judicial authority, by lowering the position of the Judge, and by introducing discord between the heads of the two departments.

The means of communication between this Colony and England are now so frequent and rapid, that your Petitioners apprehend no practical inconvenience from any delay likely to arise from referring the conduct of a Judge directly to the Secretary of State. But they consider that any delay would be a much lesser evil than the loss of judicial independence: not only would a local scandal be avoided, but the decision of the Minister would be accepted with respect and confidence, besides having the incidental advantage of being at once final.

Your Petitioners believe that the form of corruption to which Judges are in these times exposed is that which is affected not by vulgar bribery and dishonesty, but by fear or favour; and to place judges in subordination to the Local Executive is to expose them to the influence of such feelings in a manner which may often disastrously affect their judgment.

Deeply impressed with the conviction of the paramount necessity of possessing judges strongly attached to the principle of independence as the only means of securing them, your Petitioners pray that their judges may be restored to that position of Independence which they held under the Government of India; and that the people of this Colony may have their judicial institutions again placed on a basis to which both reason and experience have taught them to attach the greatest value, and the loss of which they regard as impolitic and deeply injurious to them.

And your Petitioners will ever pray.

(Signed) W. H. READ, Member, Legislative Council.

THOS. SCOTT,	”	”	”
W. R. SCOTT,	”	”	”
W. ADAMSON,	”	”	”
W. CARMICHAEL,	”	”	”

Manager, Chartered Bank of
India.

JOSE D'ALMEIDA, Consul for Portugal and Brazil,
and Justice of the Peace, and
by 103 others.

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Copy of Papers "relating to the recent Changes in the Establishment of the Office of Works."*

Treasury Chambers, }
19th July, 1869. }

ACTON S. AYRTON.

- (1) *The First Commissioner of Works to the Lords Commissioners of the Treasury.*

Office of Works, &c., S.W.,
January 1869.

MY LORDS,—In consequence of the resignation of Mr. Alfred Austin, it is necessary to make immediate provision to complete the staff required to discharge the duties of this department. I recommend that, in order to render more efficient the control of this office over the expenditure of public money, two secretaries should be appointed in the place of a secretary and assistant secretary; and that one secretary should have the management of all financial matters, and the general correspondence of the Department, together with the supervision and control of the office under direction of the First Commissioner, and the other, with the title of "Secretary for Works and Buildings," should have the superintendence of the works and buildings undertaken by this department, the supervision of the architects' plans and estimates, and a general control over the expenditure connected with public edifices under the charge of the Office of Works, it being understood that it shall be a part of the duty to act generally under the direction of the First Commissioner in matters connected with public works which may be referred to the Office of Works.

Adverting to the experience and qualifications of Mr. George Russell, the Assistant Secretary, I think it right to observe that I consider him fully competent to fill the office of Secretary, and I venture to recommend him to your Lordships' favourable consideration as Mr. Austin's successor.

* Given at an Examination held on October 11th, 1869, and given a second time on 10th November, 1870.

I recommend that the salary assigned to the Secretary for Works and Buildings shall be not less than £1,000 a-year.

The supervision which under the proposed arrangement that officer will be able to exercise over public buildings, when in the course of erection, will be new to this office, and will tend very materially to an economical expenditure of public money.

I trust that if your Lordships should concur in these recommendations the appointments will be made without any unnecessary delay, as owing to the pressure of public business much inconvenience will ensue unless they are immediately filled up.

I am, &c.,
(signed) A. H. LAYARD.

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

(2) *The Secretary to the Treasury to the First Commissioner of Works.*

Treasury Chambers, 14 January, 1869.

SIR,—The Lords Commissioners of Her Majesty's Treasury have had before them your letter of the 4th instant.

Their Lordships desire me to state, in reply, that they are pleased to sanction the new arrangement of the Secretariat of the Department under your control, according to the recommendation contained in your said letter, namely, that it should consist of a Secretary, to have the management of all financial matters and the general correspondence of the Department, together with the supervision and control of the Office, under direction of the First Commissioner, and likewise the management of the public parks and gardens: and a Secretary of Works and Buildings, who should have the superintendence of the works and buildings undertaken by the Department, the supervision of all architects' plans and estimates, and a general control over the expenditure connected with public edifices, under the charge of the Office of Works, it being understood to be a part of his duty to act generally under the direction of the First Commissioner in matters connected with public works.

My Lords are of opinion that a salary of £1,000 a year should be assigned to the Secretary, and £1,000 a-year to the Secretary for Works and Buildings.

I am to add that their Lordships are pleased to appoint Mr.

George Russell to the office of Secretary, and Mr. James Fergusson to that of Secretary of Works and Buildings, the salary in each case commencing from 1st instant, and that they have given instructions for the preparation of the necessary warrants of appointments.

I am, &c.,
(signed) G. A. HAMILTON.

The First Commissioner
of Works.

(3) *Copy of Treasury Minute, dated 14th February, 1869.*

The Chancellor of the Exchequer states to the Board that it appears that the new arrangement of the Secretariat of the Office of Works, sanctioned by their Lordships' Minute of the 14th January, 1869, does not work satisfactorily with regard to the proper discharge of the duties connected with that Department; and he submits, therefore, that a Committee should be appointed, with directions to inquire and report in what manner and under what arrangement the duties of the Secretariat of the Office of Works can be most efficiently performed; the Committee to consist of Mr. Hamilton, Mr. Stephenson, and Mr. Austin.

My Lords approve.

(4) *Report of Committee.*

In conformity with your Lordships' directions we have felt it our duty to enter into a full inquiry with regard to the position and duties of the Secretary, the Secretary of Works, as constituted under the Treasury Minute of 14th January, 1869, and also of Mr. Pennethorne and Mr. Hunt.

As the new office of Secretary of Works appears to have been created in order to supply a deficiency in the Department connected with works, we propose, in the first instance, to explain the position of Mr. Pennethorne and Mr. Hunt.

The office held by Mr. Pennethorne appears in the Estimates for 1868-70, under Class II., Vote 11, as "Salaried Architect and Surveyor," with a salary of £1,500, and likewise in the same Class, Vote 18 (Woods and Forests), as "Architect, &c.," with a salary of £850. But this, according to the evidence given by Mr. Pennethorne, and the documents to which we have referred, appears somewhat at variance with Mr. Pennethorne's actual position and duties.

His present appointment was the result of an inquiry and report in June, 1859, conducted by Mr. Blackburn, M.P., then one of the Lords of the Treasury, Mr. Arbuthnot, and Mr. Holland. It appears that Mr. Pennethorne, who had previously rendered professional services to the then combined department of Woods and Works, was placed on the establishment in 1840 as joint surveyor and architect with Mr. Chawner : "that most, if not all, of the metropolitan improvements were intrusted to them ;" "that they were very little employed on architectural works ;" "that the business of the department had increased so much, in consequence of the metropolitan improvements, that Messrs. Pennethorne and Chawner found it necessary to withdraw from their private practice, and give their entire and undivided attention to the office." By Minute, 16th December, 1845, it is stated that neither Mr. Pennethorne nor the officer to be appointed in the room of Mr. Chawner (who had retired) will be at liberty hereafter to engage in private professional business of any kind. No successor having been appointed to Mr. Chawner, Mr. Pennethorne thenceforth continued to act as sole architect and surveyor to the Woods, including the distinct duties connected with metropolitan improvements, which, since 1850, were placed under the Office of Works. The Committee proceed to state that they could find no trace of any distinct appointment of Mr. Pennethorne to be the architect of the Works Department, although he continued to be employed by them, and the Committee declare his position to be as follows :— He is "architect and surveyor to Woods and Forests, but the Board have always reserved to themselves the right to appoint a person to act with him. He is bound by the regulation of the Treasury to refuse all private practice, which restriction gives him a title to a retiring allowance. He is surveyor to the Board of Works in relation to metropolitan improvements, and has been largely employed since 1843 in public buildings, but he has never received any appointment as architect to the Department of Works."

The Committee, after entering upon questions connected with a claim he had made to be fully employed, proceed to state that his position shall be reconsidered by some distinct arrangement made for the future ; but they lay it down that he has no vested right to be fully employed, and they add that they could not, consistently with the public interest, recommend that it should be so.

They then recommend that he should be paid, as official architect and surveyor, a fixed annual salary for all services, other than *new buildings and ornamental designs*; that he should be paid for such buildings and designs a remuneration of a percentage, with the understanding that for such work he is not entitled to preference over any other architect whom the Government may think fit to employ; that he should not be precluded from employment as architect for public buildings, upon which, if employed, he should receive the usual commission. It was to be part of the arrangement that in return for such fixed salary, Mr. Pennethorne should advise the Board on such questions generally as might be referred to him relating to works and public buildings, and that he should not accept any private or public business without the consent of the Chief Commissioner of Works. Such arrangement to include the services which he renders to the Woods.

As remuneration for these services under both offices the Committee recommended a salary of £1,500 a year, and a sum of £850 a year to cover the expenses of his office and establishment.

This arrangement was sanctioned by Treasury Minute, 13th June, 1859. By a subsequent Minute, 29th June, 1859, it is stated that as the average payments to Mr. Pennethorne from the Woods and Land Revenues had amounted of late years to £850, that sum should be apportioned as the payment from that department, and £1,500 as salaried architect and surveyor of the Board of Works; such salary to be considered as remuneration for his general services, other than ornamental designs and public buildings.

Mr. Pennethorne states that his establishment of clerks, &c., costs him £600 a year, so that his actual emoluments from the Office of Works are £900 a year. Your Lordships will observe that by the terms of the Report of 1859, as sanctioned by the Treasury, new buildings and ornamental designs are excluded from the arrangement under which Mr. Pennethorne is to render his services to the public in consideration of the remuneration referred to; and that, if employed in connection with new buildings or ornamental designs, he is to be paid for that service by the usual commission; and moreover that, although precluded from private practice, he is not precluded from employment extra his salaried duties in the public service; and he has been employed in several important public buildings.

the Record Office, London University, Patent Office, Probate Court, and others, and been paid accordingly.

His salaried duties he describes as comprising negotiations with the metropolitan railway companies in their dealings for Government property, valuing and purchasing property for all public buildings, such as the National Gallery, the northern blocks of Parliament-street, the management, valuation, sale and letting of the ground about Battersea Park, the making sketches and laying out of the ground at Burlington House ; and, as regards the Office of Woods, he has charge of the whole of their London property, and advises with respect to the granting leases, the letting of property, &c. His entire time, he states, is fully occupied in these public duties.

We have entered into this detail with regard to Mr. Penne-thorne's position and duties, because it appears, *prima facie*, questionable why public buildings, which are construed to mean not only any new building but any alteration in an old one, and ornamental designs, should have been excluded from his salaried duties, and because we are of opinion that their omission has left the First Commissioner in the position of having no adviser in some of the most important parts of his functions, namely, the forming a judgment upon the designs of public buildings and controlling their execution, whether in the construction of new buildings or the alteration of old ones.

Mr. Hunt was appointed Surveyor of Works in 1856, by Sir Benjamin Hall ; he was to attend one day in the week, and to have a permanent assistant. His business was to be the examination of estimates prepared by architects for buildings proposed to be erected, and estimates of the probable cost of erecting buildings upon given sites for particular purposes before architects were employed to prepare designs ; he was to make approximate estimates for acquiring lands for public buildings or improvements, and generally to control the expenditure of public money upon public buildings, whether as regards new buildings or the ordinary works of repair to existing buildings. He was, therefore, to be in every respect a consulting surveyor, and not in any sense an executive officer. It was no part of his duty as surveyor to examine plans with reference to their architectural merits or defects, but he was to examine all the architects' certificates from time to time, and to advise the Board upon the contracts which are made with builders, and generally to see that the architects' certificates and specifications

and the conditions of contract are such as to secure the Board against additional expenditure.¹¹ In consideration of these services, Mr. Hunt was to receive a salary of £1,000 a-year.

Instead, however, of confining himself, according to his agreement, to one day in the week, it appears that Mr. Hunt has freely and gratuitously given a very large portion of his valuable time to the public. He has, on various occasions, at the instance of the Treasury, undertaken missions to Liverpool, Manchester, Edinburgh, and Dublin, in connection with Post Office and other public buildings, and has served upon several important and public commissions. To use his own words: "Generally, I have advised, I think, upon almost every transaction of importance—indeed, upon every transaction, great and small, pertaining to the conduct of business in connection with contractors and otherwise, ever since I have been here. Instead of devoting one day a week, which I was bound to do, and giving such occasional assistance to the First Commissioner as might be required of me, I have very often been here every day in the week, and instead of giving one-sixth of my time, I think I have probably giving one-third. I have done all my work in my department with a desire to make myself useful to the public, and I have done it with great satisfaction to myself. It is an office of importance and position, and I did not consider the trouble which the charge gave me; but my desire has always been to render myself as efficient as I possibly could in the discharge of what I considered an important public duty." Mr. Hunt adds, that although he does not think he ever made any bargain with Sir Benjamin Hall that he was not to be employed in purchasing land for the Government which he had valued, he had refrained from seeking such employment; although, as he states, he thus shuts himself out from considerable professional emoluments.

Having described in detail the position and duties of Mr. Pen-nethorne and Mr. Hunt, we have to observe that it rests with neither of them to supply the defect in the office of the First Commissioner, which was intended to be met by the recent creation of the office of Secretary for Works and Buildings; the former having such works expressly excluded from his duties, unless specially employed and paid, and the latter being advising surveyor, and in no sense an executive officer.

In the First Commissioner's letter of 14th January, 1869 (206), it is stated that this office, with the title of Secretary for

Works and Buildings, should have the superintendence of the works and buildings undertaken by the department, the supervision of the architect's plans and estimates, and a general control over the expenditure connected with public edifices under the charge of the Office of Works; it being understood that it should be a part of his duty to act generally under the direction of the First Commissioner on matters connected with public works which may be referred to the Office of Works.

We examined Mr. Ferguson with regard to his actual position and duties since he entered upon his office.

Referring to a statement which he submitted to the First Commissioner, he appears to have accepted the office under the impression that he was to be a consulting architect, or rather a professional adviser to the First Commissioner; that he was to advise with regard to the designs of buildings, and with regard to the expediency, and also with regard to the expense; that he was not to be burthened with secretariat duties or other details, beyond such as were necessarily connected with these specific objects, but should be in a position to devote his mind principally to architectural questions, and larger questions. He adds, that he finds now, under the arrangement of the Treasury Minute of 14th January, 1869, that about one-half of the ordinary duties of the office would devolve upon him, and that in the absence of the Secretary he would be charged with the whole secretariat duties.

He further states, that when he accepted the office, he understood that it would be his business and duty to visit and inspect, and report upon public buildings, in all parts of the country, including the superintendence of public monuments or other public buildings, such as Carisbrook Castle, the Tower of London, &c.; that the proper discharge of these duties would require his absence from the office for a considerable part of his time; whereas he finds that his secretariat duties oblige him to confine himself to the office all day, and leave him no time to visit and inspect public buildings.

Lastly, we examined Mr. George Russell. Previous to his appointment as Secretary, Mr. Russell, in his capacity of Assistant Secretary, had charge of the parks, a large and important service, involving an annual expenditure of upwards of £100,000, and requiring much correspondence and personal inspection, and very frequent personal interviews in the office.

Under the new system as Secretary, Mr. Russell has all the

work which belonged to him as Assistant Secretary, and, with the exception of the business of passing the estimates of certain offices, which takes about three-quarters of an hour three days in the week, and the correspondence connected therewith, he has, in addition, the same duties as those discharged by Mr. Austin, the late Secretary.

He states that under the present arrangement he can never leave the office for an hour; that it would be impossible for him ever to have a vacation; and that in the event of illness, it would be found extremely difficult, if not impossible, to provide for the efficient discharge of his duties.

Having given the whole subject our most careful consideration we have arrived at the conclusion that the business of the Office of Works cannot be satisfactorily or efficiently performed under the arrangement of the 14th of January, 1869.

As to the secretariat, the whole tenour of the evidence before us, and Mr. Austin's opinion in confirmation, satisfy us that the only safe course is to revert to the system of a Secretary and Assistant Secretary. The duties of the Secretary's department are very various and extensive, and they are increasing from year to year. The estimates for permanent services in charge of the office, voted by Parliament, exceed £300,000 annually; and there are important permanent services, the funds for defraying which are derived from other sources. It must be borne in mind that this large outlay by the Board takes place, for the most part, in comparatively small items of repairs and maintenance of public buildings, maintenance of parks, furniture of Government offices, supply of fuel, water, and gas, &c., police, rents, rates, &c., which necessitate an examination of details, in the majority of cases very minute, and an amount of correspondence greater than might appear to be in proportion to the total expenditure. In order to effect economy on the aggregate, attention to details is absolutely necessary. To impose, therefore, on the Secretary an amount of work by depriving him of the aid of an Assistant Secretary, which would render it impracticable for him to control these details, would, in our opinion, be the opposite of sound economy. It also appears to us that the transfer of any part of the functions of the Secretary to Mr. Fergusson, as implied by the Treasury Minute of the 14th of January 1869, would entail confusion of duties and embarrassment in the transaction of the business of the office. We are, therefore, of opinion that any secretariat

duties which he has performed under the existing arrangement should henceforth be restored to the Secretary.

We consider that the First Commissioner requires the aid of an officer conversant in a high degree with architecture, in reference to questions connected with existing or contemplated public buildings. The business of the Office of Works has been of late largely increased, and considerable additions will shortly be made to it by the projected New Courts of Justice, New Government Offices, National Gallery, &c., and it may be found expedient that public monuments and historical buildings generally should be placed in the care of the First Commissioner, some of them being already in his charge.

The department is at present unprovided with sufficient means of practically inspecting buildings or works in progress of a more important description. That duty does not come within the province of Mr. Hunt, who is a consulting officer only. The deficiency of the office in this respect has been long felt, and the want of a competent officer to personally examine, from time to time, works in progress of any degree of importance, and to bring to the notice of the Board matters demanding their interference, has been much felt in the course of the last few years, and such an appointment was, indeed, in contemplation by the late First Commissioner. It is not only desirable that the designs of large buildings or proposals for extensive alterations should be examined and approved by such an officer for the information of the First Commissioner, but that their proper execution should also come under his observation.

Under these circumstances we recommend that the office held by Mr. Fergusson should be designated that of Inspector of Public Buildings and Monuments with a salary of £750 a year, which we consider will be an adequate remuneration for the performance of those duties which we have indicated.

Having, incidentally to our inquiry, considered Mr. Hunt's duties, we feel bound to express our sense of his efficiency and value as a public servant, and of the liberality with which he has devoted so large a portion of his time to the Office of Works. We think it due to him, at the same time, to direct your Lordships' attention to the fact of his not having been professionally employed by the office as Surveyor in purchases of property required by the Government, and other similar matters. In some recent cases, for example, viz., the purchase of the site for the New Law Courts, that for the New Post

Office, in St. Martin's-le-Grand, and the property at the south end of the Houses of Parliament, the Board have employed surveyors on their behalf not connected with the office. Comparing Mr. Hunt's salary with the services he renders the Board, we think the practice in this respect should be reconsidered, and that Mr. Hunt should not be debarred from the benefit of transacting such business. A possible occasion may arise on which it may be desirable that Mr. Hunt should not be employed professionally; but in nearly every case that occurs, we see no reason for depriving him of that advantage. On the contrary, his eminent position and acknowledged capacity in his profession are reasons for his being so employed. By not employing him the Board loses the benefit of his superior experience and knowledge; and it also loses the advantage of his strong interest in the welfare of the office, which is not possessed by strangers. The conscientiousness with which Mr. Hunt has hitherto acted in regard to this subject affords ample security for his not seeking to be employed in any case in which his official position might give rise to an objection. We strongly recommend, therefore, both in the public interest and in justice, to Mr. Hunt, that your Lordships should expressly sanction his being retained by the Board in purchases and other surveying business which they now place in the hands of professional men not otherwise connected with them. We think the change will improve the position and proceedings of the Board, and at the same time be an advantage to the public.

(signed)

G. A. HAMILTON.
W. H. STEPHENSON.
A. AUSTIN.

4 March, 1869.

(5) *Mr. W. Law to the First Commissioner of Works.*

Treasury Chambers, 8th March, 1869.

SIR,—I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for any observations you may desire to offer thereon, the enclosed Report of the Committee of Enquiry into the position and duties of the Secretary of Works, as constituted under the Treasury Minute of 14th January 1869, and also of Mr. Pennethorne and Mr. Hunt.

I am &c.

(signed)

WM. LAW.

The First Commissioner of Works &c.

(6) *Mr. George Russell to the Lords Commissioners of the Treasury.*

Office of Works, &c., S. W.
11th March, 1869.

My LORDS,—In the absence of the First Commissioner of Her Majesty's Works, &c., and by his directions, I have the honour to return to your Lordships herewith the Report forwarded to him with Mr. Law's letter of the 8th instant, and to forward at the same time a copy of a memorandum which the First Commissioner has drawn up containing all the observations which he desires to make thereon.

I am, &c.

(signed)

GEORGE RUSSELL, Secretary.

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

ENCLOSURE IN No. 6.

MEMORANDUM *by the First Commissioner of Her Majesty's Works, &c., on the Report of Messrs. Hamilton, Stephenson, and Austin, forwarded to him in the Treasury letter of the 8th March, 1869.*

I have read and attentively considered the report of the commission of Inquiry into the position and duties of the Secretary and the Secretary of Works. I beg to make the following observations upon it :

When I entered upon my duties as First Commissioner, I found that Mr. Austin had determined to resign his office of Secretary, and a few days afterwards he placed his resignation in my hands. It was necessary to fill up his place at once. It appeared to me that whilst the duties imposed upon the Secretary were very heavy, and of a very responsible nature, he had no control over one very extensive and increasing branch of public expenditure, that connected with large public buildings and monuments. He could not check the architects' estimates nor modify or change their plans and elevations. There was no one connected with the Office of Works who could advise the First Commissioner upon these subjects. I thought it absolutely necessary, considering the large number of Public buildings which were about to be constructed, that there should be some officer attached to the Board who could revise the plans and elevations of architects, advise the First Commissioner with

respect to them, and control the expenditure connected with them.

The Report of the Committee has shown that neither Mr. Pennethorne nor Mr. Hunt was in a position to discharge these duties. No such control as was necessary to economy existed. The wasteful and unnecessary expenditure on the New Foreign Office, the manner in which space has been thrown away in providing for the different scientific societies in the new buildings on the Burlington House site, and several other instances might be mentioned in proof of the necessity for this control. It appeared to me that some one was required at the Office of Works who could advise the First Commissioner upon such matters, some one sufficiently well acquainted with architecture, carrying with him a certain weight with the public and with the architectural profession, and of business-like habits. The only person who occurred to me as uniting these qualities was Mr. Ferguson, and on my recommendation he was appointed Secretary of Works and Buildings. This appointment has been fully justified by the important services which Mr. Ferguson has already rendered to the department, and by the general approval which it received from the public and from the Architects.

I did not recommend Mr. Ferguson as a consulting architect; on the contrary, I distinctly told him that my object in recommending him as Secretary of Works was to have an officer closely connected with and dependent upon the department. Mr. Ferguson happened to be, to a certain extent, an architect by profession, although I believe that he has not practised, but I did not recommend him as an architect. An engineer officer, such a man as Captain Fowke, or Colonel Scott, now attached to South Kensington Museum, might, with great advantage to the public service, be selected for this post.

When recommending that there should be two Secretaries, the one financial, and having the general superintendence of the routine business of the office, the other for inspection of public buildings and monuments and control of expenditure connected with them, I had contemplated several important reductions in the business of the office. I had expected that a recommendation which I had made, with the approval of Mr. Stephenson, that the supply of coals, firewood, oil, candles, soap, and other articles of a similar nature, to the public offices (a duty necessarily involving a portion of the time of the Secretary), should be discontinued, would have been adopted, and I had further

hoped to have been able to reduce the various processes through which the supply of articles of furniture to public departments now goes, and thus, to remove from the Secretary a number of trivial but troublesome routine duties hitherto imposed upon him, and which occupy a great deal of his time. The Treasury, however, have declined to accede to the recommendation of coals, &c., and I have not thought it expedient for the present to advise any further reforms. The result has been that whilst the Secretary for Works has had to deal with a number of highly important matters, new in almost every case to the office, which have fully occupied his time, the Secretary, Mr. Russell, has had to discharge the duties previously performed by the Secretary and Assistant-Secretary, and has been so much occupied that I have only as yet been able to inspect with him (on a Sunday afternoon) one of the parks, the management of the parks being one of his principal duties, and it being absolutely necessary that I should occasionally visit them with him.

Under these circumstances I agree with the Committee of Inquiry in thinking that it is absolutely necessary to revert to the old system of a Secretary and Assistant-Secretary, Mr. Russell being quite unable to discharge in a satisfactory manner, the heavy duties now falling upon him, and there being no one to replace him in case of absence or illness.

At the same time I think it equally necessary for the public service, and especially at a time when many public buildings of great magnitude and importance are about to be constructed, that Mr. Ferguson should be attached to the office; and I concur in the recommendation of the Commission that his title should be Inspector of Public Buildings and Monuments, and that the duties specified in the Report should be discharged by him. But I would wish it to be distinctly understood that the office filled by Mr. Ferguson need not necessarily be filled by an architect, and I altogether object to the title of Consulting Architect. It will be his duty to advise the First Commissioner on all matters connected with public buildings and monuments, and on the plans, elevations, and estimates of architects, and to exercise a control over the expenditure arising out of the erection of public buildings; his time should not be occupied by any of the routine business of the office, nor should he be bound to attend there at fixed hours every day.

Mr. Ferguson's office must be considered as an entirely new one, yet as one imperatively required for the public service,

especially with a view to secure economy. Had such an officer been connected with the Office of Works, a very large saving of public money might have been effected, and many things connected with our public buildings and monuments, which have brought discredit upon the department, and indeed upon the country, might have been avoided.

Office of Her Majesty's Works, &c.
11th March, 1869.

(7) *The First Commissioner of Works to the Lords Commissioners of the Treasury.*

Office of Works, &c., S.W.,
16th March, 1869.

MY LORDS,—I beg leave to inform your Lordships that in my opinion the office of salaried architect and surveyor to this Department, now held by Mr. Pennethorne, should cease to exist, but that it should continue for a period not exceeding six months, in order that the current business in that gentleman's charge may be wound up.

If your Lordships consent to this proposal, I beg to suggest that it will only be necessary to provide for half of Mr. Pennethorne's salary in the Estimates for the year ending 31st March, 1870.

In my opinion, also, the recommendation of the Committee appointed to inquire into the condition of the Office of Works, that an Assistant Secretary should be appointed, should be carried out, and I propose that that office should be restored, with a salary of £600 a-year, rising to £800 by an annual increment of £25.

I am, &c.
(signed) A. H. LAYARD.

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

(8) *Mr. W. Law to the First Commissioner of Works.*

Treasury Chambers,
18th March, 1869.

SIR,—I am desired by the Lords Commissioners of Her Majesty's Treasury to state that their Lordships, having had un-

der consideration the Report of Messrs. Hamilton, Stephenson, and Austin, ~~your~~ ^{the} Memorandum upon that Report, dated 11th instant, and your Letter of the 16th instant, are pleased to sanction the following modifications in the arrangement of the Department under your control, viz :

1. My Lords think that it will be undesirable to alter the title of Secretary of Works and Buildings, assigned by their Minute of 14th January last to the appointment of Mr. Ferguson, but they approve of the proposed alteration of his duties as suggested by the Committee, and, considering that he will be relieved of much of the routine office work by the appointment of an Assistant-Secretary, they concur in the opinion that his salary should be fixed at £750 a-year.

2. Mr. Pennethorne's employment, under the Office of Works, will cease on the 1st of October, 1869, and provision will accordingly be made in the Estimates for 1869-70, on account of his salary for six months only.

Upon Mr. Pennethorne's retirement, the office which he has held as salaried architect and surveyor to the Office of Works will cease to exist.

3. My Lords, for the reasons stated in the Report of the Committee, approve of the appointment of Mr. Hunt, by the Office of Works, when occasion shall arise, upon business other than that for which he receives a fixed salary at the usual professional rates of charge; but they are of opinion that, in consideration of the advantage which he will derive from this arrangement, his salary should in future be £750 a-year.

4. My Lords sanction the revival of the office of Assistant-Secretary, but, under the circumstances, they consider that it will be sufficient to fix the salary of that officer at £500 a-year, rising by annual increments of £20 to a maximum of £700 a-year.

I am, &c.

(signed) WM. LAW.

The First Commissioner of Works.

(9) *The First Commissioner of Works, to the Lords Commissioners of the Treasury.*

Office of Works, &c., S.W.,
19th April, 1869.

MY LORDS,—I beg leave to transmit to your Lordships a copy of a letter of the 16th instant, and of the enclosure referred to

therein, which has been addressed to me by Mr. Pennethorne upon the subject of his appointment in this office.

I am, &c.,
(signed) A. H. LAYARD.

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

Enclosure in No. 9.

7 Whitehall-yard, 15th April, 1869.

SIR,—I have the honour to acknowledge Mr. Russell's letter of the 13th instant, enclosing (with other papers) extracts of a letter of the 18th ultimo, received by you from the Treasury, the extracts being such as have reference to my own appointment in the Office of Works.

With regard to this communication, I beg leave to lay before you the enclosed copy of a letter I have this day written to Mr. Charles Gore, the Commissioner of Her Majesty's Woods, and I have to request the favour of you to move the Treasury to allow the subject to remain in abeyance until they have heard his views respecting it.

The abolition of my office would not only necessitate the resignation of my appointment at the Office of Woods, but would compel me, as suddenly, to discharge all my assistants, four of whom have been with me for periods varying from 15 to 30 years, and whose cases I should have to submit to you and to Mr. Gore, in the hope of procuring them other employment, they being intimately acquainted with the details of the business of both offices. I should also have some observations to make in regard to myself, and to the period of my retirement, which, under any circumstances may, I hope, be extended to June, 1870. But at present I forbear, trusting that you may be able to advise the Treasury to continue me at the Record Office, if that should proceed; and to place under my superintendance one of the large buildings about to be commenced, thereby to enable me to continue my establishment.

I have, &c.
(signed) JAMES PENNETHORNE.

The Right Honourable
the First Commissioner of Her
Majesty's Works, &c.

[Enclosure.]

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7 Whitehall-yard, 15th April, 1869.

SIR,—Herewith I have the honour to lay before you the copy of a letter to myself from Mr. Geo. Russell (Secretary to the Commissioners of Her Majesty's Works, &c.), with also the copy of extracts from a letter from the Treasury to the First Commissioner of Works, dated the 18th ultimo, both received by me on the 18th instant with other papers. I also enclose a copy of my reply to the First Commissioner.

According to the Treasury letter, it is proposed by the Government to abolish on the 1st October next, my office of "Salaried Architect and Surveyor to the Office of Works."

This step was not recommended by the Report of the Treasury Commissioners, dated 4th March last, nor by the subsequent Minute or observations of the First Commissioner of Works, dated the 11th ultimo; no cause whatever has been assigned for it in any paper forwarded to me, and, as yet, I am uninformed of the reasons which have occasioned it.

If my office as Architect and Surveyor to the Office of Works should be abolished, it would involve of necessity my resignation of the office I hold under you; for in such case I should not have the means to maintain an office establishment in London, and should be obliged to abandon my profession altogether.

As you are aware, I have for above 49 years been more or less connected with the Office of Woods, and during that period been in personal (often confidential) communication with the several successive Commissioners and Secretaries; and for 29 years I have been a salaried officer of the department with which (as respects myself) I must include the Office of Works; the duties required from me having commenced in 1840 with the two united, and only been, since 1851, rendered to each distinctly on account of the separation of the two offices.

Being now under 68 years of age with (as I hope) my intellect and powers of exertion equal to the performance of those duties, I had expected to continue to serve both offices some years longer, and it is painful to me to have that connection severed so suddenly and without cause assigned.

I shall forward to the First Commissioner of Her Majesty's Works, a copy of this letter, with a request that he will move the Treasury to allow the subject to remain in abeyance until you have had an opportunity to express to the Treasury your views upon it.

The Hon. C. A. GORE.

(signed)

I have, &c.,

JAMES PENNETHORNE.

(10) *The Secretary to the Treasury to the First Commissioner of Works.*

Treasury Chambers,
3rd May, 1869.

SIR,—With reference to your letter of the 19th ultimo, transmitting copies of letters from Mr. Pennethorne dated the 15th

ultimo, addressed to yourself and Mr. Gore, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that my Lords may be favoured with your views thereon, particularly as regards Mr. Pennethorne's request to be continued at the Record Office, and to have one of the large buildings about to be commenced, placed under his superintendence, so as to enable him to continue his establishment.

I am, &c.,
(signed) ACTON S. AYRTON.

The First Commissioner of Works.

(11) *The First Commissioner of Works to the Lords Commissioners of the Treasury.*

Office of Works, &c., S.W.,
5th May, 1869.

MY LORDS,—I have to acknowledge the receipt of Mr. Ayrton's letter of the 3rd instant, requesting, by your Lordships' command, my views upon the letters, copies of which I transmitted to your Lordships on the 19th ultimo, addressed by Mr. Pennethorne to Mr. Gore and myself on the 15th ultimo, particularly as regards Mr. Pennethorne's request to be continued at the Record Office, and to have one of the large buildings about to be commenced placed under his superintendence so as to enable him to continue his establishment.

In regard to these two points, I beg leave to inform your Lordships that I see no objection to the continuance of Mr. Pennethorne as the architect to the additional new buildings that may be proceeded with at the Record Office; and that, in my opinion, the eminent position he holds in his profession would alone entitle his claims for employment to be considered in the event of its being necessary to engage the services of an architect for carrying on extensive building works.

In regard to Mr. Pennethorne's request, that the subject of his retirement from office may remain in abeyance until your Lordships shall have heard Mr. Gore's views respecting it, and to the hope which he expresses that under any circumstances the period of his retirement may be extended to June, 1870, I have no observations to make, except to remind your Lordships that, agreeably to your instructions, contained in Mr. Law's letter of

the 18th March last, provision has been made in the Estimates for the current financial year for the payment of Mr. Pennethorne's salary for six months only.

I am, &c.,
(signed) A. H. LAYARD,

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

[* * The candidates were not required to write a Précis of Letters, 12 and 13.]

(12) *The Secretary to the Treasury to the First Commissioner of Works.*

Treasury Chambers, 3rd July, 1869.

SIR,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith a copy of a Minute of this Board, dated the 3rd instant, as to the further employment of Mr. Pennethorne as architect and surveyor to your Department and the Office of Woods; and I am to request that my Lords may be favoured with your opinion with regard to the proposed arrangement as respects your Department.

I am, &c.,
(signed) G. A. HAMILTON.
The First Commissioner of Works,
&c. &c. &c.

Enclosure in No. 12.

COPY OF TREASURY MINUTE, dated 3rd July, 1869.

My Lords have under consideration the position of Mr. Pennethorne with reference to the recent reorganisation of the Office of Works as regards the secretariat, and the architect, and surveyor.

Under the arrangement then made, the employment of Mr. Pennethorne is to cease on the 1st October, 1869, and the office now held by him as salaried architect and surveyor to the Office of Works will then cease to exist.

Mr. Pennethorne, it appears, has been for some time past, and is still, engaged in the following works:—

The Buildings of the University of London.

The Record Office.

The acquisition of the land required for the National Gallery, under the Acts passed for that purpose.

The acquisition of the land required for the Public Offices in Downing-street, under the Acts already passed for that purpose.

It seems to my Lords that inconvenience might arise from a new architect or surveyor being called in to complete these works, on Mr. Pennethorne ceasing to hold his present office under the Office of Works, and an increased expense to the public might thereby be occasioned.

My Lords have further to observe, that it would be necessary to appoint an architect and surveyor to the Department of Woods and Forests on Mr. Pennethorne's retirement, as he could not be compelled to continue in that office alone; and it would not be expedient to make such appointment at the present time.

Under these circumstances, my Lords would be disposed to sanction the following arrangement with Mr. Pennethorne, by which the inconveniences referred to may be obviated.

1. Mr. Pennethorne to continue in his present office as architect and surveyor to the Department of Works, and also to the Commissioners of Woods and Forests, until the 30th June, 1870, when he will retire from the public service.

2. He is to engage to complete the works above mentioned, including the fittings of the buildings, although they may extend beyond the period named for his retirement.

3. He is to be relieved, from the present time, of all other duties in connection with the Office of Works.

4. He is to be paid in respect of his duties under the Commissioners of Woods and Forests, at the rate of the allowance now received by him from that Department, viz., £850 a-year up to the date fixed for his retirement.

5. He is to be paid the sum of £3,000 in full of all salary, commission, and expenses which he may claim to receive from the Department of Works. This amount to be issued by the Office of Works from time to time, according to the progress made in the works above stated.

6. He is to be paid as heretofore his accounts made out for the work done up to the 25th June, 1869.

7. In computing the salary and emoluments for the purpose of determining the superannuation, the average of three years ending the 25th June, 1869, is to be taken as the basis.

(13) *The First Commissioner of Works to the Lords Commissioners of the Treasury.*

Office of Works, &c., S.W.,
15th July, 1869.

MY LORDS,—I beg leave to acknowledge the receipt of Mr. Hamilton's letter of the 3rd instant, transmitting a copy of your Lordship's Minute of the same date as to the further employment of Mr. Pennethorne.

Having caused a copy of the letter and Minute to be sent to Mr. Pennethorne, I have received the reply from him, of which a copy is enclosed herewith.

The only observations I have myself to make upon the Minute

relate to the duties from which Mr. Pennethorne will be relieved as soon as the arrangement proposed by your Lordships takes effect. In regard to those duties, I am of opinion that, with the exception of such as are connected with Battersea Park, they can be performed with the existing machinery of the department. As long however as the property at Battersea, intended ultimately to be sold, remains vested in the Battersea Park Commissioners it will be necessary for them to incur some expense in the care and management of it,

I am, &c.,
(signed) A. W. LAYARD.

The Right Honourable
the Lords Commissioners of
Her Majesty's Treasury.

Enclosure in No. 18.

7 Whitehall-yard, 14th July, 1869.

SIR,—Herewith I return the copy of Treasury Minute, dated 3rd July, 1869, respecting my position with reference to the recent re-organisation of the Office of Works, which Minute was forwarded to me with Mr. Russell's letter of yesterday.

By this Minute it is proposed for me to continue in my present office till the 30th June, 1870, to be relieved forthwith from all my duties at the office except four, and for those to be paid a fixed sum of £3,000.

As it has been deemed expedient to abolish my office, and I am powerless in the matter, I have only to express my acquiescence in the arrangement proposed; but, considering that the last forty years of my life have been devoted entirely, zealously, and diligently to the service of the public, and that during such period I have conducted most important and responsible works (such as all the Metropolitan Improvements up to the time of the establishment of the Metropolitan Board of Works, the formation of Victoria Park and Battersea Park, the construction of several large buildings, &c., &c.), I would respectfully submit to the Lords of the Treasury that I am entitled to request them to place on record that I have not been dismissed but retire with honour, and only in consequence of the re-organisation of the department having rendered necessary the abolition of my office.

The only condition in the Minute I wish to observe upon is the second; this would require me to complete "the fittings" of the two buildings named; and though I do not object, I hope my Lords will leave themselves at liberty next year to relax or modify this condition, for the sum £3,000 allowed for these works is less than I should have been entitled to under the existing agreement; the funds for such fittings may be voted even next year, and then it would become unreasonable to detain me in London during an unlimited period for so small a cause, after I shall have been placed on a retired allowance.

Regarding the mode or details for carrying out the Minute, I would submit to you that it would be fair to pay me the month's salary which will be due on the 25th instant. Seeing that I have continued to perform all my duties, and cannot

suddenly cease them, and that in the remaining ten days I shall have to report on and return to you the papers relating to the several subjects now before me, chiefly the four cases in Battersea Park, the sales of properties in Spitalfields, Endell, &c., the letting of the Small Arms Factory at Millbank for the War Department, and the inquiry into the light and ventilation of the Ball Room at Buckingham Palace.

The salary having been paid to me hitherto by monthly instalments, it would be convenient to me in like manner to receive the £3,000 by payments of (say) £320 a month.

I have, &c.,

(signed)

JAMES PENNETHORNE.

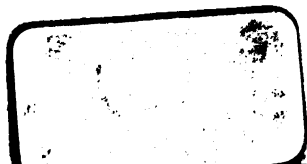
The Right Honourable
the First Commissioner of Her Majesty's
Works, &c.

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